

DECEMBER 15, 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 Benshoff, Maintenance Superintendent
Dan Sheffler, Zoning-Code Enforcement Officer
Kevin Grubbs, Head of Engineering Services
Sam Wiser, Salzman Hughes PC (Borough Solicitor)
Jason Cohen, Assistant Borough Manager
Dave Martin, Fire Chief

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

APPROVE MINUTES: Councilman Greenawalt made a motion to approve the minutes of the December 1, 2010 regular meeting, as written. Councilman Martin 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 Stains seconded; the motion passed unanimously.

COMMITTEE REPORTS

PERSONNEL COMMITTEE: Councilman Mumma noted that an error was made at a previous meeting regarding Dan Sheffler's step increase. His new salary level should be 11C (not 11E, as previously approved). Councilman Mumma added that an unsatisfactory performance evaluation was also received; and that employee will be re-evaluated again in six (6) months. He will present additional items during the "voting" section of the meeting.

PROPERTY AND PUBLIC SAFETY COMMITTEE: Councilman Driscoll reported that he has received much input regarding the "Keeping of Animals" Ordinance discussed at the last meeting. He and Jason Cohen will continue to gather information, which will be forwarded to Council for review in the coming weeks and discussion at a later date.

STREET COMMITTEE: No report. Councilman Martin announced that the Street Committee's next meeting will be held on 12/29 at 9:00 a.m. in Borough Hall's second floor conference room.

INTERGOVERNMENTAL COMMITTEE: No report.

DOWNTOWN REVITALIZATION COMMITTEE: Councilman Newcomer reported that a Downtown Revitalization Committee meeting was held the previous day at 4:15 p.m. Discussion was held

regarding available monies for downtown redevelopment; and long-range plans have been implemented for the Joint Comprehensive and Downtown Master Plans. They are working with Mainstreet Waynesboro, Inc. on ideas for the downtown as well. Mr. Newcomer noted that he will keep Council apprised of their plans.

Discussion was also held regarding the condition of some of the buildings downtown. In light of the "900 Bill" recently adopted, they will actively pursue the matter to ensure the buildings meet the appropriate Codes. Mr. Hamberger added that the staff will meet after January 1st to discuss ramifications of the Bill. He has also requested input from PSAB on the matter. Downtown Manager Pat Fleagle noted his appreciation to the Borough Manager and Assistant Borough Manager for their time and input at an informal meeting he sponsored recently with Senator Argall regarding these issues. President Newcomer noted the importance of this avenue to ensure that absentee property owners are not permitted to "let their buildings go". Councilman Martin requested that Council be advised of any upcoming meetings regarding the matter, as he would like to attend any and all meetings on this critical issue.

FINANCE COMMITTEE: No report.

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

"On December 8th, along with Chief King and Borough Manager Hamberger, I attended the Waynesboro Fire Police Holiday Dinner at the Virginia Avenue Fire Station. As I have stated time and time again, we owe these individuals our thanks for what they contribute to the community."

SOLICITOR'S REPORT: Sam Wiser reported that things are progressing with the stormwater project. Everything appears to be in order as far as the contractor's submission, and it is now in DEP's hands (their review/approval normally takes approximately 10 days).

PUBLIC COMMENT - ITEMS ON AGENDA: None.

VOTING ON ITEMS FROM COMMITTEE REPORTS: Councilman Mumma presented a letter of resignation from Charles Hollenshead, a member of the Waynesboro Fire Police for 18+ years. Councilman Mumma made a motion to accept his resignation. Councilman Martin seconded; the motion passed unanimously. Mayor Starliper noted his appreciation to Mr. Hollenshead for his years of dedicated service.

Councilman Mumma noted that Wayne Bartholow's term on the Recreation Board is due to expire on 12/31/2010. He made a motion to reappoint Mr. Bartholow to a full term expiring on 12/31/2015. Councilman Greenawalt seconded; the motion passed unanimously.

Councilman Mumma noted that he received a favorable performance evaluation for Mike Rouzer. Accordingly, Mr. Mumma made a motion to remove Mr. Rouzer from probationary status. Councilman Stains seconded; the motion passed unanimously.

UNFINISHED BUSINESS

UPDATE ON ELECTRIC CONTRACT: Mr. Hamberger noted that the electric contracts have been executed and sent in, and the discounted rates will now be in effect. In addition, he was contacted today and advised that the rates will be lowered further for the street lights.

HANDICAPPED PARKING SPACE FEE: Councilman Martin noted that the current fee for installation of a handicapped parking space is \$75.00. This, however, no longer covers the cost of installing the

sign and post (which is currently \$120.00). Accordingly, Mr. Martin made a motion to increase the fee for a handicapped parking space to \$120.00. Councilman Greenawalt seconded; the motion passed unanimously.

NEW BUSINESS

2011 BUDGET: Mr. Hamberger noted that Council and the staff worked long and hard to develop the proposed 2011 budget, which includes no new taxes and only minor wage increases. The proposed budget has been duly advertised for Council's consideration at this meeting. Councilman Greenawalt made a motion to adopt the proposed 2011 budget, as presented. Councilman Martin seconded; the motion passed unanimously.

2011 TAX ORDINANCE: Mr. Hamberger presented the proposed 2011 Tax Ordinance for Council's consideration. The ordinance has been advertised and includes no change in the existing tax rates as follows: 17.18 mills for general Borough purposes, 2.3 mills for street lights, and 3.0 mills for street improvements. Councilman Martin made a motion to adopt the ordinance, as presented. Councilman Greenawalt seconded; the motion passed unanimously.

ORDINANCE NO.

AN ORDINANCE OF THE BOROUGH OF WAYNESBORO, COMMONWEALTH OF PENNSYLVANIA, fixing the tax rate for the fiscal year 2011.

Complete copy on file at Borough Hall.

Councilman Mumma further motioned that all Act 511 taxes remain at the current rates. Councilman Greenawalt seconded; the motion passed unanimously.

EMPLOYEE SALARIES: Mr. Hamberger noted that the 2011 budget included a 2% cost-of-living increase for all full-time, non-uniformed employees. Councilman Mumma made a motion to affirm the 2% increase as included in the budget. Councilman Driscoll seconded; the motion passed unanimously.

ENGAGEMENT LETTER FOR 2010 AUDIT SERVICES (SMITH ELLIOTT KEARNS & COMPANY, LLC): Mr. Hamberger noted that the Borough's current auditors, Smith Elliott Kearns & Company, have provided an engagement letter for the 2010 audit services. Their proposed fee will be \$19,750, which includes an increase of \$650 since last year's audit. Councilman Greenawalt made a motion to contract with Smith Elliott for the 2010 audit services as recommended by the Borough Manager. Councilman Mumma seconded; the motion passed unanimously.

PLANNING COMMISSION ITEMS: Kevin Grubbs noted that the Waynesboro Planning Commission met on 12/13. During that meeting, they reviewed the plans submitted by the St. Andrews Catholic Church for two (2) office buildings on separate lots. Upon review, they determined that the plans met all requirements of the Zoning and Subdivision/Land Development Ordinances; and they recommended approval of the plans to Borough Council contingent upon a minor revision where five (5) parking spaces were listed and there were actually only four (4). Mr. Grubbs noted there will be no additional run-off, as it will be directed underground and into their existing system. Councilman Martin made a motion to approve the plan with the contingency noted. Councilman Mumma seconded; the motion passed unanimously.

Kevin Grubbs presented the second and final Subdivision Plan submitted for Cold Spring Estates. He explained that they submitted a Land Development Plan in February of 2010, which was approved by Council. They are now proposing to re-subdivide seven (7) lots originally intended to be duplexes to

single-family dwellings. After the Planning Commission's review, it was noted that the Subdivision Plan meets all requirements of the Zoning, Subdivision/Land Development and Stormwater Management Ordinances. Approval was recommended contingent upon a note being added to stipulate that this re-subdivision is part of the original Land Development Plan (referencing the recording information from the Franklin County Courthouse). Councilman Mumma made a motion to approve the Subdivision Plan with the contingency stated. Councilman Stains seconded; the motion passed unanimously.

FRANKLIN COUNTY AREA TAX BUREAU: Jason Cohen presented three (3) items for Council's action – (1) newly-drafted Fifth Supplemental Agreement, (2) Resolution 2010-12, and (3) Agreement to allow FCATB to collect the Borough's LST.

- Fifth Supplemental Agreement - Mr. Cohen explained that the FCATB's Solicitor has changed his opinion again, noting that while the outstanding political subdivisions are now Board members and member jurisdictions who have a vote, that membership has to be formalized by execution of this newly-drafted Fifth Supplemental Agreement. (He feels that since the previous agreement was not ratified unanimously, it was not effective.) With regard to the voting structure, Mr. Cohen explained that the Board unanimously approved sending out an amendment to the by-laws which will be brought before Council in January. This amendment must be issued 30 days prior to presentation to the FCATB for a vote, and will require 15 votes to change to a "one entity/one vote" system. He added that they do anticipate that measure to pass. Councilman Mumma then made a motion to approve execution of the Fifth Supplemental Agreement. Councilman Stains seconded; the motion passed unanimously.
- Fee Resolution - Mr. Cohen presented Resolution 2010-12 which authorizes the FCATB to assess fees and penalties on the Borough of Waynesboro's behalf for collection of delinquent taxes. Councilman Mumma made a motion to approve Resolution 2010-12. Councilman Greenawalt seconded; the motion passed unanimously.
- LST Collection Agreement - Mr. Cohen explained that this Agreement authorizes the FCATB to collect the LST (Local Services Tax) on the Borough's behalf as well. Councilman Mumma made a motion to approve the LST Collection Agreement. Councilman Greenawalt seconded; the motion passed unanimously.

TAX ANTICIPATION NOTE: Mr. Hamberger noted, due to the fact that the PENNVEST settlement (and the \$150,000 reimbursement to the General Fund) has been delayed and the unsurety regarding receipt of tax revenues under the new system, the Borough may experience a "temporary cashflow situation" for several months into the new year. Accordingly, he recommended securing a note to enable the Borough to drawdown up to \$300,000 for a short-term. Councilman Greenawalt made a motion to approve the Borough Manager's recommendation. Councilman Mumma seconded. Solicitor Wisner advised that additional action will be required at the January meeting in order to comply with the Local Government Unit Debt Act. Mr. Hamberger noted that Requests for Proposals will be mailed tomorrow. A vote was called and the motion passed unanimously.

TRAFFIC AND PARKING REGULATIONS ORDINANCE: Kevin Grubbs presented Council members with a draft copy of the revised Traffic Ordinance amending Ordinance No. 688. This is an update to the ordinance to include all signs erected or removed and traffic patterns changed throughout the Borough during the last several months. Councilman Mumma made a motion to authorize advertisement of the proposed ordinance in *The Record Herald* on 12/28 for adoption by Council at their meeting on 01/05. Councilman Stains seconded; the motion passed unanimously.

PUBLIC IN ATTENDANCE - NON-AGENDA ITEMS: None.

FOR INFORMATION ONLY

ROOF REPAIR PROJECT: Jason Cohen reported that bids are being solicited for the roof repair project for Borough Hall's first floor (above the Manager's office), and are due on 01/04. Recommendations for award of the contract will be presented to Borough Council at their 01/05 meeting. In addition, he noted that Bonded Applicators will be on-site within a week to begin warranty repairs on the roof for the second floor area.

KEEPING OF ANIMALS ORDINANCE: Mr. Cohen also reported that he is in the process of compiling several ordinances from various nearby Boroughs regarding this issue. Those will be assessed and presented to the Property Committee for review and recommendation to Council.

PAY BILLS: Councilman Mumma made a motion to approve payment of the Voucher List dated 12/08. Councilman Stains seconded; the motion passed unanimously.

COUNCIL AND STAFF COMMENTS: Mr. Hamberger recommended that Christmas trees be collected at curbside by Waste Management during the week of January 3-7. Council concurred.

Mr. Hamberger presented information to Council members regarding the PSAB's Annual Conference in Hershey from April 10-13. Those interested in attending were asked to contact Melinda Knott.

Dan Sheffler reminded residents to clear their sidewalks of snow accumulation within 24 hours of cessation of the snowfall or they will be cited.

Kevin Grubbs provided Council with an update regarding the grant for rapid flashing beacon lights for crosswalks. PENNDOT approvals should all be complete within approximately two (2) weeks. He noted that some changes were made to the original Reimbursement Agreement reviewed by Council (mainly removal of the requirement for an environmental study), and the revision has been forwarded to Sam Wiser for review. It will then be distributed to Council for final approval/execution. Mr. Grubbs noted that the grant will reimburse costs 100% after PENNDOT's final inspection. (Costs for the lights, solar panels, push-buttons and posts will be approximately \$68,700; which doesn't include the Borough's labor.) He added that the reimbursement should be received 5-6 weeks after the project is complete.

Councilman Greenawalt asked for an update regarding the concrete curb/sidewalk work being done on S. Potomac Street. Kevin Grubbs explained that concrete work is not normally done in cold weather; and he has forewarned them that if the surface is "bad" in the spring, it will have to be redone. He added that if the job is not done by the first of the year, it will be filled with stone until the weather breaks. The property across the street was also given final notice, and the same rule applies to them. Discussion ensued, and Mr. Wiser noted that he and Mr. Grubbs will discuss options in accordance with the ordinance. Councilman Mumma asked if the property owner had been cited; and Mr. Grubbs noted they were not. He was informed that the work would be done several weeks ago, and has since heard many excuses as to why it was not done.

Fire Chief Dave Martin reminded the public to "be safe" during the holiday season with regard to Christmas trees, lights and candles. In addition, he suggested that smoke detectors be tested before the holidays.

Downtown Manager Pat Fleagle thanked the Mayor and Council for their input and support of the downtown during the past year. He noted his appreciation for their great working relationship, and looks forward to working with them on joint ventures during the coming year.

Mayor Starliper asked Mr. Hamberger about the status of purchasing the barriers and trailer discussed at previous meetings (to preclude using those provided by the County's Department of Emergency Services). Mr. Hamberger noted that they will have to be bid, because he can't locate a supplier who is on the State bidding list. Councilman Mumma requested additional information by Council's next meeting.

Mayor Starliper reminded the public that the Snow Emergency Plan will be put into effect when a snowfall accumulates 4" or more.

Holiday wishes were voiced by several Councilmen.

Council adjourned to executive session at 8:18 p.m. to discuss a personnel matter. Council reconvened to regular session at 8:37 p.m.

Councilman Mumma made a motion to authorize the Council President to execute a Confidential Settlement and General Release Agreement regarding a personnel matter. Councilman Stains seconded; the motion passed unanimously.

Having no further business to discuss, the meeting adjourned at 8:38 p.m. following a Greenawalt/Stains motion which passed unanimously.

Respectfully Submitted,

Melinda S. Knott
Administrative Assistant