

MAY 21, 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, C. Harold Mumma, Craig Newcomer, Charles McCammon and Ronald Martin (Jason Stains 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, Borough Solicitor (Salzmann Hughes, PC)
Dave Martin, Fire Chief
Mark King, Police Chief

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

EXECUTIVE SESSION: President Newcomer noted that Council will adjourn to an executive session at 7:31 p.m. for the purpose of discussing pending litigation. They reconvened to regular session at 8:03 p.m.

APPROVE MINUTES: Councilman McCammon made a motion to approve the minutes of the May 7, 2008 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 will present a motion to hire summer help during the “voting” section of the meeting. Mr. Mumma also reported that the Personnel Committee will conduct Interviews for the three (3) police officers’ positions the following week.

PROPERTY AND PUBLIC SAFETY COMMITTEE: Councilman McCammon questioned the status on the sale of the Ridge Avenue property. Mr. Hamberger replied that bids will be accepted for the property, however he suggested waiting until the real estate market improves.

STREET COMMITTEE: Councilman Martin noted that he will present one (1) item for voting later in the meeting.

INTERGOVERNMENTAL COMMITTEE: No report.

DOWNTOWN REVITALIZATION COMMITTEE: No report. Mr. Hamberger noted that he met recently with the new Downtown Manager, Bruce Dreisbach. He added it was a productive meeting, and he

feels that downtown Waynesboro is “heading in the right direction”. President Newcomer agreed.

FINANCE COMMITTEE: No report. President Newcomer reported that he has been working on a cost-of-living increase for the Borough’s retirees for some time now. He will give a report on his progress later in the meeting.

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

“On May 9th, I was privileged to be a part of presenting, on behalf of the Borough of Waynesboro, the Eva Stenger Clinical Excellence Award to Loretta Davis of the Waynesboro Hospital.

On May 11th, I performed the marriage of Connie Daffner to Gregery Hastings. We wish them the best.

On May 12th, I participated in the 8th grade Adventures in Learning. This was a mock interview in which the 8th graders completed a work application and then interviews. Sgt. Bock was also among the interviewers.

On May 20th, Chief King and Officer Taylor presented an informative bicycle program at Fairview Elementary School and will also present the program at Summitview Elementary School on May 22nd.”

SOLICITOR’S REPORT: No report.

PUBLIC COMMENT - ITEMS ON AGENDA: None.

VOTING ON ITEMS FROM COMMITTEE REPORTS: Councilman Mumma made a motion to hire Joanne Smith and Shelby Smith as Cashiers; Megan Wunderlich, Hannah Masters and Taryn Hough as Lifeguards; and Brenda Lucas as Custodian. Councilman McCammon seconded; the motion passed unanimously.

Councilman Mumma noted that he received a favorable evaluation for Jody Sanders, however no action was required.

Councilman Martin made a motion to approve a request for a handicapped parking space at 110 Middle Street. Councilman McCammon seconded; the motion passed unanimously.

Councilman Martin noted that he received a letter from Principal Chris Dennis regarding the commencement ceremony for the Waynesboro Area Senior High School on June 5th. They are requesting permission to close E. Second Street, from Virginia Avenue to Enterprise Avenue, from 5-9:30 p.m. that evening (this has been done in the past). Mr. Martin added that he has a meeting scheduled with Mr. Dennis the following day to discuss student parking. Councilman Martin made a motion to approve the request to close E. Second Street for commencement services, as requested. Councilman McCammon seconded; the motion passed unanimously.

UNFINISHED BUSINESS

UPDATE ON STORMWATER STUDY: Kevin Grubbs noted that Dennis Black Engineering is currently working on the design phase for the outfall; and when completed, they will forward copies for Council’s review. They are also preparing to submit the Erosion and Sedimentation Plan to the Franklin County

Soil & Conservation District for review and approval. The joint permit for submission to the Corp of Engineers should be completed this Friday. Mr. Grubbs noted that filing for the joint permit had not been included in their original proposal, and they are sending an Addendum to their proposal in the amount of \$8,750.00 for these services. Councilman Martin made a motion to approve the Addendum submitted by Dennis Black in the amount of \$8,750.00. Councilman Mumma seconded; the motion passed unanimously.

USE OF MEMORIAL PARK (COREY KAUFFMAN): Mr. Hamberger noted that he received a request from Corey Kauffman to use Memorial Park to hold a softball tournament as a fundraising project/senior graduation project. The Memorial Park Board has reviewed the request and noted no problem, provided that no admission fees are charged. Mr. Hamberger noted that he will discuss the matter with the Recreation Board to ensure there is no scheduling conflict with the leagues' use of the fields. Councilman McCammon made a motion to approve the requested use, subject to final approval by the Recreation Board. Councilman Greenawalt seconded; the motion passed unanimously.

OUTDOOR FURNACE ORDINANCE: Solicitor Dively noted that Borough Council requested her to examine provisions in the proposed ordinance regarding limitations on the use of outdoor furnaces from October 1st to May 1st, however she was unable to locate any regulations regarding a timeframe. She suggested that Council may wish to eliminate the timeframe limitation. Mrs. Dively added that no public hearing will be required for adoption of this proposed ordinance. Councilman Martin made a motion to exclude the stated time limit and advertise the proposed ordinance for adoption at the June 18th meeting. Councilman McCammon seconded; the motion passed unanimously.

NEW BUSINESS

"FLASHING LIGHTS" ORDINANCE: (Councilman Martin recused himself from the meeting.) Solicitor Dively added that Mr. Martin provided a written memorandum regarding his recusal.

Ms. Dively reported that the Waynesboro Planning Commission has been working on this ordinance for some time, and took action to recommend the ordinance provided to Council in their meeting packet. Several minor modifications were made to the ordinance to further clarify that flashing signs would be prohibited with certain limitations (those areas were indicated on a map at the front of the room), with a minimum interval of 15 seconds, and on-premise business sign usage only. She added that if it is Council's wish to move for adoption and advertising of the ordinance, her recommendation would be to return it to the Planning Commission agencies to follow the normal amendment process. Councilman Mumma then made a motion to advertise proposed adoption of the ordinance recommended by the Planning Commission as presented at this meeting. Councilman McCammon seconded; the motion passed unanimously.

SCHEDULE PUBLIC HEARING RE: ALLEY ABANDONMENT (DAVID FAIR): Kevin Grubbs reported that he has received all requested information from David Fair; and the proposed ordinance to vacate the alley east of Northfield Avenue has been reviewed and approved by the Solicitor and forwarded to the Franklin County Planning Commission for their review and comment.

(Councilman Martin returned to the meeting at this time.)

Mr. Grubbs suggested that Council schedule a public hearing regarding the matter on June 18th. Advertisements will be placed in *The Record Herald* on June 3rd and June 10th. In addition, notifications will be sent to all adjoining property owners and the property will be posted. Councilman McCammon made a motion to proceed as outlined by Mr. Grubbs. Councilman Greenawalt seconded. President Newcomer thanked Mr. Fair for meeting the "gentleman's agreement" made several meetings ago. A vote was called and the motion passed unanimously.

STREET LIGHT AGREEMENT: Mr. Hamberger noted that, as a follow-up to Council's authorization for Allegheny Power to make changes in the street lighting to high-pressure sodium bulbs, the fact that there are some "other than standard" street lights in a few locations (along Vista Drive/Vista Court and at Northside Park) was discussed. He noted that the existing fixtures are the "Chinese hat type", which are no longer supplied. Accordingly, Allegheny Power proposed to replace those with colonial-type fixtures like those on Price Avenue. An agreement regarding this proposal was presented for Council's execution. Councilman McCammon made a motion to accept the agreement, as presented. Councilman Greenawalt seconded; the motion passed unanimously.

PUBLIC IN ATTENDANCE - NON-AGENDA ITEMS:

Amos Miller, 309 W. Sixth Street – Mr. Miller suggested that the "no parking" signs installed at private drives on Myrtle Avenue should be treated the same as those for handicapped parking spaces (i.e. application process and applicable fee). President Newcomer noted that, as this was a temporary problem, that wasn't considered at the time. He referred the matter to the Street Committee for discussion at their next meeting scheduled for June 4th at 9:00 a.m.

Frank Bittner, 842 Anthony Avenue - Mr. Bittner referred to a headline article in *The Record Herald* on May 13th regarding a councilman being denied a sign permit. He read from the *PA Borough Council Handbook* (Page 10) ... "Borough Councilors should be very careful to avoid the possibility of conflict between their personal and private interests in their role as a public officer. The Ethics Act states that the people have a right to be assured that the financial interests of public officers do not conflict with the public interest." (Page 11) ... "Removal (from office) can occur if a Councilor has neglected or refused to attend two successive meetings of Council unless detained by illness or necessary absence from the Borough. It can also occur if any Councilor attending a meeting neglects or refuses to vote, withdraws from the meeting, or otherwise refuses to act in their official capacity."

Mr. Bittner noted that, in his opinion, the specified councilor in the referenced newspaper article is not acting in the role of a Councilor, but that of a resident. He further noted that if the specified Councilor wishes to pursue the lawsuit path, he should relinquish his position as Councilor and continue his quest as a resident. He added his comment that a Councilor suing the town is not a good example of pro-growth.

FOR INFORMATION ONLY

REMINDER OF MEETING WITH LTAP REPRESENTATIVES: Mr. Hamberger reminded Council members of the upcoming meeting with LTAP representatives on May 23rd at 8:30 a.m. in the first floor conference room of Borough Hall.

ROTARY PARK DEDICATION (JUNE 10, 2008): Mr. Hamberger noted that there will be a Rotary Park Dedication Ceremony on June 10th at 12:00 noon.

AWARD BIDS - 2008 CDBG CURB PROJECT: Mr. Hamberger noted that two (2) bids were received. The staff is recommending awarding the bid to B & R Construction of Harrisburg, PA, whose bid was \$61,700, subject to obtaining proof that they can meet the appropriate guidelines. Councilman McCammon made a motion as such. Councilman Greenawalt seconded; the motion passed unanimously.

CHALLENGE TO ZONING ORDINANCE & CURATIVE AMENDMENT: (Ronald Martin removed himself from the meeting because of a conflict of interest). Solicitor Dively noted that a curative amendment was filed on May 16th by Councilman Martin's attorney. Under the procedures set forth in the Municipalities Planning Code, Council has sixty (60) days to initiate the hearing process to

consider the validity challenge and the curative amendment as proposed by the landowner. Accordingly, she recommended that Council establish their first hearing date at tonight's meeting. Discussion followed regarding the need for stenographers and witnesses during the hearing. In addition, Ms. Dively stated that Council may need to hire special counsel for the hearing (as she will be representing the Borough's interests in this matter). Councilman Mumma made a motion to advertise the public hearing for July 2nd at 7:00 p.m. and, if deemed necessary, to hire special counsel. Councilman Greenawalt seconded; the motion passed unanimously.

(Ronald Martin returned to the meeting at this time.)

COST-OF-LIVING ADJUSTMENT FOR RETIREES: President Newcomer reported that the Borough has some retired officers and staff who have not had a cost-of-living increase on their pension for many years. In their best interest, Mr. Newcomer suggested that a COLA be made now, and considered again through the Act 205 evaluation every three (3) years. It was noted that the additional cost for this adjustment will be \$4,200/year for the police pension plan and \$1,700/year for the non-uniformed pension plan. There will be no additional cost to the Borough, as the state will bear the COLA cost. Councilman Martin made a motion to adopt the COLA, as presented. Mr. Hamberger noted that Conrad Siegel will prepare the appropriate ordinance for adoption at either the June or July meeting. Councilman Mumma seconded; the motion passed 3-1 (Councilman McCammon abstained).

AGREEMENT WITH POLICE FOR 12-HOUR SHIFTS: Chief King provided Council members with a follow-up to the meeting held on May 5th between the Police Association and various members of Borough Council and staff. The Borough and the Association desire to modify the 2007 Consolidation Agreement between the parties to permit a 12-hour schedule change, on an experimental basis, subject to certain terms and conditions. Some of those terms/conditions are that the modification would go in effect on June 22, 2008 for a six-month trial period. The Association's President and Vice-President have signed the proposed modification to the contract; and Chief King would like authorization from Council to execute the agreement. Mr. Hamberger thanked Chief King, former Chief Shultz and the Mayor for their efforts to work this out. He added that this will result in no cost to the Borough – in fact, it should cut costs in vehicle expenses, overtime, sick leave, etc. Councilman Mumma made a motion to adopt the 12-hour shift modification as proposed by Chief King. Councilman Martin seconded; the motion passed unanimously.

On a related matter, Mr. Hamberger advised that Council will be interviewing police officers for the three (3) vacant positions. He stated that the Civil Service Commission commented that they were extremely pleased with the high quality of individuals who passed this test. Mr. Hamberger thanked the Civil Service Commission members for their assistance.

PAY BILLS: Councilman Mumma noted that Check No. 46370 was voided; and he made a motion to approve the payment of Check Nos. 46371 to 46455. Councilman Greenawalt seconded; the motion passed unanimously.

COUNCIL AND STAFF COMMENTS: Councilman McCammon raised questions regarding the presentation several meetings ago with regard to pedestrian crosswalk laws. Planning Commission member Stephen Monn, who was present in the audience, provided clarification on the matter. President Newcomer also noted that he has seen several comments in the newspaper regarding pedestrians, and he encouraged residents to attend Council meetings in order to have the laws explained and/or clarified.

Councilman Martin stated his pleasure in the number of building permits issued in April (32, including 9 new houses) in the Borough.

Mayor Starliper noted that Lincoln Avenue may be closed from time to time in the next several weeks as Frick Company dismantles their existing water tower.

Kevin Grubbs reported that revisions to the plans, etc. for C.V. Avenue have been completed and approved. He is hoping to receive a letting date for the project within the next several days.

Mr. Hamberger stated that a Liquid Fuels advisor was on-site recently to look at Welty Road, in an attempt to get it set-up as a project. There were many questions, however; in particular, regarding prevailing wages. As the Borough is planning to do most of the work, he is hoping to have prevailing wages excluded. The matter will be submitted to the Department of Labor & Industry for a determination.

Amos Miller requested to speak on the matter of the COLA for retirees. He stated that many of the Borough's residents are retired from Tool Company, Machine Company, Frick Company and Mack Trucks ... and none of them "enjoy the luxury of a COLA increase on their pensions", as private industries don't do that. President Newcomer added, however, that private industries get paid a lot better than municipal employees do (and he feels the increase is well warranted).

Having no further business to conduct, the meeting adjourned at 8:56 p.m. on a McCammon/Greenawalt motion which passed unanimously.

Respectfully Submitted,

Melinda S. Knott
Administrative Assistant