

SEPTEMBER 2, 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)
Dan Sheffler, Zoning-Code Enforcement Officer
Denny Benshoff, Maintenance Superintendent
Mark King, Police Chief
Kevin Grubbs, Head of Engineering Services

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

Council adjourned to executive session at 7:31 p.m. to discuss matters of personnel and litigation. They reconvened to regular session at 7:54 p.m. President Newcomer noted that a labor law issue was also discussed during the executive session.

APPROVE MINUTES: Councilman McCammon made a motion to approve the minutes of the August 19, 2009 workshop and regular meeting, and the August 25, 2009 special meeting (as written). Councilman Greenawalt seconded; the motion passed unanimously.

COMMITTEE REPORTS

PERSONNEL COMMITTEE: Councilman Mumma advised that Rick Bowser, Front Desk Clerk in the Police Department, will be off an extended time for surgery. During his time off, he would receive short-term disability pay (which is 70%), but some of the officers have volunteered to donate various leave time so he can receive full pay. A motion will be made during the “voting” section of the meeting regarding this matter. Motions will also be presented during that time regarding hiring a part-time Police Officer and an extension of short-term disability pay to an employee.

PROPERTY AND PUBLIC SAFETY COMMITTEE: No report.

STREET COMMITTEE: Councilman Martin reported that he will discuss one (1) item during the “voting” section and another is on the agenda for discussion later in the meeting. He informed Council that the Maintenance Department did a “fine patch job” on Welty Road; and the repaving for Welty Road and E. Second Street will be “on hold” until spring because of the Borough’s heavy workload. In order to stretch paving dollars, it is their intent to begin laying some of their own blacktop and will lease Washington Township’s paver for this (and possibly other) jobs.

INTERGOVERNMENTAL COMMITTEE: Councilman Stains reported on updates to Comcast Cable’s on-screen cable guide for digital customers.

DOWNTOWN REVITALIZATION COMMITTEE: Kevin Grubbs reported on progress of the brick paver project. Pavers are being placed in the northeast quadrant of the Square; and they will then begin pouring curb in the northwest section sometime this week. Work is complete in the first portion (between Potomac Street and the alley beside Susquehanna Bank), and parking along the south side will be re-established before the weekend. Demo work is done on the south side between Potomac Street and Cleveland Avenue and from Walnut Street to the alley across from the library. Curbing will be placed in both of these sections next week. When the demo and re-grading portion is completed on the south side, work will begin on the north side in front of Dollar General and toward Potomac Street. Considering all the projects going on downtown, he noted that things are moving well.

President Newcomer recognized the efforts of State Representative Todd Rock, who intervened with regard to required inspectors and saved the Borough an estimated \$30,000-\$60,000.

Kevin Grubbs noted, now that the south side is completed, something needs to be done around the trees. Mulch was utilized previously, but he is recommending landscaping stone to minimize upkeep. Councilman Martin stated that stone would look nicer, but noted concern about the stones being thrown at passing vehicles. Grates were also mentioned, and the matter was referred to the Downtown Revitalization Committee for review.

FINANCE COMMITTEE: Councilman Greenawalt provided information on finances, as follows –

	2008	2009	Difference
Real Estate Tax	946,559	969,758	+23,199
Earned Income Tax	561,106	565,573	+4,467
OPT (EMST)	118,697	139,812	+21,115
Real Estate Transfer Tax	131,404	95,441	-35,963
Subdivision Fees	28,069	6,647	-21,422
Delinquent Taxes	22,519	30,772	+8,253
TOTAL:			-351

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

“On August 24th, I attended the groundbreaking ceremony for the Pennsylvania German Four-Square Garden for the Renfrew Institute's Culture and Environmental Studies Program.”

SOLICITOR'S REPORT: Solicitor Melissa Dively advised that she received a request from M & T Bank's counsel for Council to consider changing the language proposed in the agreement prepared for all participating Main Street property owners for installation of the brick pavers. Specifically, he requested changes in the general liability insurance written on the work (which would involve changing requirements for the awarded contractor) and certain changes in the indemnification section. He also requested that access to the property be maintained at all times for the landowner, employees, patrons, etc. Kevin Grubbs informed Ms. Dively that M & T has three (3) entrances, only one of which will be affected by the Borough's activity ... so access will not be completely denied at any time because there is access via two additional entrances.

Councilman Martin noted he will make a motion during the “voting” section of the meeting that if M & T is not willing to sign the same agreement everyone else signed, only the 12' right-of-way be done at their property.

PUBLIC COMMENT - ITEMS ON AGENDA:

Frank Bittner, 842 Anthony Avenue - Mr. Bittner noted concern regarding safety issues with regard to the contractors working on the brick sidewalks. Kevin Grubbs advised that the contractor provides a safety person on-site to ensure that employees are abiding by all safety regulations.

Stephen Monn, 126 W. Main Street - Mr. Monn commented that he has been following the sidewalk project closely and is very impressed. He also reminded Council members, when they discuss the traffic signal at Second/Main Streets in relation to the walk cycle and its proximity to a school later in the meeting, they should also consider the intersection of Broad/Main Streets (in front of St. Andrews School) where there is no paid crossing guard.

Frank Bittner, 842 Anthony Avenue - Mr. Bittner asked about the procedures for re-appointing individuals to the various Borough boards. Mr. Hamberger noted that the current members are contacted when their terms are due to expire to ascertain if they are interested in serving again. If so, their re-appointment is considered by Council; if not, replacements are sought at that time.

VOTING ON ITEMS FROM COMMITTEE REPORTS: Regarding the request for leave time to be donated to Rick Bowser, Chief King advised that employees from several other departments have also expressed an interest in participating. Accordingly, Councilman Mumma made a motion granting permission for Borough employees in any department to donate leave time to Mr. Bowser. Councilman Stains seconded; the motion passed unanimously.

Councilman Mumma reported that the Borough's Treasurer has been off work for operations and/or sickness for (originally) 13 weeks. That time "is up", and they have been notified that she will return to work on September 28th. The Finance and Personnel Committees have met and are recommending that 70% short-term disability be extended until her return on September 28th. Councilman Stains seconded; the motion passed unanimously.

Following interviews by Chief King and the Personnel Committee, Councilman Mumma made a motion to hire Joshua Stackhouse as a part-time Police Officer, subject to the completion of a satisfactory background check, as well as physical and psychological examinations. Mr. Stackhouse is currently a part-time Police Officer for Washington Township, which should not pose any conflict. Councilman Greenawalt seconded. Councilman Stains questioned how part-time officers are paid when they must attend court. Chief King replied that that issue is addressed with "careful scheduling", adding that part-time officers normally work 32 hours (or less) per week. A vote was called and the motion passed unanimously.

Councilman Martin made a motion that if M & T is not willing to sign the same agreement everyone else signed, only the 12' right-of-way be done at their property. Councilman Mumma seconded; the motion passed 5-1 (Councilman Newcomer opposed).

Councilman Martin noted that Waynesboro Human Services, 13 S. Church Street, has requested removal of a parking meter to establish a loading/unloading area. The Street Committee has visited the site, and Mr. Martin made a motion to remove the last parking meter on S. Church Street (just above their property) and re-install it between the drive-in behind the former Trust Company Building and the Human Services Building. He noted that this will also provide better visibility (when vacant) for vehicles traveling west at the alley behind the Eagles Club and "swing" room for vehicles exiting from Susquehanna Bank's parking lot. Councilman Mumma seconded; the motion passed unanimously.

Mr. Hamberger provided Council with information regarding unanticipated costs that have arisen this year – bell tower removal at Fire Hall (\$24,000), roof at Fire Hall (which will exceed the budgeted amount by \$26,205), new air conditioning unit for the Police Department (\$9,800), fire and police radios due to changes in County policy (\$122,000) and engineering costs for the Cemetery Avenue drainage system (which, so far, are \$134,000). He recommended that Council authorize him to look at the feasibility of borrowing \$250,000 and amortizing these costs over the next five (5) years.

Councilman Martin made a motion as such, adding that this information can then be considered when the budget is reviewed more in-depth. Councilman McCammon noted his concern about borrowing this amount on top of the \$1,000,000 for the Cemetery Avenue project. Mr. Hamberger reminded him that they will (hopefully) receive PENNVEST funding for the drainage project, and stated that the Borough currently has no debt. A vote was called and the motion passed unanimously.

UNFINISHED BUSINESS

BIDS FOR FIRE HALL ROOF AND BELL TOWER REMOVAL: Councilman Mumma made a motion to award the bid for removal of the bell tower to Waynesboro Construction Company, based on their bid of \$24,000; and the bid for the roof to Bonded Applicators, based on their bid of \$49,055.20. Councilman Greenawalt seconded; the motion passed unanimously.

CUMBERLAND-FRANKLIN COUNTY BOROUGH ASSOCIATION MEETING (SEPTEMBER 29, 2009): Mr. Hamberger requested that anyone interested in attending this meeting inform Melinda Knott as soon as possible.

MEMORANDUM OF UNDERSTANDING (POLICE ACTIVITIES AT SCHOOL): Mr. Hamberger noted this item was deferred from Council's last meeting. Councilman Martin made a motion to table the matter. Councilman Greenawalt seconded. Solicitor Dively explained that this agreement is pursuant to a requirement for the schools to develop a Memorandum of Understanding with local law enforcement (Safe Schools Act of Pennsylvania). The Act identifies the minimum elements that must be in the Memorandum, and the Waynesboro School District added additional material that they agreed to provide to make the Police Department's job easier when they have to enter the campus. Councilman Martin commented that he is not in favor of proceeding until cooperation is received from the School District (on other matters). A vote was called. Voting in favor of tabling the matter were Councilmen Martin, Greenawalt and McCammon; voting in opposition were Councilmen Mumma, Newcomer and Stains. Being a 3-3 tie, the Mayor voted "no".

Councilman Mumma then made a motion to execute the proposed Memorandum of Understanding. Councilman Stains seconded. The motion passed 4-2 (Councilmen Martin and Greenawalt opposed).

NEW BUSINESS

TRAFFIC LIGHTS AT INTERSECTION OF SECOND STREET/MICKLEY AVENUE/MAIN STREET: Mr. Hamberger noted that Council received a complaint at their last meeting regarding this matter. He has contacted Herr Signal Company, who indicated they are operating under new guidelines. Specifically, when the button is pushed by a pedestrian, "Walk" will flash for approximately 7 seconds; and there will be a flashing "Don't Walk" countdown of approximately 15-17 seconds. It is not a four-way stop. He explained that the reason PENNDOT is utilizing this type of signalization is not a matter of equipment, but because the ECONS Program is designed to keep traffic moving; and a four-way stop stops traffic all four ways.

Discussion followed regarding the fact that this light is far enough away from the others that it should not disturb the smooth flow of traffic. Councilman Martin noted that he "sees disaster" there, because it is a major school crossing and the YMCA is also nearby. In fact, several accidents have occurred at this location in the past.

In support of his comment, Police Chief King advised that a pedestrian/vehicle accident occurred there on August 20th (since the change was made). The driver was focused on the vehicle in front of him and turned into a pedestrian walking a bicycle across the intersection. Following that event, Chief King contacted PENNDOT and was informed that the Borough would need to conduct a traffic study in order for any change to be made. Kevin Grubbs advised that that study has already been done, and

he sees no problem in PENNDOT establishing a dedicated pedestrian stop at this location if the Borough requests it.

Accordingly, Councilman Martin made a motion "to do whatever needs done with PENNDOT to make this a four-way stop". Councilman Mumma seconded; the motion passed unanimously.

President Newcomer noted that Stephen Monn's suggestion regarding the intersection at Broad/Main Streets (in front of St. Andrews School) will be reviewed by the Street Committee. Mr. Monn clarified that the intersection could be pedestrian-exclusive only during the hours of 8:00 and 8:30 a.m.

CHAIN OF LIFE: President Newcomer noted that he received a request for permission to hold a "Chain of Life" event downtown on Sunday, October 4th, from 9:30 a.m. to 10:30 a.m., and from 2:00 p.m. to 3:00 p.m. He explained that participants will join hands along the sidewalk in front of St. Andrews Church and in Center Square, but no streets will be blocked. Councilman Greenawalt made a motion for approval. Councilman Mumma seconded; the motion passed unanimously.

FACADE IMPROVEMENT GRANT APPLICATION: Mr. Hamberger presented a Facade Improvement Grant application for Dr. Joel McGahen, 112 W. Main Street, for approximately \$4,000. The Design Review Committee held a special meeting and recommended approval, subject to receipt of additional information (regarding paint chips and a minor clarification on pricing). Councilman McCammon made a motion for approval. Councilman Stains seconded; the motion passed unanimously.

2010 MINIMUM MUNICIPAL OBLIGATION: Mr. Hamberger noted that he is required to submit information to Council, on an annual basis, regarding the Borough's minimum municipal obligation to the employees' pension plans. Council acknowledged receipt.

PUBLIC IN ATTENDANCE - NON-AGENDA ITEMS: None.

FOR INFORMATION ONLY

97TH ANNUAL FALL CONVENTION OF THE FRANKLIN COUNTY ASSOCIATION OF TOWNSHIP OFFICIALS (OCTOBER 22, 2009): Council members received an invitation. Those interested in attending were asked to inform Melinda Knott.

PAY BILLS: No voucher lists were presented for Council's approval at this meeting.

COUNCIL AND STAFF COMMENTS: Councilman Martin noted that he observed people parking in the lot at the former Tool Company building on Sixth Street (which was recently purchased by D. L. George) and going to work. He stated that it was "very nice to see" since the property has been vacant for some time.

Kevin Grubbs requested that several Council members attend a meeting the following day at 2:00 p.m. in the Rotary parking lot, to review "problem areas" with the contractor. That time seemed to be a conflict, so the meeting was changed to Friday (September 4th) at 10:00 a.m.

Mr. Hamberger reported that Fire Department representatives will visit the Armory building the following day.

Councilman Stains reiterated his request for review of the speeding situation on N. Franklin Street. In particular, he suggested that a four-way stop be considered at the intersection at Commerce Street and that speed limit signs be posted. In the meantime, the Police Department was asked to "keep an eye" there.

Councilman Martin asked about the “ENRAD” system, which (he understands) is being utilized by Washington Township and Greencastle Police Departments. Chief King explained that equipment is placed on both sides of the street, and a laser is utilized to detect vehicle speeds. His concern, however, is if a vehicle doesn’t stop immediately and an officer must follow it for a distance, he must temporarily abandon the equipment and someone could easily “walk away” with it . (It costs approximately \$2,000 to \$3,000.) Mayor Starliper stated that this equipment will be discussed during budget deliberations. Councilman Martin commented that he would prefer to act on this now, instead of waiting for the 2010 budget. He added that there is “a lot of speeding going on” and “we need to slow down traffic”. Chief King was requested to obtain additional information. Councilman Martin requested that he e-mail it to Council members by the end of the week.

Mayor Starliper reported on an incident involving Car #1 on the previous Friday (during a heavy rainfall). Pressure caused a manhole cover to raise under the vehicle, and it is believed that the frame may be bent (which will render it irreplaceable). He also noted that the Police Department has been storing numerous lost/stolen bicycles, and a church group would like to repair and donate them to various mission projects in the community. Also, monies are leftover from donations received for the new K-9, and they are considering purchasing a “dog run” for Sarge for approximately \$1,800. The run would be placed at the K-9 officer’s home, but Councilman Martin recommended that the deed restrictions be searched first. Mayor Starliper also stated that Oliver Homes is sponsoring a golf tournament on October 30th at the Waynesboro Country Club to benefit the Waynesboro Volunteer Fire Department. They are hoping for profits of approximately \$5,000. Lastly, the Mayor advised that Monday (September 7th) is the 225th anniversary of Franklin County. They are selling coins (4 different) and Ben Franklin canes at the Visitors’ Bureau to commemorate this event.

Council President Newcomer reminded Council members to provide NIMS (National Incident Management System) training certifications to Mr. Hamberger as soon as possible.

Having no further business to discuss, the meeting adjourned at 9:03 p.m. on a McCammon/Greenawalt motion which passed unanimously.

Respectfully Submitted,

Melinda S. Knott
Administrative Assistant