

JULY 22, 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 – Jason Stains, C. Harold Mumma, Craig Newcomer, Wayne Driscoll and Ronald Martin (Benjamin Greenawalt was absent)

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 and Sam Wiser (Salzmann Hughes, PC)  
Mark King, Police Chief

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

**APPROVE MINUTES:** Approval of the July 7<sup>th</sup> workshop and regular meeting was deferred until the next Council meeting.

\*President Newcomer thanked Melissa Dively for her service as the Borough's Solicitor, and presented her with a shirt embroidered with the Borough's seal and "Solicitor Emeritus" as a token of Council, the Mayor and staff's appreciation. Sam Wiser was introduced as her successor.

**ACCEPT REPORTS:** Councilman Martin 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 he will present an item during the "voting" section of the meeting.

**PROPERTY AND PUBLIC SAFETY COMMITTEE:** No report.

**STREET COMMITTEE:** No report. Councilman Martin announced that the Street Committee's next meeting will be held on July 29<sup>th</sup> at 9:00 a.m.

**INTERGOVERNMENTAL COMMITTEE:** Councilman Stains reminded Comcast customers to obtain their digital adaptors in order to receive all the appropriate channels being broadcast. The equipment can be picked up at their office in Shippensburg, or ordered by telephone or online.

**DOWNTOWN REVITALIZATION COMMITTEE:** No report.

**FINANCE COMMITTEE:** No report.

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

“On July 15-18, I attended the 39<sup>th</sup> PA State Association of Mayors' Convention at State College, PA. Speakers were from the GSA-Federal Acquisition Service, CoStars Marketing, PSP in reference to instant background system, PA Economy League, Public Policy and Administration, Engineered Communications Inc., Organization of Mayors Against Illegal Guns, Executive Director of PA Economy League and PSAB Director of Government Relations; also, Senator Bob Casey, Senator Bob Robbins, Pat Toomey, Scott Conklin, Congressman Joe Sestak and Attorney General Tom Corbett.”

**SOLICITOR'S REPORT:** No report. Mr. Wisner noted he looks forward to serving the Borough.

**PUBLIC COMMENT - ITEMS ON AGENDA:** None.

**VOTING ON ITEMS FROM COMMITTEE REPORTS:** Councilman Mumma made a motion to appoint A.J. Benchoff to the Renfrew Committee, Inc. (RCI) Board of Directors as Edgar Hykes' replacement. Councilman Stains seconded; the motion passed unanimously.

### **UNFINISHED BUSINESS**

**HEARING FOR UNIFORM CONSTRUCTION CODE (UCC) ORDINANCE:** Mr. Hamberger noted that this matter was discussed at Council's last meeting. Council authorized him to forward the proposed ordinance to the PA Department of Labor and Industry; and he has received correspondence from them indicating they find the proposed amendment to be acceptable. Accordingly, Council can now proceed with holding a public hearing on August 18<sup>th</sup>; and the ordinance will be advertised for adoption at the meeting following.

**ORDINANCE RE: ALCOHOL ON BOROUGH PROPERTY:** Mr. Hamberger reported that the proposed ordinance has been advertised for Council's consideration at this meeting. Councilman Martin made a motion to adopt the proposed ordinance, with an effective date of August 1<sup>st</sup>. Councilman Driscoll seconded; the motion passed unanimously. President Newcomer noted that alcohol (beer) will be permitted at the golf course during tournaments only. Councilman Martin added that this is being permitted in an attempt to increase revenue at the course, as it has been losing money in the past.

### **ORDINANCE NO.**

AN ORDINANCE OF THE BOROUGH OF WAYNESBORO, FRANKLIN COUNTY, PENNSYLVANIA, AMENDING ORDINANCE 862 BEING AN ORDINANCE AMENDING ORDINANCE 761, REGARDING ALCOHOLIC BEVERAGES ON BOROUGH PROPERTY

Complete copy on file at Borough Hall.

**REQUEST FROM WAYNESBORO RUNNING:** Councilman Driscoll made a motion to grant the requests from Waynesboro Running, Inc. with regard to facilitating a road race on Saturday, September 18<sup>th</sup>, from 8:00 a.m. to 12:30 p.m., beginning (and ending) in Center Square and continuing thru a designated route in the Borough and Washington Township. Mr. Driscoll further noted that several conditions were addressed to the group by Police Chief King, with which the group is in agreement. Councilman Stains seconded.

Chief King explained that the Borough will need to obtain a PENNDOT permit for the road closings. Regarding the “no parking” areas requested along the route, the group has agreed to contact property

owners and erect “no parking” signs in the following areas: (1) Clayton Avenue, west side from E. Sixth Street to Old Mill Road; (2) E. Fifth Street, south side from Memorial Park Drive to S. Church Street; (3) S. Church Street, east side from E. Eighth Street to E. Ninth Street; (4) W. Ninth Street, south side from S. Potomac Street to Park Street; (5) Fairview Avenue, east side from W. Main Street to W. Second Street, west side from W. Second Street to W. Third Street, and west side from W. Fourth Street to W. Sixth Street; and (5) W. Main Street, south side from C.V. Avenue to the Square. Kevin Grubbs noted that the runners will be in the parking area of the roadway (not the traffic lane itself). Thirty-two (32) individuals, with appropriate attire, will be required to assist with traffic control at the intersections. (Mayor Starliper stated that there aren’t sufficient fire police and/or policemen available to assist.)

Bob Correll, President of Waynesboro Running, advised that the State also required that they supply a letter of indemnification and proof of group liability insurance; and certificates have been provided to both municipalities. He addressed a concern by Council President Newcomer regarding the removal of vehicles parked in any of the “no parking” areas. He noted they will attempt to contact the owners; but if they are unsuccessful, the vehicles will not need to be moved. Mr. Correll voiced his appreciation to the press for advising the public about details of the event, and added that he will provide additional information at a later date.

Discussion followed regarding the time for church services at the Seventh Day Adventist Church that morning. Mr. Correll noted that most of the runners will have cleared that area by 8:30 a.m., and church services begin at 10:00 a.m. Kevin Grubbs stated that the road closings will involve one lane of traffic only, and motorists will be permitted to drive thru. Councilman Driscoll voiced his opinion that Waynesboro Running, Inc. is attempting to do something positive for the downtown, and Council should do what they can to support and assist them. He also commended Kevin Grubbs and Mark King for “doing the leg work” on details for the event. A vote was then called, and the motion passed unanimously.

Kevin Grubbs added that the group is also requesting to utilize the upper quadrant of the Rotary parking lot as a post-event food and hydration center, and to close off a portion of Gay Street behind Susquehanna Bank to provide a safe area for the runners to access the Rotary lot. Councilman Mumma made a motion to approve their use of the Rotary parking lot. Councilman Martin seconded; the motion passed unanimously. However, Council denied the request to close Gay Street, as there are several businesses in the vicinity which utilize that access.

## **NEW BUSINESS**

**RESULTS OF PENNVEST MEETING:** Mr. Hamberger announced that the Borough was awarded a PENNVEST loan of \$6.3 million for its stormwater management project. It will be a 20-year loan, with 1% interest for the first five (5) years and 1.5% interest for the remaining fifteen (15) years. The Borough has thirty (30) days to formally accept the loan.

Appreciation was noted to Senators Alloway and White for their assistance, as well as the Borough’s staff for their efforts. Councilman Martin made a motion to authorize the staff to make preparations for bidding for Phase I, II and III of the project. Councilman Mumma seconded. Mr. Martin noted he is hopeful that bids for Phase I can be awarded during the current construction season. Mr. Wisner will review the required procedures and advise Council at the next meeting.

**REQUESTS FROM WAYNESBORO BUSINESS AND COMMUNITY PARTNERSHIP:** Mr. Hamberger presented requests from the Waynesboro Business and Community Partnership, a newly-formed organization. They are planning an event in conjunction with WAYZ, the Elks Club, the Eagles Club, and the American Legion, called “Thunder on the Mountain”. The event will be held on September 18<sup>th</sup> from 2:00 p.m. to 9:00 p.m., and will include bands at each venue and DJ’s during the breaks. The clubs will serve beverages and food vendors will be set-up on the Square (including the Fire

Department's BBQ and Antietam Dairy's ice cream). In addition, there may be several solo musicians outside.

Also, in conjunction with Vo-Tech, the group is proposing to build a shed for use as a Santa house. It will be displayed from Thanksgiving until New Years, at which time they will hold a raffle and award the shed to the winner (the proceeds to be divided equally between Vo-Tech and Waynesboro Business and Community Partnership). "Santa and his elves" will be on-site daily, and pictures will be available. Even though the shed would be situated in the police parking space on the northwest quadrant of the Square, they will discuss the matter with M&T Bank. It was noted that electricity can be provided to the shed via receptacles on the street lights.

Councilman Martin suggested they utilize the north side of the Square for food vendors so Frank's Pizza is not blocked, because businesses on the north side aren't open at that time. Mr. Adler noted that he has been discussing with Frank's the possibility of them serving pasta outside, adding that they want to help (not hinder) downtown businesses.

President Newcomer pointed out that the event is planned for the same day as the Waynesboro Running race. Mr. Adler stated they don't see that as a problem because the run is in the morning and this event will begin at 2:00 p.m. Mr. Newcomer added that he would like final plans presented to Council prior to the event. Mr. Adler agreed, noting that he wanted Council's approval before confirming plans with the vendors and businesses.

Councilman Martin made a motion to grant their requests, provided that specific details are given to Council when they have been finalized. Councilman Stains seconded, and suggested that background checks be conducted on "Santa and his elves". Councilman Martin then amended his motion to include that the northwest quadrant of the Square be used for the food vendors. Councilman Stains seconded; the amended motion passed unanimously.

Downtown Manager Pat Fleagle was present and advised that this group has been very cooperative with MSI, and is working to complement MSI and their efforts. Mr. Adler commented that their focus is much broader than MSI, and includes businesses outside of just Main Street who may benefit from exposure on Main Street during these such events.

**"PARK IN THE PINK":** Mayor Starliper presented a request from Breast Cancer Awareness - Cumberland Valley, Inc. for permission to tie pink ribbons on the parking meters, utility poles and trees along Main Street from October 11-15. He noted that this has been permitted in the past; and Mr. Hamberger added that they are required to maintain and remove the ribbons when the requested time period has ended. Councilman Martin made a motion to approve the request. Councilman Stains seconded; the motion passed unanimously.

**ALTERNATE ENERGY SUPPLIER:** Mr. Hamberger reported that he is negotiating with Direct Energy as an alternate energy supplier, and requested Council's permission to proceed with a contract (after additional research). He noted that this is the organization currently working with the Chamber of Commerce. Councilman Martin made a motion to authorize him to proceed. Councilman Mumma seconded; the motion passed unanimously.

**REQUEST TO HOLD AN OUTSIDE RALLY ON CENTER SQUARE (FAMILY LIFE WORKSHOP CENTER/JEDIDIAH MINISTRIES):** Mr. Hamberger presented a request to hold an outside rally in the "M&T section" of Center Square on August 20<sup>th</sup> from 6-9 p.m. Their purpose is to bring many of their local church people and others together to have a time of fellowship. They will provide free food and refreshments, special speakers and light music; as well as trash cans and a thorough clean-up. Councilman Driscoll made a motion to approve the request. Councilman Stains seconded.

Discussion followed regarding the location of the event, and Councilman Driscoll commented that anytime a group of individuals wants to congregate downtown, it is a good thing. He added that they

have conducted informal gatherings of this nature in the past, and there have been no problems. The motion passed unanimously.

### **FOR INFORMATION ONLY**

**REQUEST FROM FRANKLIN COUNTY HOUSING AUTHORITY FOR STREET CLOSING (NATIONAL NIGHT OUT) ON AUGUST 3, 2010:** The Franklin County Housing Authority would like to hold a National Night Out celebration on August 3<sup>rd</sup> from 4-6 p.m. to raise crime and drug awareness and foster a sense of community amongst their residents. Professional entertainers have been hired for the event and food will be provided. Members of the fire companies from outlying communities will be present and educational booths will be set-up to provide safety information to the public.

Mayor Starliper noted that this will be held on the same evening as the Police Department's Night Out at Memorial Park. Discussion ensued regarding the location of the event, and Chief King noted they had requested to close Elder Avenue. Councilman Martin made a motion to grant permission to the Franklin County Housing Authority to close Elder Avenue and hold the National Night Out event as requested, provided that they be responsible for placing (and removing) traffic barricades at either end of the street and cleaning-up after the event. Councilman Stains seconded; the motion passed unanimously.

**SCHOOL RESOURCE OFFICER:** Councilman Martin noted that the school season will start again soon, and the School Board has discussed the issue regarding the School Resource Officer on several occasions recently during their regular meetings. He requested that the appropriate Borough representative contact the School Board President to remind them of their contractual obligations, as no one has yet discussed their intent with the Borough. Mr. Martin noted that the current contract has two (2) additional years ... and "contracts are binding". Council agreed that the Borough Manager should write a letter to the School Board President regarding the matter.

**RECOGNITION TO K&M DRI-LAY:** Councilman Martin noted that Council and/or the Borough Authority should recognize K&M Dri-Lay for mowing at the WBA's new well building on N. Grant Street. Their assistance is very much appreciated. President Newcomer added that they are the company who did the brickwork downtown; and while most contractors don't "go the extra mile", this company does.

### **FOR INFORMATION ONLY**

**FRANKLIN COUNTY AREA DEVELOPMENT CORPORATION (FCADC) 24<sup>TH</sup> ANNUAL INDUSTRY APPRECIATION DINNER (SEPTEMBER 9, 2010):** Council members received an invitation to FCADC's Annual Industry Appreciation Dinner to be held on September 9<sup>th</sup> at Green Grove Gardens in Greencastle. Individuals wishing to attend were asked to contact Melinda Knott.

**CUMBERLAND-FRANKLIN COUNTY BOROUGHS' ASSOCIATION:** Mr. Hamberger noted that the Borough will be hosting the upcoming meeting of the Cumberland-Franklin County Boroughs' Association on September 28<sup>th</sup>. He will report back on the proposed location.

**PAY BILLS:** Councilman Mumma made a motion to approve the payment of Voucher Lists dated 07/09 and 07/21. Councilman Stains seconded; the motion passed unanimously.

**COUNCIL AND STAFF COMMENTS:** Councilman Martin reported that he is very pleased with the news about the PENNVEST loan, as this is a "tremendous" step toward addressing some major problems.

Kevin Grubbs reported on progress regarding the proposed bump-outs on Main Street at Mulberry Avenue. The traffic engineering study has been approved by PENNDOT, and a Highway Occupancy Permit Condition Statement (containing mostly standard paperwork) was issued. He added that they may require a PENNDOT inspector on the job; but he is working with them to waive this requirement, because the bump-outs will only extend 20' and will not encroach into the cartway. Mr. Grubbs reminded Council that they authorized the work for a contracted price of \$7,500, however the contractor has since said he is unable to do the work. The second lowest price was \$9,100 (from Waynesboro Construction), and he would like authorization from Council to proceed. Councilman Martin made a motion to authorize the second lowest bidder (Waynesboro Construction) to do the work for \$9,100 if they are still interested and available. Councilman Stains seconded; the motion passed unanimously.

Kevin Grubbs noted that construction began on E. Second Street the previous week. Work is progressing well, and they expect to have everything completed by approximately August 6<sup>th</sup>. He commented that geo-textile fabric was installed at the intersection at Enterprise Avenue for additional strength.

Councilman Martin questioned if PENNDOT has made a determination yet regarding the lighted street signs. Mr. Grubbs stated that he provided them with the information, but has not yet heard from them. He will attempt to have a response for Council at their next meeting.

Chief King reminded Council and the public about the National Night Out event scheduled for August 3<sup>rd</sup> from 6-8 p.m. at Memorial Park. He thanked Kevin Grubbs for his input and assistance with regard to the Waynesboro Running, Inc. event.

Councilman Mumma echoed favorable comments regarding Melissa Dively's tenure as Solicitor, and added he looks forward to working in the future with Mr. Wiser.

Mayor Starliper questioned if the Borough is a member of CoStars. Mr. Hamberger noted they are; and the Mayor recommended they do what they can to take advantage of the program, as many items are offered and no bids are required.

Mayor Starliper presented an ordinance adopted in 2003 by the Borough of Lititz prohibiting the possession and use of tobacco products by minors on any Borough-owned property or any public street, highway, trafficway, alley or sidewalk within the Borough. Violators are fined \$50.00. He suggested that copies be provided to each Councilman for discussion at the next meeting.

President Newcomer welcomed Sam Wiser as the Borough's new Solicitor.

**EXECUTIVE SESSION:** Council adjourned to an executive session at 8:44 p.m. to discuss a personnel matter. They reconvened to regular session at 8:57 p.m.

Councilman Martin made a motion to approve the personnel action recommended by the Borough Manager during the executive session. Councilman Stains seconded; the motion passed unanimously.

Having no further business to discuss, the meeting adjourned at 8:58 p.m. on a Driscoll/Stains motion which passed unanimously.

Respectfully Submitted,

Melinda S. Knott  
Administrative Assistant