

JULY 1, 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, Jason Stains, C. Harold Mumma, Craig Newcomer, Charles McCammon and Ronald Martin

Mayor Richard Starliper

Borough Staff – Lloyd R. Hamberger, II, Borough Manager
Melissa Dively, Borough Solicitor (Salzmann Hughes, PC)
Kevin Grubbs, Head of Engineering Services
Denny Benshoff, Maintenance Superintendent
Dan Sheffler, Zoning-Code Enforcement Officer
Mark King, Police 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 June 17, 2009 public hearing and regular meeting, as written. Councilman Greenawalt seconded; the motion passed unanimously.

COMMITTEE REPORTS

PERSONNEL COMMITTEE: No report.

PROPERTY AND PUBLIC SAFETY COMMITTEE: Councilman McCammon noted that students who graduated from the former Waynesboro High School (across from the Hospital) meet once a month at Mountain Gate Restaurant; and anyone who attended that school is welcome. This month 46 people participated.

STREET COMMITTEE: Councilman Martin noted that Council received a letter of appreciation from Judy Zafft (representing St. Mary's Church) for the Borough's assistance on their block party.

Councilman Martin reported that the Street Committee met recently and discussed the following –

- Richard Rundel complained about soot washing onto his property from an adjacent property. Kevin Grubbs will talk with the property owner about a resolution.
- Discussion with Ed Nunemaker (Franklin County Housing Authority) about the need for speed limit signs on Tenth Street west of Fairview Avenue. As it is currently unsigned, the permitted speed limit would be 55 mph. Councilman Martin will make a motion to erect 25 mph speed limit signs during the "voting" section of the meeting.
- Received a reply from Harrisburg about proposed "Jake Brake Ordinance". They granted approval for Roadside Avenue, S. Welty Road, Prices Church Road, Cleveland Avenue

... but not on Routes 16 or 316. It was noted that trucks aren't a real problem on these streets, and Councilman Martin recommended the issue be dropped.

- Susan Shearer, Cleveland Avenue, is requesting the placement of a speed bump near Marsh Road. Kevin Grubbs will monitor speeds with a traffic counter for the next week. Information obtained will be provided to the Police Department for their assistance in enforcement.
- Denny Benshoff advised that the new water line on Main Street will be completed by July 15th, and then the maintenance crew will begin work on the storm sewer.
- Ed Nunemaker (Franklin County Housing Authority) advised that they cut down two (2) trees on Elder Avenue; and they are requesting that the Borough replace the trees. Prices have been obtained from Green Arbor and B & D; and the matter will be addressed at the next meeting.

INTERGOVERNMENTAL COMMITTEE: No report.

DOWNTOWN REVITALIZATION COMMITTEE: Kevin Grubbs reported that a pre-construction meeting with GRC was held last week; and a walk-thru will be held in the near future to determine where they should start, providing access to the properties/businesses, etc. Everything seems to be "falling in place" for that portion of the contract (new curbs and 12' brick sidewalk), but a determination needs to be made regarding the area to the rear of the public sidewalk right-of-way to the existing buildings. After his discussion with Jim Rock (GRC) and Lloyd Hamberger, they feel it would be in the best interests of the Borough to pursue going back to the buildings. He reviewed the bid prices for both portions of the contract, noting that the total would be approximately \$578,000. Senator Punt's grant for this project was for \$500,000 – so the Borough would have to fund the additional \$78,000. He explained their reasons for this recommendation, including the fact that they want to maintain the same grade throughout. He added that every steel grate will be eliminated. Mr. Grubbs stressed the need to do this project "right from the start"; because not only is our community looking at it, but other communities too. He feels very strongly that the brickwork should be done to the buildings – it will make a much better project that way.

Mr. Hamberger noted that there are no current Borough funds available for the additional portion of this project. His only thought was that the amount could be added to any monies being borrowed for the Welty Road upgrade; and some of that might possibly be offset due to an outstanding balance on the infrastructure loan.

President Newcomer noted that a meeting will be held the following evening with downtown property owners (at 6:00 p.m. in the South Potomac Street Fire Hall's Community Room) to discuss this issue further. Councilman Martin questioned if it is fair, in these economic times, to tax other residents of the Borough to pay for bricks downtown? President Newcomer noted he feels it is important to talk with the property owners for their feedback.

Discussion followed regarding responsibility for maintaining the sidewalks. Solicitor Dively noted that the recently-adopted (revised) Sidewalk Ordinance contains specific obligations for that portion of the sidewalk. Kevin Grubbs noted that copies of that ordinance will be available at the meeting for the property owners.

On a related matter, Kevin Grubbs stated that he spoke recently with Bruce Dreisbach. Main Street, Inc. would like to install a PA system in the Square, which would include the installation of four (4) speakers. One-inch conduit would be required to be placed in the ground, and they would like to do this work in conjunction with the storm sewer work (in order to utilize the same ditch). The total cost

would be \$450.00 for 500' of 12-gauge speaker wire, and the speakers would be mounted on the traffic poles. The PA system would be used for Christmas music and events/parades being held downtown or in Center Square. Councilman Martin recommended that the Borough provide the labor if MSI provides the materials. President Newcomer noted he would like to view the speakers to ensure appropriate aesthetics – Kevin Grubbs noted that he will have one available for Council's upcoming workshop. Councilman McCammon offered to donate the wire needed for the installation.

FINANCE COMMITTEE: Councilman Greenawalt reported that the Borough's financial situation is a "little bit ahead" of last year at this time. Mr. Hamberger stated that he will email Council a spreadsheet he prepared this week outlining specifics.

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

"On June 19th, I attended the Waynesboro Chamber of Commerce's Quarterly Breakfast meeting.

On June 24, I swore in our newest part-time Police Officer, William Gonzalez.

Also on the 24th, I attended the ribbon cutting of Dreamworks Bath and Kitchen, the newest company at the Zullinger Industrial Park."

Mayor Starliper recommended that Council vote to remove Chief Mark King from probationary status during the "voting" section of the meeting.

SOLICITOR'S REPORT: No report.

PUBLIC COMMENT - ITEMS ON AGENDA:

Frank Bittner, 842 Anthony Avenue – Mr. Bittner posed several questions regarding the proposed brick pavers downtown. In response to his questions, Mr. Grubbs noted that the downspouts, etc. will be placed underground and conduit will be placed 18-24" deep for wiring for the street lights. Mr. Bittner also questioned if the downtown property owners will have the right to refuse/accept the additional brick part beyond the 12' right-of-way; and Kevin Grubbs stated they will have the option because it is their property.

VOTING ON ITEMS FROM COMMITTEE REPORTS: Councilman Mumma made a motion to remove Mark King from probationary status and to place him on permanent status as Police Chief. Councilman Stains seconded. Councilman Martin asked if a performance evaluation had been conducted. Mayor Starliper noted that one was done after six (6) months, and nothing has changed at this point. A vote was called and the motion passed unanimously.

Councilman Martin made a motion to recommend that Main Street Waynesboro, Inc. supply conduit for wiring the PA system in Center Square; Councilman McCammon will supply the speaker wire required; and the Borough will place the conduit during the storm sewer work in the area. Councilman Stains seconded; the motion passed unanimously.

Councilman Martin made a motion to erect two (2) 25 mph speed limit signs on the portion of Tenth Street west of Sunset Avenue. Councilman Stains seconded; the motion passed unanimously.

Mr. Hamberger noted that banners over Main Street were also discussed at the Street Committee meeting. He explained that the Borough is responsible for liability issues with regard to the banners because they secure the permit from PENNDOT to install them. As they have been a source of difficulty in the past (because they have fallen down), the staff is recommending that they not be

allowed until a secure place to attach them is found. Mr. Hamberger added that Greencastle, Chambersburg and Gettysburg have all decided to “get out of the banner business”. Solicitor Melissa Dively commented that Shippensburg dealt with banners in a different manner – they prepared a sub-agreement with the third party sponsor which would indemnify the Borough. Mr. Hamberger stated that a one-million dollar insurance policy is required when banners are erected, but the real problem is with securing the banner itself. Accordingly, Councilman Martin made a motion that banners across Main Street (state highway) be prohibited at this time. Councilman Stains seconded; the motion passed unanimously.

UNFINISHED BUSINESS

HIGH GRASS AND WEED ORDINANCE: Mr. Hamberger noted that the current Weed Ordinance has been revised to permit a ten-day notice. There were currently five (5) “problem areas”, three of which have been mowed (the remaining are under contract to be mowed and a lien will be placed on the property for the costs thereof). Councilman Mumma made a motion to authorize the proposed ordinance to be advertised for Council’s consideration. Councilman Greenawalt seconded; the motion passed unanimously.

2009 MUTUAL AID AGREEMENT (FRANKLIN COUNTY): Mr. Hamberger presented a proposed Mutual Aid Agreement for emergency services between Franklin County and its 22 municipalities. Councilman McCammon made a motion to approve the proposed agreement, as presented. Councilman Stains seconded; the motion passed unanimously.

AWARD BIDS (BRICK SIDEWALK PAVER PROJECT): Mr. Hamberger noted that the low bidder for the brick sidewalk paver project was GRC General Contractor. The staff is recommending award of the portion of the bid for 6" concrete curb, 6" concrete curb (depressed), handicapped ramps and brick sidewalk pavers – for a total price of \$463,593.75. The additional sidewalk pavers (for the area to the rear of the 12' public right-of-way to the existing buildings) will be deferred until the meeting with downtown property owners is held. Councilman Mumma made a motion accordingly. Councilman Martin seconded; the motion passed 5-1 (Councilman McCammon opposed).

CONSIDER ORDINANCE FOR ADOPTION (ABANDONMENT OF A PORTION OF MYRTLE AVENUE): Solicitor Dively explained that Council approved the petition for granting abandonment at their last meeting. At the time of initial presentation of the petition, all necessary advertising for the hearing and of the proposed ordinance was done. Due to the delay that occurred as Council deliberated on the issue, the ordinance had to be re-advertised in accordance with the PA Borough Code. (An ordinance can be advertised for adoption no earlier than 7 days and no further out than 60 days.) She stated that the motion to approve the abandonment was already granted, but it is an administrative matter to follow-up on adoption of the ordinance. Councilman Mumma made a motion to adopt the ordinance, as presented. Councilman Stains seconded; the motion passed 5-1 (Councilman McCammon opposed).

ORDINANCE NO.

AN ORDINANCE OF THE BOROUGH OF WAYNESBORO, FRANKLIN COUNTY, PENNSYLVANIA, VACATING A 60' UNOPENED PORTION OF MYRTLE AVENUE FROM EAST THIRD STREET TO EAST FOURTH STREET, BEING A TOTAL OF 679.75 FEET.

Complete copy on file at Borough Hall.

AWARD BIDS FOR STORM SEWER INLET PROJECT: Mr. Hamberger noted that the apparent low bidder for the concrete inlet boxes, tops and grates was Monarch Products Company of York Haven,

PA. Their total bid was \$15,202.08. Councilman Martin made a motion to award the bids as recommended. Councilman Greenawalt seconded; the motion passed unanimously.

RESOLUTION APPOINTING DELEGATE AND ALTERATE DELEGATE TO FRANKLIN COUNTY EARNED INCOME TAX COLLECTION COMMITTEE (RESOLUTION NO. 2009-12): Mr. Hamberger explained that the Franklin County Commissioners have requested an official resolution to certify Council's appointments to the Earned Income Tax Collection Committee. He presented Resolution No. 2009-12 for approval. Councilman Mumma made a motion to approve Resolution No. 2009-12, as presented. Councilman Stains seconded; the motion passed unanimously.

RESOLUTION NO. 2009-12

A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF WAYNESBORO APPOINTING A TAX COLLECTION COMMITTEE DELEGATE AND ALTERNATE DELEGATE(S) TO REPRESENT THE BOROUGH OF WAYNESBORO ON THE FRANKLIN COUNTY EARNED INCOME TAX COLLECTION COMMITTEE IN ACCORDANCE WITH THE STATUTORY REQUIREMENTS OF ACT 32.

Complete copy on file at Borough Hall.

NEW BUSINESS

PRESENTATION - MAYOR: Mayor Starliper presented a Certificate of Appreciation to Chief Mark King from the PA Aggressive Driving and Enforcement Education Program for the Waynesboro Police Department's contributions to the 2008 program. In addition, a certificate was also provided for Officer Hannah for his participation in the program.

"PARK IN THE PINK" (REQUEST FROM BREAST CANCER AWARENESS - CUMBERLAND VALLEY, INC.): Mr. Hamberger presented a request from Breast Cancer Awareness - Cumberland Valley, Inc. to place pink ribbons on the parking meters, utility poles and trees along Main Street from October 12th thru October 19th. This has been done in the past and there have been no problems. Councilman Martin made a motion to approve the request. Councilman Stains seconded; the motion passed unanimously.

DRIVERS WITH CELL PHONES: Due to additional information received, Mayor Starliper noted this matter will not be pursued at this time.

INTERGOVERNMENTAL COOPERATION AGREEMENT FOR SPECIAL FIRE POLICE MUTUAL AID & EMERGENCY ASSISTANCE: Mr. Hamberger noted that a similar agreement was approved in August of 2008, but minor modifications have been made to the proposed agreement and it is being presented for re-approval. Councilman Greenawalt made a motion to execute the proposed agreement. Councilman Martin seconded; the motion passed unanimously.

LETTER OF INTENT TO LOCAL GOVERNMENT SERVICES FOR POLICE STUDY: In order to have a police study conducted by the State, Mr. Hamberger noted they are requiring the Borough to execute a Letter of Intent indicating that they are interested in pursuing a joint police force. He added that this does not place any requirements or obligations on the Borough. Councilman Greenawalt made a motion to authorize execution of the Letter of Intent, as presented. Councilman Martin seconded; the motion passed unanimously.

RESULTS OF REQUESTS FOR LOAN PROPOSALS: Mr. Hamberger noted that RFP's were mailed to five (5) local banks. He reviewed the results. No action was taken.

“PORK IN THE PARK FOR POLIO” (REQUEST FROM ROTARY CLUB): Cindy Franke, President-Elect of the Rotary Club, was present. She reviewed their request to hold a fundraiser pig roast in the Rotary Park on September 19th over the lunch hour. Mr. Hamberger noted that the Recreation Board has reviewed the concept and noted no problems. Councilman Stains made a motion to approve the Rotary Club’s request. Councilman Greenawalt seconded. Mayor Starliper mentioned that the Park Rules and Regulations prohibit selling tickets for the event on-grounds. Councilman Stains amended his motion to include waiving this regulation. Councilman Greenawalt seconded the amended motion; the motion passed unanimously.

PUBLIC IN ATTENDANCE - NON-AGENDA ITEMS: None.

FOR INFORMATION ONLY

JOB DESCRIPTION (CLERK/BOOKKEEPER): Mr. Hamberger noted that he has revised the Job Description for the Clerk/Bookkeeper’s position. The Personnel Committee will review applications received for the part-time position and conduct interviews in the near future.

PAY BILLS: Councilman Mumma made a motion to approve the Voucher Lists dated 06/17 and 06/24. Councilman Stains seconded; the motion passed unanimously.

COUNCIL AND STAFF COMMENTS: Councilman Martin noted that Council discussed Chief King’s request for a new police cruiser several meetings ago. It was his understanding that they were awaiting information from him on pricing and warranty, and he asked for details from the Chief. Chief King noted that he obtained the information but did not have it available at this time. Councilman Martin further questioned if the police car has been ordered yet (and if so, who authorized the purchase). Mayor Starliper noted that he authorized the purchase; and Council President Newcomer stated that the car was approved by Council in the 2009 budget. Councilman Martin noted he is not opposed to buying the car, but he thought that Council said they would study it and “get a hold on major purchases”. Discussion continued on the matter, and Councilman Martin stated he felt it should have been a “full Council decision”. President Newcomer noted that Council had already made that decision during budget deliberations. Councilman Martin commented that “this is six months into a very sharp downturn in the economy” and when the budget was done back in September/October/November, they did not know that the economic situation would be so severe. Mr. Newcomer noted that the matter can be discussed further at Council’s upcoming workshop.

Kevin Grubbs noted that Council discussed the Sam Campbell Land Development Plan at their last meeting. They deferred the matter until they could view the Locust Street intersection with Mt. Airy Avenue to determine if widening it was warranted in order for the street to be two-way. Mr. Grubbs noted that they are nearing the end of the review period at this time. Councilman Martin made a motion that the plan not be approved ... and “let it expire and it will be approved by default”. He added that it should be on record that Council thought this was not a good plan; so if problems arise with the traffic flow in the future, it would signal that Council tried to ask for something else to be done. Solicitor Dively urged Council to take no action – if they deny the plan, reasons must be given for the denial. Councilman Martin then withdrew his motion at this time. Solicitor Dively clarified that, by action of law under the Municipalities Planning Code (MPC), it will be deemed approved because Council failed to act within the requisite timeframe.

Kevin Grubbs reported that a representative from Dennis Black Engineering contacted him regarding their concerns about design work for the S. Potomac Street Stormwater Bypass. There have been many changes made at PENNVEST’s request; and if the funding application is approved subsequently, the design work must be finalized within 120 days in order for the project to proceed. They are concerned that the design work will take several months to complete, and would like authorization from Council to begin doing some of the field work required. If funding approval doesn’t

come through, they will halt work until further notice from the Borough. Mr. Grubbs noted that much of the work they will do will come under their initial agreement, and some of the other engineering costs have been factored into the loans/grants for which the Borough is applying. However, there may be some additional costs involved. Mr. Hamberger added that if funds are approved, Council will still need to decide if they will accept the terms of the funding being offered. Councilman Martin made a motion to authorize Dennis Black Engineering to proceed with design work for the S. Potomac Street Stormwater Bypass as indicated. Councilman McCammon seconded; the motion passed unanimously.

Chief Mark reminded the public that combustible or explosive compositions or substances (such as bottle rockets and M-80's) are illegal; however ground and half-held sparkling devices and novelties/toys are legal. In addition, he noted that the Waynesboro Police Department is involved with the new community information service designed to deliver important and timely information to residents in the area. The service is created by Nixle and is delivered via web, email and cell phone. This service is free, and residents may take advantage of it by going to www.nixle.com or by accessing a link at www.waynesboropolice.com. Also, he reported that the last two (2) Crime Solvers signs have been received and posted at each major artery into the Borough. Incidentally, he has already received a call from a resident to report information.

Councilman Greenawalt questioned when the Police Department's bike patrol will be continued. Chief King noted that, previously, only three (3) officers were certified; and one of those individuals had been injured. He plans to commence the bike patrol again this week.

Council members wished those in attendance a "Happy Fourth".

Having no further business to discuss, the meeting adjourned at 8:40 p.m. on a McCammon/Greenawalt motion which passed unanimously.

Respectfully Submitted,

Melinda S. Knott
Administrative Assistant