

FEBRUARY 3, 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
Melissa Dively, Borough Solicitor (Salzmann Hughes, PC)
Mark King, Police 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 January 20, 2010 meeting, as written. Councilman Stains seconded; the motion passed unanimously.

COMMITTEE REPORTS

PERSONNEL COMMITTEE: Councilman Mumma reported that the Personnel Committee received a performance review for Goldie Kauffman. No action was required. He will discuss several other items during the “voting” section of the meeting.

PROPERTY AND PUBLIC SAFETY COMMITTEE: Councilman Driscoll reported that the Property Committee is in the process of discussing the trailers with Waynesboro Area School District representatives. In addition, he (in conjunction with the Recreation Board) was approached by individuals regarding a proposal for a dog park in the Borough.

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

INTERGOVERNMENTAL COMMITTEE: No report.

DOWNTOWN REVITALIZATION COMMITTEE: President Newcomer noted he will discuss potential meeting dates with other members of the Committee.

FINANCE COMMITTEE: Councilman Greenawalt reported that he recently attended a meeting on the new concept for wage tax collection in Franklin County. Mr. Greenawalt noted he will make a recommendation on the elevator issue during the “voting” section of the meeting.

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

“On the 25th, I swore in our newest Patrolman, Bryan Chappell.

On the 29th, I attended the TGIF Breakfast sponsored by the Greater Waynesboro Chamber of Commerce. Comcast, Renfrew Institute and Franklin County Emergency Department presented programs.”

SOLICITOR’S REPORT: Solicitor Melissa Dively provided Council members with copies of quit-claim deeds requested by individuals who were recipients of the ownership of land as a result of the abandonment of a portion of Myrtle Avenue. She noted that she (and Kevin Grubbs) have reviewed the deeds and feel it would be appropriate for Council to execute them, adding that the necessary utility easements are referenced in each deed as an exception. President Newcomer noted that the matter will be discussed further under “New Business” on tonight’s agenda.

PUBLIC COMMENT - ITEMS ON AGENDA:

Amos Miller, 309 W. Sixth Street - Mr. Miller noted that he has heard much talk in the news recently about towns and cities lacking money to operate. He asked what makes Waynesboro so different? They want to spend \$107,000 to lay more brick sidewalk on Main Street from Clayton Avenue to Grant Street. Of this amount, they have \$26,000 in remaining grant money, \$34,000 in donations collected from MSI, \$10,000 in pledges; and another \$37,000 is still needed to complete the project. In addition, the Mayor has requested to purchase a new police cruiser. Why are we continuing to spend, when all economic indicators show that “money is tight”. Council members have noted in the past that no Borough tax money will be utilized for the sidewalk project. Previous Downtown Manager Bruce Dreisbach reported last year that 16 new businesses would be coming to downtown Waynesboro, and that MSI had raised over \$1.5 million dollars to invest in downtown. In December, 13" of snow fell and people could not reach the sidewalk from their cars at the curb. Due to this issue, Waynesboro continues to be a “seasonal shopping center”. Renovating downtown means change; and just because we never removed snow before doesn’t mean we never do. Mr. Miller noted that he is NOT advocating that the Borough have a hand in snow removal; but suggested that the remaining grant money (\$26,000) be returned or requested to be used for another project, and MSI invest the donations they received, utilizing the proceeds to remove all snow from the paved area of Main Street (following a 6" snowfall or greater).

Betty Martin, 124 E. Fifth Street - Mrs. Martin and her husband own property across from Freeland Metals. It was her understanding that when Mr. Williard originally opened Tri-State Recycling, he would be recycling aluminum, metal, etc. She never thought there would be large items such as cars brought in to be stripped, thereby polluting the environment with oil, anti-freeze, freon and gasoline. She noted that Mr. Williard, as the landlord, should have made provisions in Mr. White’s lease to adhere to the plans approved by Council in 2007. Also, Mrs. Martin asked why this business was allowed to open when they never fully complied with the terms of the original plan? She understood that the original hours of operation would be approximately 7 a.m. and no later than 8 p.m.; but she has heard “clanging, banging and trucks coming and going all hours of the night”. In addition, she has observed 18-wheelers leaving the recycling center on Walnut Street with back doors open and metal falling onto the street as they approach Sixth Street (going the wrong way). She and a neighbor both experienced flat tires ... and found odd pieces of metal and screw in their tires. They have since avoided traveling on Walnut Street after observing all the debris on that section of the street. These 18-wheelers have also pulled onto their sidewalk at 415 Walnut Street, trying to back into the recycling property, causing small cracks in the sidewalk (which will get larger in time). She noted that a resident of Sixth Street wrote to *The Record Herald* that he thinks this business helps to keep our town clean. She disagreed, however, because the Borough provides curbside trash and recycling collection to keep the town clean ... the items brought into this establishment are not from the Borough. Mrs. Martin feels that the way Mr. White has operated the business will adversely affect the property owners in that area because of the appearance and noise. Mrs. Martin agreed with President Newcomer that she doesn’t like to see businesses leave, but this business owner should be made to comply with local

ordinances. She also noted her amazement that DEP feels the plant is no threat to the environment. Mrs. Martin closed by stating that if Mr. Williard was permitted to open (and did not plant trees, etc. as a buffer) and then leased the property to Mr. White (who seems to have no regard for his neighbors), she sees no reason to permit a person “who has tried to pull the wool over all our eyes” to re-open.

Delmos Oldham, 549 W. Eighth Street - Mr. Oldham noted that, as the Borough’s tax collector, he is aware that tax collections have decreased by \$8,000-\$10,000 in the last several months – and questioned if it is wise to spend an additional \$37,000 of taxpayers’ money for sidewalks downtown? He added that there are no retail businesses at that end of town, so he doesn’t see a need for extending the brick sidewalk further. Mr. Oldham added that this opinion is shared by many of the constituents who visit his office.

VOTING ON ITEMS FROM COMMITTEE REPORTS: Councilman Mumma reported that the Recreation Board and Personnel Committee have interviewed (and are recommending hiring) Jared Mummert for the position of Pool Manager. He has worked for the Borough the past five (5) years; and was an Assistant Manager last year. Councilman Mumma made a motion to hire Mr. Mummert at a salary of \$7,000 for the season. Councilman Stains seconded; the motion passed unanimously.

Councilman Martin noted that Brian Shook (Landis Threading Systems) requested permission from the Street Committee to paint an additional 15' of yellow curbing along the north side of W. Fifth Street, south of the present crosswalk, in order to give more sight visibility. Landis Threading would provide the labor and materials (there would be no cost to the Borough); and they understand that the yellow curbing is not enforceable (the only individuals who park there are their employees). Councilman Martin made a motion to grant the request. Councilman Mumma seconded; the motion passed unanimously.

Councilman Martin reported that Gene Leatherman and his attorney, Paul Schemel, attended the last Street Committee meeting regarding a private alley behind Fairview Avenue. This is something the Borough is not involved with. No action is required.

Councilman Martin noted that he received a request from Dade Royer, who recently purchased 20 Pen Mar Street, to pave the alley (approximately 100') to the rear of the property to provide access to a two-car garage. After speaking with Denny Benshoff, Councilman Martin made a motion for the Maintenance Department to scrape off grass in the alley and place millings there to make it more passable. Councilman Driscoll seconded; the motion passed unanimously.

Councilman Martin reported that signs prohibiting the parking of trucks over 5 tons have been erected at the Rotary parking lot. He asked the Police Department to “keep an eye open” for violators.

Councilman Martin noted that Harry Morningstar requested a “Pick-Up Parking” area for Zoe’s Chocolate on Main Street. The Street Committee discussed the matter. There are currently 15-minute parking spaces for governmental services at the Tax Office and Representative Rock’s Office, but they do not want to set a precedent at this location. Councilman Martin also stated that he has not yet heard back from Lobar regarding Second Street, however he spoke with former Councilman Dick George regarding previous conversations with them. Mr. George noted it was his understanding that they would re-pave (overlay) Second Street from Virginia Avenue to Enterprise Avenue. Councilman Martin then made a motion authorizing the Borough Solicitor to correspond with Lobar regarding the Borough’s expectations. Councilman Driscoll seconded; the motion passed unanimously.

Councilman Martin asked Kevin Grubbs to provide Council with an update regarding the proposed flashing lights for crosswalks. Mr. Grubbs attended a meeting with PENNDOT officials to view all possible locations for placement of the lights. He explained criteria utilized in determining acceptable locations – i.e. the approach lane going toward the crosswalk must have a 200' clear sight distance along the shoulder; and in some cases, items along the edge of the sidewalk would have to be

removed if they are in the direct line of sight. The four (4) locations they are proposing are: Fairview Avenue/Main Street, Mulberry Avenue Walkway/Main Street at the Dollar General Store, Gay Street/Potomac Street, and Second Street/Potomac Street. Mr. Grubbs reviewed the impact of the loss of parking spaces for each proposed location. Discussion followed regarding optional “bump outs” at the crosswalks (at an estimated cost of \$2,300 for each side), which would require the loss of one (1) parking space.

**President Newcomer recognized members of Boy Scout Troop 31, who were in attendance working on their citizenship and community merit badge.*

Kevin Grubbs continued discussion on the options available for the crosswalk program – (1) PENNDOT could contract it out, which would take a year or more; or (2) it could be the Borough’s project, which would be 100% reimbursed within 6-8 weeks of completion. The use of Liquid Fuels funds (if available) is also being considered, as lights at each crosswalk will cost approximately \$30,000. Council decided to hold a special meeting on Wednesday, February 17th, at 4:00 p.m., to field view and discuss the proposed crosswalk locations for the flashing lights further.

On a related matter, Councilman Martin noted that they were also informed by PENNDOT at this meeting that the existing crosswalk on Main Street at the Hospital is illegal and must be removed. Mr. Grubbs suggested they wait until the Route 16 paving is completed, which could be as early as May. Councilman Martin made a motion to remove the crosswalk at the Hospital when the Route 16 paving has begun. Councilman Greenawalt seconded; the motion passed unanimously.

Councilman Martin noted that Council received a request to extend the street lights on Main Street further to the east. Council is currently looking at a program to cut consumption costs, but because future electric costs at this point are unknown (and the street light tax is currently at break-even), there is no funding available at this time.

Councilman Martin made a motion to approve a request for a handicapped parking space at 228 Park Street. Councilman Stains seconded; the motion passed unanimously.

Councilman Martin made a motion to approve a request for a “No Parking Here to Corner” sign on the north side of E. North Street, east of N. Church Street and west of the alley, for approximately 20'. Councilman Greenawalt seconded; the motion passed unanimously.

Councilman Greenawalt made a motion to accept the proposal from KONE for \$5,990.00 to repair the elevator in Borough Hall. Councilman Martin seconded; the motion passed unanimously.

Councilman Martin made a motion to authorize execution of the quit-claim deeds for Myrtle Avenue, as presented earlier by the Solicitor. Councilman Stains seconded; the motion passed unanimously.

UNFINISHED BUSINESS

COLD SPRING ESTATES (PHASE 7A) LAND DEVELOPMENT PLAN AND LETTER OF AGREEMENT: Kevin Grubbs noted that all revisions required have been completed, and the Borough’s consultant has recommended approval of the stormwater management plan. Solicitor Dively prepared a Letter of Understanding for execution by the Zaigers referring to use of the revised version of the Stormwater Management Ordinance for all phases from this phase on. In addition, approval should stipulate that the Borough be granted access to all stormwater facilities within the development for inspection and maintenance, with an appropriate note being recorded on each deed thereof. Councilman Martin made a motion to approve Phase 7A of Cold Spring Estates, with execution of the aforementioned appropriate documents by the Borough and the developer. Councilman Stains seconded; the motion passed unanimously.

REQUEST FOR PLAN EXTENSION (WESTWIND GARDENS): Kevin Grubbs noted that Bernie McGarity was present at the last meeting to discuss his request for a time extension for the Land Development Plan for Westwind Gardens. As this is a small development and there would be very little change in the stormwater management plan, Mr. Grubbs recommended that a two-year extension should be adequate. Councilman Martin made a motion to grant a two-year extension for Westwind Gardens. Councilman Stains seconded; the motion passed unanimously.

DOWNTOWN SIDEWALK: Mr. Hamberger noted that this matter was discussed at Council's last workshop and regular meeting. To complete the brick sidewalk along both sides of Main Street from Cleveland Avenue to Grant Street would cost approximately \$112,000. After receiving cash donations, pledges and utilizing the remaining grant money, the Borough is "short" \$37,000. Councilman Martin stated that he doesn't want to send any grant money back to the State; and the Borough saved money by obtaining a grant for police radios. Accordingly, he made a motion to use \$37,000 (plus \$6,000 for bump outs at Mulberry Street) from the money set aside for police radios to complete the brick sidewalk project as discussed. Councilman Greenawalt seconded.

Councilman Mumma stated that the motion should not include the bump-outs, as this should be discussed at Council's upcoming workshop. Discussion followed regarding the monies that were set-aside, as well as the possibility of obtaining additional funds from Representative Rock and/or Congressman Shuster to complete the project. President Newcomer added, however, that a decision needs to be made soon so the contractor can be "ready to go". He also clarified, for the public in attendance, that the grant money was set aside by the State for sidewalk projects only (and it can only be used for that purpose). If the Borough of Waynesboro didn't accept and use it, it would have gone to another municipality. Amos Miller stated it was his understanding that the Borough could apply to use the remaining funds elsewhere. Mr. Hamberger explained that the grant can be modified "within that category", and must be spent by June 30, 2010. Mr. Miller questioned why the remainder couldn't be used for "something else downtown" ... perhaps an activity being promoted by MSI.

Councilman Martin commented that the brick sidewalks were a major improvement in the downtown, and he saluted those individuals/businesses who made donations for the project. He noted his disappointment, however, that others did not "step up". He encouraged them to join in supporting this project, because the Borough will spend less of taxpayers' money to complete it if more money is donated. He added that this is an investment in the entire town. Councilman Martin asked MSI to request donations again from those who have not yet given. Councilman Driscoll voiced his support for completing the project, but noted concern about utilizing monies set aside for the police force. Councilman Martin explained that the money was not earmarked specifically for the Police Department, it was "in holding" if the radio grant was not received. He added that Council should keep in the mind certain paving projects which are in dire need of being done.

Additional discussion followed and Councilman Martin called for a vote on his previously-stated motion (to use \$37,000, plus \$6,000 for bump outs at Mulberry Street, from the money set aside for police radios to complete the brick sidewalk project as discussed). Voting in favor were Councilmen Martin, Greenawalt and Newcomer; voting in opposition were Councilmen Driscoll, Mumma and Stains. Having a 3-3 vote, the Mayor was called on to break the tie. Mayor Starliper noted that he would make a decision on the matter at the end of the meeting.

PARKING ON MYRTLE AVENUE: Councilman Martin noted that he received a request for a waiver of the permit-only parking in the block of Myrtle Avenue for an Open House at 115 Myrtle Avenue on February 9th from 3-5 p.m. and a Public Auction on March 9th at 12 noon. The Street Committee feels there is adequate parking available for the Open House, but Councilman Martin made a motion to approve the request for the Public Auction on March 9th. Councilman Stains seconded; the motion passed unanimously.

AWARD PROPANE BIDS: After review of the propane bids received, Mr. Hamberger noted that the staff is recommending the bids be awarded to Bedford Valley Petroleum, as they were the only bidder who met the specifications by providing a percentage escalator clause. Councilman Martin made a motion to award the propane bids to Bedford Valley Petroleum. Councilman Mumma seconded; the motion passed unanimously.

BOCA CODES: Councilman Martin made a motion to table the matter until Council's next meeting. Councilman Driscoll seconded; the motion passed unanimously.

NEW BUSINESS

PARKING AND TRAFFIC REGULATIONS AMENDED ORDINANCE: Kevin Grubbs noted that Council members received copies of the updated Parking and Traffic Regulations Ordinance; and he requested authorization to advertise the ordinance for consideration at Council's next meeting. Councilman Martin made a motion as such. Councilman Stains seconded; the motion passed unanimously.

APPLICATION FOR PARADE PERMIT (MEMORIAL DAY PARADE): Mr. Hamberger presented an Application for Parade Permit from the Combined Veterans Council for the Memorial Day Parade to be held on May 31st at 9:00 a.m. Councilman Greenawalt made a motion to approve the request. Councilman Martin seconded; the motion passed unanimously.

REQUEST FROM MAINSTREET WAYNESBORO, INC. RE: FLOWER BEAUTIFICATION PROJECT: Mr. Hamberger and Mr. Grubbs have reviewed the request from MSI to hang two (2) 14" baskets (weighing approximately 25 lbs. each) on each light post. Kevin Grubbs explained his concern, and noted he would like to contact the pole manufacturer to gain assurance that this would cause no damage. Councilman Martin made a motion that MSI be asked to reconsider their request and utilize one (1) flower basket (as was done in the past). Mr. Grubbs noted, however, that the bracket manufacturer informed him that the bracket is designed to maximize stress throughout the entire light post (not just in one area or on one side). He would like to gain additional information and report back to Council at a later date. Councilman Martin withdrew his motion.

MEMORIAL PARK GRANT: Mr. Hamberger reported that the Borough received \$50,000 as a result of the grant application for work at Memorial Park, adding that their costs were cut "significantly" (by approximately 30-40%). The staff will review the matter to determine what portions of the project can be done, as well as work out details on matching funds. Councilman Martin noted that the Memorial Park Board had been soliciting donations for trees at Memorial Park ... he asked if those have been planted yet. Mr. Hamberger stated they will be planted in the spring.

REQUEST TO "PAINT THE TOWN PURPLE" FOR GREENCASTLE RELAY FOR LIFE: Mr. Hamberger presented a request from the Greencastle Relay for Life to place purple bows on the parking meters along Main Street from April 15 to May 15, 2010. He added that this has been approved in the past and recommended approval again, subject to the caveat that they maintain the bows. Councilman Mumma made a motion in accordance with Mr. Hamberger's recommendation. Councilman Stains seconded; the motion passed unanimously.

PUBLIC IN ATTENDANCE - NON-AGENDA ITEMS:

Amos Miller, 309 W. Sixth Street - Mr. Miller reported that he observed an "ice pond" in front of The Candy Kitchen on Main Street, where water was running from the downspout onto the new brick sidewalk. It was stated during the July 1st Council meeting that all downspouts would be placed underground; and he quoted language in an ordinance regarding the unlawful discharge of water from

gutters flowing or remaining loosely deposited in or upon any street, sidewalk, gutter or other public place in the Borough. Mr. Miller stated that this is clearly a violation of that ordinance.

Mr. Grubbs noted that the wording in this ordinance has been reviewed in the past, and it was determined that as long as the water is discharged on private property first, the property owner cannot control where it flows. The property owner is responsible to keep the sidewalk clear and clean. PENNDOT had asked the property owner to sign a release for them to place a drain under the sidewalk, but he refused to let them do the work. The drain will now need to be diverted to the back of the building at the property owner's expense.

Liability issues were discussed, and it was noted that an official notification will be forwarded to the property owner regarding this matter. President Newcomer instructed Mr. Grubbs to get input from Solicitor Dively.

Frank Bittner, 842 Anthony Avenue - Mr. Bittner questioned what Council intends to do with the vacant caretaker's home at the golf course, noting it is in a state of extreme disrepair. President Newcomer noted that the matter was being considered by Council's previous Property Committee (and it was their recommendation to demolish it), however the requested bids for the work were never secured. He requested that Councilman Driscoll (the new Property Committee Chairman) review the matter and give his recommendations. Mr. Driscoll agreed, stating that while the house is in decay, it could possibly be an asset to the golf area. (*Mike Cermak of Accredited Services volunteered to go along to view the property and provide his professional opinion on what to do with the building.*) Mr. Bittner stated it is his hope that the golf course will "pay for itself" ... and whatever is done there would hopefully attract golf patrons from surrounding areas. It was noted that a new Manager has been hired at the golf course (he has been in charge for only slightly over a month); and he (and the Recreation Board) is looking at ways to improve the course, as well as play and programs.

Paul McCarney, W. Fifth Street - With regard to the Borough's ordinance on removal of snow from sidewalks, Mr. McCarney asked if paths need to be shoveled at homes with no sidewalks? Mr. Sheffler responded that property owners are required to shovel sidewalks, because they are public rights-of-way. He cannot direct individuals to shovel a path in the grass if they have no sidewalk.

David Schmelzer, 128 W. Main Street - Mr. Schmelzer and his wife own Burgundy Lane Bed & Breakfast. He noted that many of their guests are from out-of-town, and have commented very positively on the completed projects downtown. He noted that residents from the area tend to take these things for granted, but these opinions came from unsolicited feedback. He added that some of the guests have posted comments on their website (www.burgundylane.biz).

MAYOR'S DECISION ON DOWNTOWN SIDEWALK: Further discussion was held regarding the matter; and following all comments, Mayor Starliper voted in favor of the motion to use \$37,000, plus \$6,000 for bump outs at Mulberry Street, from the money set aside for police radios to complete the brick sidewalk project as discussed. He added that he is hopeful for additional donations to come in.

FOR INFORMATION ONLY

2010 CENSUS: Mr. Hamberger urged residents to cooperate with the upcoming Census. He noted the importance of the Census, as it determines the amount of federal funding a municipality will receive.

SOUTH MOUNTAIN SUMMIT (FEBRUARY 19, 2010): Council members received an invitation to attend a Summit regarding the South Mountain Initiative, which will be held on February 19th in Newville. Various grants will be discussed; and Pat Fleagle (Downtown Manager) noted he is planning to attend. Councilman Mumma and Kevin Grubbs both agreed to attend also.

PAY BILLS: Councilman Mumma made a motion to approve the payment of the Voucher Lists dated 01/22 and 01/27. Councilman Stains seconded; the motion passed unanimously.

COUNCIL AND STAFF COMMENTS: Councilman Martin thanked the public for their attendance and input.

Denny Benshoff reported that the Maintenance Department will be replacing water services on Main Street as soon as the State grants approval.

Dan Sheffler noted that *The Record Herald* recently ran an article regarding the clearing of snow/ice from sidewalks; and he warned property owners that there are no exceptions to these regulations. He also advised that the forecast is calling for another “big” snow in the near future.

Councilman Greenawalt noted that he presented former Councilman Charles “Chip” McCammon with his plaque from the Borough in honor of his years of service to the community. Mr. McCammon was very appreciative of the gesture. In addition, Councilman Greenawalt acknowledged the Waynesboro Borough Authority’s generosity in funding renovations to the second floor conference room.

In light of recent articles regarding criminal activities in the area, Councilman Stains encouraged citizens to keep their valuables out of sight, and their vehicles and homes locked up.

Mayor Starliper reported that the State House of Representatives recently passed the Cell Phone Bill, which prohibits cell phone use (including texting) while driving. The Bill will now be passed on to the Senate for consideration. In response to the recent tragedy in Haiti, many organizations in town have been holding fundraisers and collections to provide assistance. He noted that Outreach Ministries (at the Faith United Methodist Church) is collecting donations (food items, blankets, flashlights, etc.) to be distributed to the earthquake victims.

President Newcomer thanked individuals for their attendance at this meeting. He advised Council members to watch for an email regarding the possibility of “consent agendas”. He noted that numerous items can be voted on at a time, which would save considerable time during the meeting. It was noted that Council’s agendas are placed on the Borough’s website (www.waynesboropa.org) several days prior to each meeting for the public’s information.

Having no further business to discuss, the meeting adjourned at 9:32 p.m. on a Mumma/Driscoll motion which passed unanimously.

Respectfully Submitted,

Melinda S. Knott
Administrative Assistant