

JULY 16, 2008
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, Charles McCammon 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
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.

APPROVE MINUTES: Councilman McCammon made a motion to approve the minutes of the July 2, 2008 public input sessions and regular meeting, as written. Councilman Greenawalt seconded; the motion passed unanimously.

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

COMMITTEE REPORTS

PERSONNEL COMMITTEE: Councilman Mumma noted that he has received a favorable performance review for Doug Whittington, and will make a motion for action during the “voting” section of the meeting. He will also make a motion for action on hiring two (2) Cashiers for Northside Pool.

PROPERTY AND PUBLIC SAFETY COMMITTEE: Councilman McCammon stated that the Property Committee met the previous evening with the Quincy Township Supervisors to discuss the fire service agreement. They plan to meet again to discuss the matter further.

STREET COMMITTEE: Councilman Martin noted that he will present several items later in the meeting.

INTERGOVERNMENTAL COMMITTEE: No report.

DOWNTOWN REVITALIZATION COMMITTEE: Council President Newcomer noted that he attended the Main Street, Inc. meeting on Monday evening, and reported on several businesses moving in downtown. He stated that there is still grant money available for two (2) more businesses, adding that their “target” is restaurants.

FINANCE COMMITTEE: Councilman Mumma stated that he will make a recommendation later in the meeting to increase the hourly rate for part-time police officers.

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

“On June 21st, the Second Downtown Car and Vendor Show was held. Even though there were four (4) other car shows in the area, the turn-out was great, as was the weather. My thanks to the organizers for a great job.

July 4th, the parade and Summer Jubilee were held despite some falling rain. My thanks to David Woodring and the Brothers of the Brush for sponsoring the parade, and Dr. Joe Stewart and the Summer Jubilee folks for another great 4th of July.

On July 9th, along with Councilmen Greenawalt and McCammon, I attended the Antietam Commons ribbon-cutting and barbeque.”

SOLICITOR'S REPORT: No report.

PUBLIC COMMENT - ITEMS ON AGENDA:

Stephen Monn, 126 W. Main Street - With regard to the electronic sign issue, Mr. Monn stated he hopes he won't be as disappointed as he thinks he'll be. He stated it seems that Council is being “ruled by bully”, because they commented at a public hearing that they were not in favor of the signs and did a complete “about face” by announcing they would “roll over” when threatened with a lawsuit. Mr. Monn quoted the Constitution, as follows: “By the people, of the people, and for the people”, adding his fear that Council is about to not listen to the people. He urged Council to “get a little backbone and pass the ordinance that should be passed”.

VOTING ON ITEMS FROM COMMITTEE REPORTS: Councilman Mumma made a motion to remove Doug Whittington from probationary status, based on his favorable performance review. Councilman Greenawalt seconded; the motion passed unanimously.

Councilman Mumma made a motion to hire Emily Blair and Sarah Spierenburg as Cashiers at Northside Pool. Councilman Greenawalt seconded; the motion passed unanimously.

Councilman Mumma made a motion to increase the hourly rate for part-time police officers to \$14.75/hour. Councilman Stains seconded; the motion passed unanimously.

Councilman Martin noted that he received an application for a handicapped parking space from Laura Tressler, 450 Scott Avenue. The appropriate fees have been paid and the application is order. Accordingly, he made a motion to approve the request. Councilman Stains seconded; the motion passed unanimously.

UNFINISHED BUSINESS

ORDINANCE RE: NON-UNIFORMED PENSION PLAN: Mr. Hamberger noted that the proposed ordinance has been advertised for Council's consideration at this meeting. He explained that the ordinance will bring the non-uniformed pension plan in conformance with IRS regulations and grant a 2% cost-of-living adjustment effective August 1, 2008. Councilman McCammon made a motion to approve the proposed ordinance, as presented. Councilman Martin seconded; the motion passed unanimously.

ORDINANCE NO.

AN ORDINANCE OF THE BOROUGH OF WAYNESBORO ADOPTING THE 2006 COMPLIANCE AMENDMENT TO THE BOROUGH OF WAYNESBORO MUNICIPAL EMPLOYEES PENSION PLAN AND AMENDING AS AUTHORIZED BY SECTION 9.2 OF THE BOROUGH OF WAYNESBORO, MUNICIPAL EMPLOYEES PENSION PLAN ("PLAN"), AMENDING ORDINANCE NO. 1022 RELATING TO THE BOROUGH OF WAYNESBORO MUNICIPAL EMPLOYEES PENSION PLAN AS AMENDED, IN ORDER TO COMPLY WITH THE REGULATIONS OF THE INTERNAL REVENUE CODE OF 1986 (AS AMENDED) SECTION 401 (a)(9).

Complete copy on file at Borough Hall.

ORDINANCE RE: UNIFORMED PENSION PLAN: Mr. Hamberger noted that this is the same as the previous item, except for the police pension plan. Councilman Martin made a motion to approve the proposed ordinance, as presented. Councilman Greenawalt seconded; the motion passed unanimously.

ORDINANCE NO.

AN ORDINANCE OF THE BOROUGH OF WAYNESBORO, FRANKLIN COUNTY, PENNSYLVANIA, PROVIDING FOR THE ADOPTION OF THE BOROUGH OF WAYNESBORO POLICE PENSION PLAN ("PLAN") AS AMENDED ALONG WITH THE 2006 COMPLIANCE AMENDMENT TO THE BOROUGH OF WAYNESBORO POLICE PENSION PLAN ("COMPLIANCE AMENDMENT") AND AMENDING THE PLAN, IN ORDER TO COMPLY WITH TREASURY REGULATION SECTION 1.415-6(b)(1)(ii) AND THE FINAL REGULATIONS ISSUED UNDER INTERNAL REVENUE CODE SECTION 401 (a)(9), EFFECTIVE AS PROVIDED IN THE AMENDMENT

Complete copy on file at Borough Hall.

ORDINANCE RE: TRAILER PARKING ORDINANCE: Mr. Hamberger noted that the proposed ordinance has also been advertised for adoption, but there was some concern (on second look) that if trailer parking is prohibited, a tradesman doing work at a particular location may be in violation. Solicitor Wisner has provided Council with a recommended modification, which is not considered a substantial change. He advised that the ordinance would not have to be re-advertised, and could be adopted at this meeting or tabled until a later date. Discussion ensued regarding permitting a tradesman to park his work vehicle for up to 12 hours, provided that the name of his business be displayed on the vehicle; and the timeframe for issuing permits. President Newcomer suggested that the matter be tabled for further discussion. Mr. Wisner advised that if the ordinance is tabled and considered again with changes, it would have to be re-advertised. Councilman Martin made a motion to table the proposed ordinance. Councilman McCammon seconded; the motion passed unanimously.

ORDINANCE RE: ELECTRONIC MESSAGE BUSINESS SIGNS: (*Councilman Martin recused himself from the discussion and voting on this item.) Councilman Mumma made a motion to table the matter until Council's next meeting. Councilman Greenawalt seconded; the motion passed 5-0.

*Councilman Martin returned to the meeting.

REQUEST FROM MARANATHA, INC. (CDBG FUNDS): (*Council President Newcomer recused himself at this time, and Council Vice-President Harold Mumma took over the meeting.) Mr. Hamberger noted that, during the 2008 CDBG hearing process, Maranatha Inc. had requested that Council consider providing funds (\$10,000) for the work they do in Waynesboro. The item was deferred, so if Council wishes to consider their request, a public hearing would need to be held in order to amend the CDBG budget. Councilman McCammon made a motion to deny the request by

Maranatha. Councilman Greenawalt seconded. Councilman Martin suggested that the item be placed on the agenda for further discussion. Councilman McCammon noted he feels that the funds should be spent on activities in Waynesboro, and Mr. Hamberger clarified that that is a requirement of the program. A vote was called. Voting in favor of the motion were Councilmen McCammon and Greenawalt; and voting in opposition of the motion were Councilmen Stains, Mumma and Martin. The motion failed 2-3.

Councilman Stains then made a motion to authorize the Borough Manager to schedule a public hearing regarding the matter. Councilman Martin seconded. Voting in favor of the motion were Councilmen Stains, Mumma and Martin; and voting in opposition of the motion were Councilmen McCammon and Greenawalt. The motion passed 3-2.

*Council President Newcomer returned to the meeting.

ROTARY PARKING LOT DESIGN: Kevin Grubbs reported that he has received an estimate for the proposed Rotary Parking Lot Revitalization Project. He noted that two (2) grants totaling \$93,000 were received from Senator Punt for overlay and re-striping of the parking lot, with a 5' brick design around the perimeter, for a total cost of approximately \$85,700. Main Street Inc. then proposed expanding the project further by incorporating landscaping and concrete islands, for an estimated additional cost of \$154,266. (Drawings were available for view during the meeting.) Mr. Hamberger added that 5-6 lights were included in the original estimate, but that number has increased because of the trees being proposed. Council members agreed that the proposed plans are beautiful, but they don't have the funds for the additional items. Councilman Martin then made a motion to proceed with spending the grant money received for the original plans for the parking lot (overlay, re-striping and 5' brick walkway). Councilman Greenawalt seconded.

Mayor Starliper and several councilmen noted that they have received comments from constituents about the additional expense, as well as the resultant loss of parking spaces. Planning Commission member Stephen Monn spoke, noting that regulations require that larger spaces be provided ... so even if the trees are not planted, the same number of spaces will be lost. Council President Newcomer commented that he is not in favor of simply paving and re-lining the parking lot, as they are trying to enhance the area in order to draw businesses to the downtown. He stated that "if we always do what we have always done, we will always be where we have always been."

Councilman Mumma agreed that the drawing/plan looks good, but he questioned where the additional funds would come from. He suggested that the public may have fundraising (or other) ideas which would help to see it to fruition. If not, Council should look at some kind of compromise. As much of the additional cost was for curbing, Kevin Grubbs described several alternatives which could be considered (such as blacktop curbing).

Councilman Martin made a motion to amend his original motion and to proceed with overlay, re-striping, street lights, eight (8) trees in containers and the brick imprint walkway. Councilman Greenawalt seconded the amended motion. Councilman Mumma noted concern regarding the root systems when the trees grow larger, and Mr. Hamberger stated that advice will be solicited from Tom McCloud and the Shade Tree Commission prior to planting. Councilman Stains questioned if additional trees could be added later. Mr. Hamberger explained that additional lighting would then need to be added, but the underground wiring would be an issue. A vote was called; the motion passed unanimously. It was noted that bids will be opened in early September.

UPDATE ON STORMWATER ANALYSIS: Kevin Grubbs noted that approval has been received from the Franklin County Conservation District on the Erosion & Sedimentation Plan, and the application for an NPDES permit is currently under review. The joint permit application has been submitted to DEP and the Corp of Engineers (this process could take 6-9 months). He noted that all design drawings have been completed, and he will present copies to Council for the following meeting.

NEW BUSINESS

PLANNING COMMISSION ITEMS: Kevin Grubbs reported on the following items –

- Land Development Plan - Tom Kourliouros - four (4) townhouse units at E. Eighth/Ringgold Streets. This was the second submission (requested revisions have been made). The plans were reviewed by the Franklin County Planning Commission, who provided no comment. The Franklin County Soil Conservation District has given approval for the Erosion & Sedimentation Plan; and the Stormwater Management Plan design has been approved. The Waynesboro Planning Commission has recommended Council's approval of the plans. Mr. Grubbs added that a Sanitary Sewer Main Extension Agreement has been approved by the Waynesboro Borough Authority; and a Maintenance Agreement for the sanitary sewer utilities to be maintained by the Homeowners' Association was reviewed and approved by both the Authority and Borough Solicitors. The developer is now working on bonding for the project, which is almost completed. Councilman McCammon made a motion to approve the plans, as presented, subject to bonding. Councilman Martin seconded; the motion passed unanimously.
- Land Development Plan - Ronald Martin - accessory building at 66 State Hill Road. (*Councilman Martin recused himself from the discussion on this matter.) The plan was reviewed by the Franklin County Planning Commission, who provided no comment. All revisions made to the Stormwater Management Plan design have been reviewed and approved; and all revisions have been reviewed by the Waynesboro Planning Commission and were found to be in compliance. Mr. Martin has applied for a variance through the Zoning Hearing Board, because he exceeded the 750 s.f. allowable for an accessory lot. The Waynesboro Planning Commission is recommending approval by Borough Council, contingent upon obtaining the appropriate variance. Councilman McCammon made a motion to approve the plans, subject to approval of the requested variance. Councilman Greenawalt seconded; the motion passed unanimously.

*Councilman Martin returned to the meeting.

“NO PARKING” SIGNS: Councilman Martin noted that the Street Committee is recommending that “no parking” signs be erected on W. King Street, 20-25' back from the curb on N. Church Street (northwest corner). Councilman McCammon seconded. Councilman Martin amended his motion to 55' west of the intersection (as recommended by the Engineering Department). Councilman McCammon seconded the amended motion; the motion passed unanimously.

CROSSWALK AT W. FIFTH AND S. POTOMAC STREETS: Councilman Martin made a motion to install a crosswalk at the intersection of S. Potomac/W. Fifth Streets, from the northeast to the northwest corners. Councilman McCammon seconded. Following a recommendation from Kevin Grubbs to change the location to improve sight distance, Councilman Martin amended his motion for the crosswalk to be placed from the southeast to the southwest corners (with the proper PENNDOT permitting). Councilman McCammon seconded the amended motion; the motion passed unanimously.

SCHOOL PARKING: Councilman Martin reported that the Street Committee met with the Waynesboro Area Senior High School Principal several weeks ago to discuss the parking situation, and they were advised to contact Caroline Dean, the School District's Business Manager. They, along with Kevin Grubbs, met with Ms. Dean and Jeff Adams (Maintenance Superintendent) to request that they provide student parking in the upcoming school year. They were told that if the extension on Third Street were to be built, it would provide parking for approximately 40-50 cars; however there was no

money in this year's budget for the work to be done. Borough representatives asked Mr. Adams to look at the parking area being used by the contractors. Mr. Martin noted that he contacted Mr. Adams sometime later regarding the information, and Mr. Adams advised that a report was presented to Ms. Dean, who would then provide a copy for the Council President. President Newcomer indicated that he has not received the information. Mr. Adams mentioned at that time, however, that they may be able to "free up" about 20 parking spaces.

Councilman Martin commented that the residents of the Myrtle Avenue and Second Street area need some relief. He proposed (and made a motion) that the Borough designate "no parking" Monday thru Friday from 7:00 a.m. to 3:00 p.m. on the following streets: Myrtle Avenue from Third Street to the alley in back of McDonald's, Third Street from Myrtle Avenue to Clayton Avenue, Second Street from Virginia Avenue to Clayton Avenue, and Virginia Avenue on the west side (with the exception of the Fire Hall for duty personnel and/or handicapped individuals). This would permit parking where there are no houses on: the east side of Virginia Avenue, Second Street from Virginia Avenue to Main Street, and Enterprise Avenue from Second Street to Main Street (both sides). He feels that this would provide adequate parking, but also take care of the residents. All the temporary signs erected at the driveway entrances recently would be removed. Councilman Greenawalt seconded.

Mayor Starliper noted concern regarding the residents who may not have sufficient off-street parking. President Newcomer noted that several former Council members met with Superintendent Barry Dallara when the construction plans were first discussed. He promised Borough Council that they would allow for parking spaces during the construction phase and in the upcoming school year. Mr. Dallara and Paul Gyurisin (Maintenance Superintendent) have since left the School District and now "things have changed". As the School District has not allowed for the parking spaces, he feels this is a good solution to provide relief for the Borough's residents.

A member of the audience, Ed Hykes (who lives on Myrtle Avenue between Main and Second Streets), questioned what would be accomplished by this proposal? If he has visitors, they would not be permitted to park there – and he commented that he would prefer to share parking with the students than to not have parking at all.

Councilman Martin noted that the School District will be seeking an occupancy permit for some of the completed buildings in order to use them. He asked how an occupancy permit can be issued when no parking has been provided? Anyone else building in the Borough has to provide parking – and the School District should have to provide it also. Councilman Mumma noted his irritation with the fact that they agreed to provide parking and are not carrying through "in any way, shape or form"; and it has been extremely difficult to get them to communicate about the situation. He feels that when dealing with a \$47,000,000 project, they could certainly find \$30,000 to \$40,000 to rough out Third Street, put in a stone base and roll it in order to provide some parking.

Instead of "no parking" from 7 a.m. to 3:00 p.m., permit parking for residents was discussed. Another member of the audience, Craig Mahrle, also suggested permit parking (limited to the people who live in the area).

Discussion ensued regarding the matter, and Council President Newcomer noted that a special meeting will be held on Wednesday, August 6th, at 7:30 p.m., to hear from the residents on this issue. Councilman Martin then withdraw his motion, and Councilman Greenawalt withdrew his second. The Borough Manager was directed to send out letters to all affected residents regarding the meeting. Council concurred.

Councilman Martin reiterated his comment regarding the School's occupancy permit. As the School Board has had ample time to address this issue, President Newcomer recommended that Council consider the matter and the staff contact Mike Cermak for his input.

PUBLIC IN ATTENDANCE - NON-AGENDA ITEMS:

Amos Miller, 309 W. Sixth Street - Mr. Miller commented that, along with the project for the beautification of the Rotary parking lot, Council should keep in mind that the rear of some of the Main Street properties are “not very pretty”. President Newcomer noted that this was discussed during meetings for the Joint Comprehensive Plan, and Council intends to add facade improvement monies for the rear of properties along Main Street.

Frank Bittner, 842 Anthony Avenue - Mr. Bittner questioned if Council members have “dual citizenship ... are you residents or are you councilors or are you both?” He stated that in their deliberations or debates, they must put aside their resident status and be a councilor. President Newcomer noted that each situation is different. He can have his mind set on something he believes in; and if a resident shows him the difference, he can change his mind at any given time because of their involvement and input.

BUILDING PERMIT EXPIRATION DATES: Councilman Martin stated that, currently the Borough is issuing building permits (through Accredited Services) for a period of two (2) years. He would like for Council to consider changing their expiration to one (1) year, and requested that the matter be placed on the agenda for discussion at the next meeting.

NORTHSIDE POOL CLOSING: Mr. Hamberger read correspondence from Pool Manager Brian McDowell regarding staffing issues for the week of August 25-29 (which is usually when school starts in Franklin County). Accordingly, it will be necessary to close Northside Pool during that week, but it will be open on Labor Day.

GRAND OPENING (RITA’S ITALIAN ICE): Council members were invited to attend the Grand Opening/Ribbon Cutting Ceremony at Rita’s Italian Ice on Thursday, July 24th, at 3:00 p.m.

PAY BILLS: Councilman Mumma made a motion to approve the payment of Check Nos. 46620 to 46724 and 46589 to 46617 (and Check Nos. 46618, 46619, 46716, 46587, 46588 and 46603 were voided). Councilman McCammon seconded; the motion passed unanimously.

PAVING KING STREET (WEST OF TRITLE AVENUE): (*Councilman Martin recused himself from the meeting.) Denny Benshoff explained that King Street between Tritle and Frick Avenues was never built – it was dug out and filled with “millings”. West End Development would like Council’s permission to put a 2 ½" base coat on King Street from Tritle to Frick Avenues at their expense, which would eliminate water and mud run-off. Councilman McCammon made a motion to accept the offer. Councilman Stains seconded; the motion passed unanimously.

COUNCIL AND STAFF COMMENTS: Kevin Grubbs reported that LTAP suggested moving the crosswalk on Main Street at Fairview Avenue closer to the top of the hill. Discussions were held with Fairview Avenue school officials to ensure that they had no problems with moving the crosswalk. By doing so, a handicapped ramp with a protective warnings device will need to be installed on the north side of Main Street, at an estimated cost of \$1,830.00. Councilman Mumma made a motion to approve relocation of the crosswalk at Fairview Avenue and Main Street, as discussed. Councilman Martin seconded; the motion passed unanimously.

Kevin Grubbs noted that he was contacted by St. Paul’s AME Church (on King Street across from Wayne Avenue) regarding the signs they had requested on portions of King Street and Elder Avenue. The section from the alley directly across from Elder Avenue to the crosswalk on Wayne Avenue does not have “Sunday only” parking. Accordingly, they are requesting that the signs in that location be

changed from “No Parking Anytime” to “Sunday Only Parking”. Councilman Martin made a motion to approve the request. Councilman Stains seconded; the motion passed unanimously.

Fire Chief Dave Martin reported that the volunteers have secured two (2) grants – one for \$10,000 to purchase four (4) new portable radios, and one for a \$3,750 matching grant from DCNR for wildland gear.

Mayor Starliper advised Council that ten (10) individuals have contacted him to comment, “no flashing signs, period”.

President Newcomer stated for the record, that they are not called “flashing signs”, but “electronic message business signs”. He added that, at no time has anyone on Council been threatened or coerced about this decision. He explained that the Solicitor had advised them that they were to have no conversations with the other Council member during the time when they were looking at this ordinance. These decisions made were based totally on conversations between Council and their Solicitor. In addition, the cost for a lawsuit was brought up – and you never can put a number on the cost for a lawsuit. He added that, several meetings ago, Council was discussing a raise for the Borough’s retirees; and there was some concern voiced at that time about the 2% raise being granted to people who worked hard for our Borough from the same individual who was now considering the costs of a lawsuit. (Especially since there was no increase in the amount being spent by the Borough – this was funded by the state). He noted, however, that some details brought to Council’s attention regarding this ordinance will be researched and considered prior to making a decision on the matter.

Having no further business to discuss, the meeting adjourned at 8:50 p.m. on a McCammon/Greenawalt motion which passed unanimously.

Respectfully Submitted,

Melinda S. Knott
Administrative Assistant