

AUGUST 18, 2010
WAYNESBORO, PA 17268
REGULAR MEETING

Council President Newcomer called the regularly scheduled meeting of the Waynesboro Borough Council to order at 7:31 p.m. (immediately following the public hearing) 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 Benshoff, Maintenance Superintendent
Kevin Grubbs, Head of Engineering Services
Sam Wiser, 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.

EXECUTIVE SESSION: Council adjourned to an executive session at 7:32 p.m. to discuss legal and personnel matters. They returned to regular session at 7:45 p.m.

APPROVE MINUTES: Councilman Greenawalt made a motion to approve the minutes of the July 22nd and August 4th regular meetings, as written. Councilman Stains seconded; the motion passed unanimously.

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

COMMITTEE REPORTS

PERSONNEL COMMITTEE: Councilman Mumma noted that he received favorable performance evaluations for Robert Cole and Mike Benshoff, however no action was required. He will present another evaluation during the “voting” section of the meeting.

PROPERTY AND PUBLIC SAFETY COMMITTEE: No report.

STREET COMMITTEE: No report. Councilman Martin noted that the Street Committee’s next meeting will be held on August 25th at 9:00 a.m. in the second floor conference room of Borough Hall.

INTERGOVERNMENTAL COMMITTEE: No report.

DOWNTOWN REVITALIZATION COMMITTEE: Councilman Newcomer reported that the Downtown Revitalization Committee met and discussed various potential opportunities for the downtown, including facade improvements to the rear of the Main Street buildings adjacent to the Rotary parking

lot. The Joint Comprehensive Plan is being used as a guide in considering additional green space in the downtown area.

Mr. Hamberger noted that the 2011 budget process is beginning. Worksheets will be distributed in the near future to the department heads; and he anticipates providing Council with a rough-draft budget in late-September or early-October. He reported that receipts are "better" than originally anticipated, but income is "down" somewhat. FEMA provided reimbursement of snow costs in the amount of \$14,000, which will help to defray fuel expenses from early 2010.

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

"On August 10th at Borough Hall, I performed the marriage ceremony of Juan Pereze and Liliana Ruiz. We wish them the very best. (Note: I needed the services of a translator ... a first.)

On August 12th, I had the privilege to attend the Charter Night presentation for the Penn National Lions Club. They charted 92+ members and are the largest Lions Club charted in Pennsylvania.

August 15th, I presented Eagle Scout certificates to Austin Rock and James Clement of Troop 19, Evangelical Lutheran Church."

SOLICITOR'S REPORT: None.

PUBLIC COMMENT - ITEMS ON AGENDA: Darwyn Benedict, 11247 Orchard Road, noted that he would like to comment when Item #8C is discussed.

VOTING ON ITEMS FROM COMMITTEE REPORTS: Councilman Mumma noted that he received a favorable evaluation for Richard Doll; and he made a motion to approve a step increase for him to salary level 5E. Councilman Stains seconded; the motion passed unanimously.

Councilman Mumma noted that he received a request from the Waynesboro Volunteer Fire Department regarding members in good standing who desire appointment as Fire Police. They will be trained and certified at no charge to the Borough; and Councilman Mumma made a motion to appoint Joel Flood, Gerald Flood, Allen Stine, Gary Snowberger, Tia Campbell and Mike Huff. Councilman Greenawalt seconded; the motion passed unanimously.

UNFINISHED BUSINESS

CONSIDER UCC ORDINANCE FOR ADOPTION: Mr. Hamberger noted that the proposed ordinance has been advertised for Council's consideration at this time. Solicitor Wisner recommended a non-substantial addition to the ordinance stating that it will take effect in accordance with law (which is 35 days after adoption). He noted that this is a minor change, and the ordinance does not need to be re-advertised prior to adoption. Councilman Martin made a motion to adopt the proposed ordinance regarding the UCC. Councilman Stains seconded; the motion passed unanimously.

ORDINANCE NO.

AN ORDINANCE OF THE BOROUGH OF WAYNESBORO, TO AMEND ORDINANCE #1021 WHICH ADOPTED THE UNIFORM CONSTRUCTION CODE, TO INCLUDE ADDITIONAL CODE REQUIREMENTS IN ACCORDANCE WITH ACT 93 OF 2004

Complete copy on file at Borough Hall.

DOG SWIM AT NORTHSIDE POOL: This matter was discussed at a previous meeting, and Councilman Driscoll noted the proposed Dog Swim event scheduled for September 11th from 1-4 p.m. has been approved by the Recreation Board as a fundraising event for the proposed dog park. Councilman Driscoll made a motion to approve the proposed plans and Councilman Stains seconded.

Mr. Hamberger added that several lifeguards will be on-duty for the event. Discussion followed regarding limiting the number of dogs and if owners are required to be in the pool with the dog(s). It was recommended that the limit be set at two (2) dogs per person. Councilman Driscoll noted that he will prepare a limited set of rules (which will be posted) for the event. Solicitor Wiser also stated that he and Mr. Hamberger have developed a release and waiver for participants to sign before entering the pool. Mr. Hamberger noted that Hagerstown has difficulty with dogs pulling their nails when trying to exit the pool, but that shouldn't be a problem at Northside because the zero-depth will allow them to simply walk out. President Newcomer clarified that this event will be held the weekend **after** the pool closes for the season.

Councilman Driscoll amended his motion to include that policies/procedures will be clearly marked on promotional items and posted at the pool during the event, and that each participant will be required to sign a release/waiver prior to entering the pool. Councilman Stains seconded the amendment. The motion passed unanimously.

BUILDING AT ROTARY PARK: Mr. Hamberger noted that this matter was discussed at Council's last meeting. Since then, letters have been sent to the Rotary Club (asking their opinion on the proposal) and DCED (asking if this use would void grant monies received and used for the improvements). DCED's verbal opinion was that they "didn't think" it would void any grants, but they wanted additional time to research the matter and will provide a written opinion shortly. Mr. Hamberger read the letter he received from the Rotary Club in which they state that the parking lot should continue to be used as it was originally intended.

Councilman Mumma made a motion that, now and in the future (for this present Council), no permanent structures of any kind will be permitted on the Rotary parking lot. Councilman Martin seconded. Councilman Martin then withdrew his second, because of the uncertainty of proposals "down-the-road". Councilman Driscoll seconded. President Newcomer clarified that this would have nothing to do with special events, etc.; it is simply prohibiting any structures from being built and the loss of parking spaces. Councilmen Driscoll and Mumma stated that they have received an "overwhelming" amount of negative comments regarding this proposal. A vote was called and the motion passed unanimously.

Darwyn Benedict thanked Council for their decision on this matter, as he was not in favor of the proposal presented.

FEES FOR DEVELOPMENT PERMITS: This matter was discussed at Council's previous meeting. Solicitor Wiser reminded Council that Act 46 (Permit Extension Act) was recently passed by the State legislature and extends any development-related permit until a set time (January 1, 2013). This would affect land development approvals, land use applications and permits of those types. The Act provides that a borough can charge a fee of up to \$100 for residential and \$500 for commercial permit verifications. Mr. Wiser explained the importance of a municipality's prompt response to an individual's request for verification, as there is a deemed approval process built into the Act whereby a permit can be deemed to exist and extend to January 2, 2013 if a municipality fails to respond within a given time (30 days). Councilman Martin made a motion to approve Resolution No. 2010-07, as presented. Councilman Stains seconded; the motion passed unanimously.

RESOLUTION NO. 2010-07

A RESOLUTION OF THE BOROUGH OF WAYNESBORO, FRANKLIN COUNTY, PENNSYLVANIA ADOPTING FEES FOR REQUESTS FOR DEVELOPMENT PERMIT VERIFICATION UNDER THE PERMIT EXTENSION ACT (ACT 46 OF 2010)

Complete copy on file at Borough Hall.

“THUNDER ON THE SQUARE”: Council had requested that the Waynesboro Business and Community Partnership keep them informed of their progress and plans for the “Thunder on the Square” event to be held on September 18th. Leon Adler was present and discussed the following --

- DJ and local radio stations will broadcast from areas on the Square
- Three (3) food vendors have agreed to participate (with the hopes of several more); if there are many more, Mr. Adler requested permission to use both the north and south sides of Main Street in the Square. Council mentioned their concerns with pedestrians crossing over Main Street, and suggested the food vendors be situated all on the north side.
- Several food vendors would like to set up early for the Run that morning, and asked if Council had any objections. President Newcomer recommended that they coordinate this with the Run organizers.
- Posting of “no parking” signs - they will need to obtain signs from the Police Chief for posting.
- Ticket sales will be located on the southeast quadrant of the Square. Discussion ensued again regarding pedestrians crossing “back and forth” over Main Street. The use of fire police was also discussed, as the participating Clubs are located on both sides of Main Street. Chief King noted that the entire event will span from 2-9 p.m. and there may not be sufficient fire police available for that amount of time. The group could possibly be required to provide properly-attired staff to assist with pedestrians crossing the street.

Council recommended that the group work out traffic issues with Chief King. Kevin Grubbs also requested they provide proof of insurance (which is normally required for any activities held on Main Street). The group agreed.

PENNVEST SETTLEMENT: Mr. Hamberger noted that the PENNVEST loan settlement is tentatively scheduled for October 20th, and a preliminary meeting was held to discuss several issues. He noted that a resolution, as amended during Council’s executive session, is required authorizing the exercise of eminent domain (as necessary) to implement the South Potomac Street Storm Water Drainage Project.. In addition, authorization is also required to advertise a proposed ordinance increasing the Borough’s indebtedness by directing the issuance of a General Obligation Note in the amount of \$6,300,000 to PENNVEST. (As this ordinance is quite voluminous, the Solicitor’s office will prepare it in summary form for advertisement.) Councilman Martin made a motion to adopt Resolution No. 2010-09, as amended; and further, to authorize advertisement of the PENNVEST borrowing ordinance in summary form. Councilman Greenawalt seconded; the motion passed unanimously.

RESOLUTION NO. 2010-09

A RESOLUTION OF THE BOROUGH OF WAYNESBORO, FRANKLIN COUNTY, PENNSYLVANIA, AUTHORIZING THE EXERCISE OF EMINENT DOMAIN AS MAY BE NECESSARY TO IMPLEMENT THE PROJECT KNOWN AS THE “SOUTH POTOMAC STREET STORM WATER DRAINAGE PROJECT” PURSUANT TO THE AUTHORITY PROVIDED IN THE PENNSYLVANIA BOROUGH CODE, 53 P.S. §46501.

Complete copy on file at Borough Hall.

PUBLIC IN ATTENDANCE - NON-AGENDA ITEMS:

Amos Miller, 309 W. Sixth Street - Mr. Miller noted his appreciation to Council and the Maintenance Department for painting yellow center lines on Fairview Avenue and Broad Street.

Jeff Sirk - Mr. Sirk noted he is the event coordinator for a benefit ride and after-party to be held at the Park Tavern on August 21st for the National Fallen Heroes Memorial. They are requesting “no parking” signs for the curbs adjacent from the Park Tavern (on the north side of W. Fifth Street from Chestnut to S. Broad Streets) and on the south side (and around the corner) at the Park Tavern’s property to allow for consolidation of the participating motorcycles. The doors will open at 12:00 noon, registration will begin at 2:00 p.m., they will leave at 4:00 p.m. with a police escort, and will return around 6:30 p.m. or 7:00 p.m. after a 90-mile ride through Pennsylvania. Councilman Martin made a motion to approve the request, as presented. Councilman Stains seconded; the motion passed unanimously.

Malie Cook, future operator of Adventures in Coffee, 230 E. Main Street - Ms. Cook requested that white lines be painted to designate parking in front of the establishment. Kevin Grubbs noted that parking lines are normally painted at metered parking spaces only. In addition, Ms. Cook noted that Hollinger Avenue is currently two-way, which is very hazardous with people trying to exit from Hollinger Avenue onto Main Street and vice-versa. She requested that Council consider making Hollinger Avenue one-way. The matters will be referred to the Street Committee for review and recommendation. Ms. Cook was requested to attend the Street Committee meeting on August 25th, if possible.

Councilman Martin requested that Mr. Hamberger provide a report to Council on the “Blight Bill” in Harrisburg which was discussed several weeks ago, as he feels that this could be very beneficial to the Borough.

PAY BILLS: Councilman Mumma made a motion to approve the payment of the Voucher List dated 08/04. Councilman Stains seconded; the motion passed unanimously.

COUNCIL AND STAFF COMMENTS: Fire Chief Martin reported that the Fire Department’s carnival was concluded several weeks ago. It was not as successful as they had anticipated (the road closure on Route 997 was detrimental to them), however they are optimistic about it becoming an annual event at the Ox Roast site in Quincy. He also noted that representatives of the Fire Department recently toured the E-Z Dumper building, and have expressed some interest in it.

Police Chief Mark King reported that the Pennsylvania Borough Code requires that the Police Department provide training and/or assistance to the school crossing guards while on-duty as deemed necessary by the Chief of Police from time to time. The Police Department put together a program for eight (8) crossing guards, complete with handouts and a final examination. Passing certificates were awarded to all eight (8) who participated. Mr. King noted that the program was modeled after Florida’s state certification, and they are working with Representative Todd Rock to establish a uniform set of standards for crossing guards across the Commonwealth of Pennsylvania. He added that it was stressed to the participants that they are not to direct traffic ... only assist with children crossing at the crosswalks.

Councilman Greenawalt reported that he continues to deal with health issues, but was glad to be in attendance at this meeting and hopeful that he can attend all meetings in the future.

As Second Street has been recently re-paved, Mayor Starliper noted that speeding will most likely occur. He questioned who originally authorized the 15 mph school flashing lights on Main Street, as he feels they would be better suited to be placed on Second Street in front of the schools. Kevin Grubbs

noted that PENNDOT authorized the signs; and added that a complete traffic study is required anytime the speed limit on a street is reduced by more than 10 mph. Mr. Hamberger added that flashing school zone lights cost approximately \$4,000 to \$5,000. Councilman Martin mentioned that two (2) police cars are in the vicinity of the schools each morning and afternoon. Hopefully their presence will deter potential speeding. In addition, Kevin Grubbs noted he will talk with Chief King about “speed traps” in that area.

As mentioned by the Mayor, Kevin Grubbs reported that the paving on E. Second Street is completed; and crosswalks and center lines will be painted the following day. Sealing will then be done and the street will be opened to traffic on Friday afternoon. He suggested that Councilmen acknowledge Scott Crum for his hard work and efforts in conducting inspections for the project.

Mayor Starliper noted that Waynesboro is hosting the next meeting of the Cumberland-Franklin County Boroughs’ Association to be held on September 28th at 6:00 p.m. at Councilman Mumma’s home. He is hoping for a “good turnout” of Council members at this meeting.

Mr. Hamberger advised Council that a representative(s) of the Borough will be in attendance at the School District’s upcoming meeting regarding transportation issues.

Mayor Starliper noted that Council members received information from Mr. Hamberger regarding the School Resource Officer. Based on this information, he suggested that the Borough’s Solicitor provide a letter to *all* School Board members (by name and address) regarding the Borough’s position. Councilman Mumma made a motion to authorize Mr. Wisner to send letters to the School Board members, as recommended by the Mayor. Councilman Stains seconded. Councilman Martin voiced his opinion that this would be a waste of money, as he feels the School Board members are very well aware of the issue. He noted his disappointment in the situation, as there was a contract with the School District for the SRO and the officer’s salary was therefore not included in the Borough’s budget. This places an additional burden on the Borough, but he suggested “moving on”. President Newcomer commented that he feels the Solicitor should write a letter to the School Board as recommended; otherwise, it gives the impression that the Borough is in agreement. Mr. Wisner added that if the Borough feels there may be possible future action taken, it is important that a response to this letter be on record. Discussion followed regarding former Solicitor Dively’s correspondence with the School District’s attorney, Mr. Flowers. It was clarified that that letter disputed their opinion regarding the prohibition of paying for a School Resource Officer, despite the fact that the PA Department of Education has endorsed a multitude of SRO’s in other school districts. A vote was taken on the motion for the Solicitor to send letters to all School Board members by name and address regarding Council’s opinion on this matter. The motion passed 5-1 (Councilman Martin opposed).

Having no further business to discuss, the meeting adjourned at 8:51 p.m. on a Greenawalt/Driscoll motion which passed unanimously.

Respectfully Submitted,

Melinda S. Knott
Administrative Assistant