

APRIL 7, 2010
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, Wayne Driscoll and Ronald Martin

Mayor Richard Starliper

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

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

APPROVE MINUTES: Councilman Stains made a motion to approve the minutes of the March 17, 2010 public hearing and regular meeting, as written. Councilman Greenawalt seconded; the motion passed unanimously.

COMMITTEE REPORTS

PERSONNEL COMMITTEE: Councilman Mumma noted that he received favorable performance evaluations for Jay Mongan and Tom Brennan, however no action was required at this time. He will present two (2) additional items during the “voting” section of the meeting.

PROPERTY AND PUBLIC SAFETY COMMITTEE: Councilman Driscoll reported that he continues to receive positive comments from individuals in the community about the possibility of establishing a dog park in the Borough. He and the Borough’s engineering staff staked out a possible area at Northside Park and are working to obtain prices on fencing. He will report back to Council as the project progresses. Mr. Hamberger added that he recently visited Lower Allen Township’s dog park, where they have separate areas for dogs under and over 30 lbs. He suggested that this might be beneficial to consider.

STREET COMMITTEE: Councilman Martin noted he will present several items during the “voting” section of the meeting.

INTERGOVERNMENTAL COMMITTEE: No report.

DOWNTOWN REVITALIZATION COMMITTEE: Kevin Grubbs reported on progress of the brick sidewalk work to Grant Street. Demolition work is almost completed and curbing/blacktop is being installed. K & M Dri-Lay will start doing the brick work, which should be completed in two (2) weeks. Councilman Martin asked Downtown Manager Pat Fleagle if there have been any more donations from the downtown merchants/property owners. Mr. Fleagle stated he is unsure, but will check into the matter and contact Mr. Martin.

FINANCE COMMITTEE: Councilman Greenawalt reported that he and Lloyd Hamberger have been attending meetings in Chambersburg regarding the possibility of a County Wage Tax Collection Agency (instead of collection on a local basis). By-laws have been adopted and Requests for Proposals have been mailed out. Mr. Hamberger noted that copies of the RFP are available on several websites, including the Borough of Waynesboro and Waynesboro Area School District.

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

“On March 18th, along with Borough Manager Hamberger, I attended the ribbon cutting of the HomeRite Window Store, 52 W. Main Street.

March 27th, with Councilman Driscoll, I attended the Chocolate Extravaganza.

On March 30th, on behalf of the Borough's American Heart Association Team, I attended their top walker celebration meeting. Many thanks to Melinda and D'Lynn for co-chairing the Borough's team.

On April 1st, along with Borough Manager Hamberger and Councilmen Greenawalt, Martin, Mumma and Newcomer, I was present for the presentation of Vision 2020: Focusing on the Future by the Franklin County Commissioners and County staff.”

Council President Newcomer also reported that Downtown Manager Pat Fleagle invited the Mayor and Council on a “walk-thru” downtown with Congressman Shuster. Mr. Shuster commented that Waynesboro officials have been good stewards with the grant monies given to the Borough. Pat Fleagle added that he highly emphasized during that meeting that the Borough's sanitary sewer project is a top priority for any future available funding.

SOLICITOR'S REPORT: Solicitor Melissa Dively noted that she had attempted to email information to Council for review, but it was not formatted appropriately for all to view. In the future, she will send information to them in PDF format.

PUBLIC COMMENT - ITEMS ON AGENDA:

Paul McCarney, W. Fifth Street - Mr. McCarney noted it was his understanding that the home at 451-453 W. Fifth Street had been condemned. He has since learned, however, that it has been re-rented and people are already moved in. Discussion ensued regarding Council's recent discussions about various codes and permits required for doing certain work in the Borough. Councilman Martin advised that he will check to see if an occupancy permit had been issued (or is required) at the residence, and will contact Mr. McCarney regarding his findings the next day.

VOTING ON ITEMS FROM COMMITTEE REPORTS: Councilman Mumma reviewed information regarding a Salary Schedule for Selected Part-Time Positions, as follows:

- Relief Drivers, Summer Maintenance Workers, Golf Course Pro Shop and Maintenance Workers: \$7.25/hour + 10 cents/year of service to maximum of \$8.05/hour
- NORTHSIDE POOL PERSONNEL -
 - Lifeguards: \$8.25/hour + 15 cents/year of service to maximum of \$9.00/hour
 - Head Lifeguard: \$9.25/hour + 15 cents/year of service to maximum of \$10.00/hour
 - Cashiers: \$7.25/hour + 15 cents/year of service to maximum of \$8.50/hour

He then made a motion for its approval. Councilman Stains seconded; the motion passed unanimously.

Councilman Mumma made a motion to hire Justin Stine as a Summer Maintenance Worker/Intern at the Water Treatment Plant, at \$7.25/hour, as recommended by Director of Utilities Leiter Pryor. Councilman Martin seconded; the motion passed unanimously.

Councilman Mumma made a motion to hire Zachary Whittington and Brenten Knott as Summer Maintenance Workers at the Maintenance Department. Councilman Stains seconded. Discussion followed regarding the summer workload, and it was noted that Denny Benshoff will be reviewing applications and possibly requesting to hire an additional worker. The motion then passed unanimously.

Councilman Mumma made a motion to hire Debra Ramsey and Samantha Pryor as additional Pro Shop Attendants at the Golf Course. Councilman Martin seconded; the motion passed unanimously.

Councilman Mumma made a motion to remove Kerry Smith and Jamie Shindlecker from probationary status and place them as permanent employees with the Maintenance Department, effective April 15th. Councilman Stains seconded; the motion passed unanimously.

Councilman Mumma made a motion to hire the following individuals for Northside Pool --

Cashiers: Matthew Brinkman and Emily Blair

Lifeguards: Emily Doescher, Allison Doub, Elizabeth Farmer, Hannah Masters, Andrea Metz, Sarah Mitchell, Joy Mullins, Sean Sheldrake, William C. Smith, Andrea Dinterman, Kegan Crider and Matthew Hinojos

Assistant Pool Managers: Paige Tanner and Rachel Schuler

Councilman Martin noted that the Street Committee met on March 31st. Ed Nunemaker, Franklin County Housing Authority, requested permission to park a 40' trailer and dumpster on the west side of Hawbaker Avenue during renovations to the facilities (with an expected completion date of June 30th). Councilman Martin made a motion to approve the request. Councilman Greenawalt seconded; the motion passed unanimously.

Councilman Martin noted that Council had received a request from the Record Herald at their last meeting to hold a yard sale on May 1st, from 7:00 a.m. to 12:00 noon, and close off Walnut Street (from Gay to Second Streets) to vehicular traffic. They have spoken with the businesses affected by the street closing and received their support. In addition, Jim Bowersox has agreed to open his parking lot (at the former CVS location) to provide additional parking. Appropriate signage will be required, and the Fire Police should be contacted to assist with traffic control. Councilman Martin made a motion to approve the request. Councilman Stains seconded; the motion passed unanimously.

Councilman Martin made a motion to install two (2) additional parking meters on the east side of S. Church Street (just south of Center Square). Councilman Greenawalt seconded; the motion passed unanimously.

Councilman Martin reported that the Street Committee received a letter from the Seventh Day Adventist Church regarding parking at their facility by individuals attending Waynesboro Youth League

baseball games. The matter was discussed, and the Street Committee recommended that no action be taken at this time.

Councilman Martin made a motion to approve the request by the Brothers of the Brush to hold the July 4th parade on July 3rd, in conjunction with the Summer Jubilee activities. The parade will begin at 10:30 a.m. at W. King Street/C.V. Avenue, and travel along Main Street to the Kmart parking lot. Councilman Greenawalt seconded; the motion passed unanimously.

Councilman Martin made a motion to proceed with bidding for the Cemetery Avenue outfall project, as it appears that the Borough will not be receiving grant funds and he expects interest rates to increase in the near future. In addition, contractors are looking for work now and they may be able to obtain better prices. President Newcomer stated he would like additional time to review the matter before making a decision. Council agreed to place the item on the agenda for their next meeting.

UNFINISHED BUSINESS

CONSIDERATION OF AMENDMENT TO TRAFFIC AND PARKING REGULATIONS ORDINANCE:

Kevin Grubbs noted that Council members received a draft copy of this proposed ordinance at their last meeting for review. It amends traffic and parking regulations (specifically, for the crosswalk locations where flashing lights will be installed and a 200' sight distance is required; and to adjust the maximum weight of vehicles permitted on the Rotary parking lot to nothing in excess of 5 tons). The amendment was advertised in *The Record Herald* on March 23rd and posted in Borough Hall's front lobby, and is presented at this time for Council's consideration. Councilman Stains made a motion to adopt the proposed ordinance. Councilman Greenawalt seconded. Lee Royer, a member of the audience, mentioned flashing lights in the streets at the crosswalks in Shepherdstown, WV, which were very visible. Councilman Stains stated that Council had discussed that possibility several years ago, but discovered that the lights cost approximately \$20,000-\$30,000 for each crosswalk where they are used. A vote was then called and the motion passed unanimously.

ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE NO. 688 OF THE BOROUGH OF WAYNESBORO, AS AMENDED, PRESCRIBING TRAFFIC AND PARKING REGULATIONS IN THE BOROUGH OF WAYNESBORO, PRESCRIBING PENALTIES FOR VIOLATION AND REPEALING CERTAIN ORDINANCES.

Complete copy on file at Borough Hall.

AWARD BIDS (RANDOM CURBS AND SIDEWALK, STONE, SODIUM HYPOCHLORITE, PAVING MATERIALS, DUCTILE IRON PIPE AND HAULING/LAND APPLICATION OF BIOSOLIDS):

Councilman Greenawalt made a motion to award the bids for paving materials to Valley Quarries. Councilman Martin seconded; the motion passed unanimously.

Councilman Martin made a motion to award the bids for stone to Valley Quarries. Councilman Greenawalt seconded; the motion passed unanimously.

Councilman Martin made a motion to award the bids for sodium hypochlorite to Aqua Chemical Supply. Councilman Greenawalt seconded; the motion passed unanimously.

Councilman Martin made a motion to award the bids for random curbs and sidewalk to Ray Eyer. Councilman Greenawalt seconded; the motion passed unanimously.

Councilman Greenawalt made a motion to award the bids for hauling and land application of biosolids to S & L Enterprise. Councilman Stains seconded; the motion passed unanimously.

Councilman Stains made a motion to award the bids for ductile iron pipe to Ferguson Waterworks. Councilman Martin seconded; the motion passed unanimously.

ROUGH DRAFT (BUILDING CODE ORDINANCE): This was the information Solicitor Dively attempted to send to Council for review, but there was a formatting problem. It will be re-sent, and Council members were requested to forward any questions/comments to Mr. Hamberger prior to the next meeting.

NEW BUSINESS

CONCRETE CURBING ALONG ROUTE 16 (MAIN STREET) FOR STARLIPER PROPOSED LAND DEVELOPMENT: Kevin Grubbs noted that the Waynesboro Planning Commission is still reviewing this plan, and certain revisions to the plan were requested (one of which was the installation of curbing along the front of the property on the south side of W. Main Street across from Frick Avenue). Lee Royer discussed the matter with the Street Committee. They agreed that curbing should not be required at this location, but noted that Borough Council would make the final decision. Mr. Royer requested they make a decision on the matter prior to the Planning Commission's upcoming meeting on April 12th.

Planning Commission Chairman Stephen Monn was present and explained that their decision was based on Council's opinion in the past that curb be required in new developments. He noted that if those requirements are forgiven in every instance, there will never be curbing. Kevin Grubbs added, however, that it may be difficult to obtain a permit for the curbing since Main Street is being re-paved in the near future. Discussion also ensued about run-off and the possibility of the bank washing out over the curbing.

Mr. Hamberger suggested that Council members view the site prior to the next Council meeting, and the matter will be placed on the agenda for further discussion.

REQUESTS FROM MAINSTREET WAYNESBORO, INC. RE: FARMERS MARKET AND STROLLING SATURDAYS: Mainstreet Waynesboro, Inc. is requesting support from Council for the following activities – (1) Farmers Market to be held every Saturday, May 1st - September 25th, excluding September 18th and during other special events as needed, from 9:00 a.m. to 1:00 p.m. on the Square; and (2) Strolling Saturdays to be held on the first Saturdays of the month as an expansion of the Farmers Market. Councilman Martin made a motion to acknowledge Council's support. Councilman Driscoll seconded; the motion passed unanimously.

PROPOSED REVISION TO RENFREW COMMITTEE, INC. BY-LAWS: Mr. Hamberger presented a request from Renfrew Committee, Inc. (RCI) to modify their by-laws. He explained that the enabling legislation requires Borough Council to approve any changes made to their by-laws. This particular change would modify the number of members on the Renfrew Executive Committee (REC) to a maximum of 14 members. Mr. Hamberger cautioned that this would make it more difficult to obtain a quorum for meetings. Council members noted they would prefer to discuss this matter with RCI representatives before making a decision at their next meeting.

ALTERNATE ELECTRIC SERVICE FOR STREET LIGHTS: Mr. Hamberger noted that choosing an alternate energy supplier could save the Borough approximately \$10,000 - \$15,000/year on its bill for street lights. Allegheny Power has recommended signing a one-year agreement with Allegheny Energy, LLC. (the contract can be reviewed again next year). Councilman Stains made a motion to approve Mr. Hamberger's recommendation regarding alternate electric service. Councilman Mumma

seconded. Discussion ensued regarding the need to change bulbs in order to provide more light. Mr. Hamberger noted that service on the lights is to be done every three (3) years, and he will contact Allegheny Power to determine when they plan to begin. A vote was then called and the motion passed unanimously.

QUINCY TOWNSHIP FIRE PROTECTION AGREEMENT: Mr. Hamberger reported on negotiations with Quincy Township for the Fire Protection Agreement. They have agreed to the \$7,500/year base for two (2) years, with a 4% increase in wages (the Borough will continue to bill them for the equipment per call). Mr. Hamberger noted these conditions appear to be fair. Councilman Greenawalt made a motion to approve the conditions of the Fire Protection Agreement with Quincy Township as recommended by the Borough Manager. Councilman Mumma seconded; the motion passed unanimously.

PROPOSED MODIFICATIONS TO CIVIL SERVICE REGULATIONS: Mr. Hamberger presented proposed modifications (with regard to prior experience and points for service) to the Civil Service Commission's Rules and Regulations, as follows –

- Each applicant for the position of Police Corporal shall be a current employee of the Waynesboro Police Department with a minimum of three (3) years of *full time* experience with the Waynesboro Police Department as an Act 120 certified law enforcement officer.
- Each applicant for the position of Police Sergeant shall be a current employee of the Waynesboro Police Department with a minimum of seven (7) years of *full time* experience with the Waynesboro Police Department as an Act 120 certified law enforcement officer.

Mr. Hamberger explained the proposed changes regarding points for service. Discussion followed that this will, in essence, rule out officers from another department. Mr. Hamberger noted that the examinations (for Corporal and Sergeant) are intended to be promotions for officers within the Department. Questions were voiced regarding the requirement for past experience for the Chief's position. Mr. Hamberger noted that Council conducts interviews with the applicants, and the Civil Service Commission holds "competitive" interviews to determine if the applicants are minimally qualified for the Chief's position.

Council concurred with the proposed modifications to the Civil Service Commission's Rules and Regulations, as presented.

PROPOSED LEGISLATION TO REMOVE WEIGHTED VOTE PROVISIONS IN ACT 32: Mr. Hamberger noted that he and Councilman Greenawalt are representatives on the County Tax Committee, which is charged with implementing a county-wide tax collection service for Local Service and Wage Taxes. The Committee operates under Act 32 of 2008, which utilizes a weighted votes system (based on population and income tax revenues collected). For example, this means that Chambersburg counts for 18% of the votes, whereas Waynesboro only counts for 3.6%. Accordingly, 4 votes in the committee of 20 will carry.

Legislature has been prepared by Representative Neal Goodman to change from the weighted vote system to a "one-municipality, one-vote" system. Mr. Hamberger recommended that Council send correspondence to Representative Goodman endorsing his proposal. Councilman Martin made a motion as such. Councilman Stains seconded; the motion passed unanimously.

WAYNESBORO GALA AUCTION REQUEST: Mr. Hamberger noted that the Waynesboro Gala Auction will be held this year on April 24th. Again this year, they have requested to use the northwest corner of Center Square from 7:00 a.m. on Saturday until 12:00 noon on Sunday to display larger

auction items. In addition, they would like to place “no parking” signs on the parking meters in front of the Eagles Club for Matt Hurley Auctions’ staff to park and unload/load equipment. Councilman Stains made a motion to approve the requests. Councilman Greenawalt seconded; the motion passed unanimously.

DESIGNATION OF AGENT RESOLUTION (RESOLUTION 2010-03) FOR 2010 SNOW: Mr. Hamberger advised that the State may provide reimbursement assistance for the costs incurred during the severe snowstorms this past winter. He presented a proposed “Designation of Agent Resolution” (Resolution No. 2010-03) for Council’s execution in order to submit a request for assistance. Councilman Greenawalt made a motion to approve Resolution No. 2010-03, as presented. Councilman Stains seconded; the motion passed unanimously.

RESOLUTION 2010-03

DESIGNATION OF AGENT RESOLUTION FOR 2010 SNOW

Complete copy on file at Borough Hall.

PUBLIC IN ATTENDANCE - NON-AGENDA ITEMS: None.

FOR INFORMATION ONLY

PROPOSED PEDESTRIAN CROSSWALK ORDINANCE: Kevin Grubbs reported that, in response to the checklist provided by LTAP regarding pedestrian safety, he has been working on a proposed ordinance which would regulate the rights and duties of pedestrians in crosswalks within the Borough (provided for by the Pennsylvania Vehicle Code). This ordinance must be adopted by Borough Council in order for the Police Department to enforce the regulations. He is hopeful that it will make pedestrians more cautious before using the crosswalks, because they can receive a citation if they step off the sidewalk without stopping or pausing. This ordinance will apply to any marked crosswalk. Mr. Grubbs requested that Council members and Chief King review the draft ordinance for discussion at the next meeting.

SUMMER JUBILEE (JULY 3, 2010): Correspondence regarding the upcoming Summer Jubilee activities was provided for Council’s information.

FRANKLIN COUNTY DRUG TASK FORCE 2010 SPRING BREAKFAST (APRIL 23, 2010): Council members received an invitation to the Franklin County Drug Task Force 2010 Spring Breakfast to be held on April 23rd at 8:00 a.m. at the Family Traditions Lighthouse Restaurant in Chambersburg. RSVP’s are requested by April 14th.

MUNICIPAL NOTIFICATION RE: NPDES APPLICATION (FRANKLIN COUNTY HOUSING AUTHORITY PROJECT): A Municipal Notification was received regarding the NPDES Application for the Franklin County Housing Authority’s Project on Fairview Avenue in Waynesboro, PA. Mr. Hamberger noted this is a standard notification, and any comments on the matter are to be forwarded within 30 days.

FUNDING OPTIONS: Kevin Grubbs noted that he was contacted today by PENNVEST’s funding project manager regarding the re-application process (deadline is May 18th and applications will be reviewed on July 20th). In addition, H2O grant applications will be reviewed again in August, and all the required updates have been completed. Mr. Hamberger added that he and Kevin will participate in an online training session on April 19th; and they plan to attend the initial meeting on the Franklin

County Stormwater Study and speak with Phil Tarquino regarding funding for the Cemetery Avenue outfall project.

Mr. Grubbs noted that, in an attempt to keep costs at a minimum at this point in time (and because all the design work has already been completed), he has placed Dennis Black Engineering "on hold". He would, however, like to begin preparing agreements required for the project with Solicitor Dively. Council concurred.

With regard to the outfall, Pat Crouse (a member of the public) agreed that it has not crested and flooded over, but each time there is a severe storm it tunnels out on both sides due to the force of the water. As a result, the surrounding ground is getting softer all the time; and it is no longer safe to mow. In addition, she added her concern about Antietam Dairy's parking area. She fears that a child could get hurt at the edge of the outfall. Kevin Grubbs questioned if some type of security fencing could be installed in order to keep people from getting too close to the edge. The matter was referred to the Property Committee for review and recommendation.

Kevin Grubbs commented that the contractor is ready to start the imprint work at the Rotary parking lot. He noted that Council discussed this in the fall of 2009, but he wondered what the outcome of their discussions was. President Newcomer stated that Council decided at that time to proceed with the work (at a cost of \$6,700). Council members agreed.

PAY BILLS: Councilman Mumma made a motion to approve payment of the Voucher Lists dated 03/25 and 03/29. Councilman Greenawalt seconded; the motion passed unanimously.

COUNCIL AND STAFF COMMENTS: Mr. Hamberger thanked three (3) businesses for agreeing to remind residents to return their 2010 Census forms on their electronic message signs – those businesses were: Ronnie Martin Realty, Chamber of Commerce, and Advanced Financial Security.

Councilman Martin questioned the status of the four-way stop at Mickley/Second/Main. Kevin Grubbs reported that he is awaiting a permit from PENNDOT.

Kevin Grubbs noted he has received many comments regarding the white residue on the brick sidewalks. He explained that ice melt leaves a sodium residue which is absorbed into the clay brick. When you clean it off (or it rains), the residue goes away temporarily; but it returns again when the sun comes out. After the process has been repeated several times, the residue will eventually go away.

Solicitor Dively informed Council members that the Planning Commission will have before it, at their upcoming meeting, a request for discussion from F & M Trust regarding their application for a variance from the Zoning Hearing Board for an electronic message sign. She will not be participating, because the applicant is being represented by Steve Patterson (of Salzmann Hughes' Waynesboro office). She has already advised the Planning Commission that they may wish to have other counsel present.

Councilman Greenawalt read a note from former Councilman Charles McCammon to Councilman Driscoll to clarify a comment he made previously regarding demolition of the former caretaker's house at the golf course. Mr. McCammon noted that he was *not* in favor of tearing it down. President Newcomer instructed that personal notes to a councilman should be delivered prior to presenting them publicly during a meeting so he is able to respond appropriately.

Mayor Starliper reminded the public of the importance of completing and returning their 2010 Census forms. Additional forms are available at Borough Hall.

Mayor Starliper also noted that the Pennsylvania State Mayors' Association is selling \$10.00 raffle tickets for two (2) admissions to the Penn State - Michigan game on October 30th (with two nights' hotel accommodations).

President Newcomer thanked the public in attendance for their participation in the meeting. He noted that Craig Mahrle had some adversity to deal with (regarding parking issues, etc.) when he first came to Council several years ago, but he promised Council he was going to put together something very good for Waynesboro. Mr. Newcomer recently had the opportunity to walk through the condos he is working on ... and it is a “fabulous addition to the town of Waynesboro”.

Having no further business to discuss, the meeting adjourned at 9:12 p.m. on a Greenawalt/Driscoll motion which passed unanimously.

Respectfully Submitted,

Melinda S. Knott
Administrative Assistant