

JULY 18, 2007
WAYNESBORO, PA 17268
REGULAR MEETING

Council President Craig Newcomer called the regularly scheduled meeting of the Waynesboro Borough Council to order at 7:34 p.m. with the following in attendance:

Borough Council Members – Allen Porter, Jason Stains, Richard George, Craig Newcomer, Charles McCammon and Allen Berry

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)
Ray Shultz, Police Chief
Ron Flegel, 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 June 20, 2007 meeting, as written. Councilman Berry seconded. Borough Council President noted (with regard to discussion held at the last Council meeting), it was recommended that Council work with the property owners on Mulberry Avenue regarding the proposed closure and parking spaces. Solicitor Melissa Dively reminded Council members that it was not a closing they were discussing, but a change in the type of public passageway (from vehicular to public footpath). Councilman McCammon amended his motion to include the recommendations presented with regard to S. Mulberry Avenue. Councilman Porter seconded the amended motion; the motion passed unanimously.

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

COMMITTEE REPORTS

PERSONNEL COMMITTEE: Councilman Berry reported that he will present a motion on a personnel matter during the “voting” section of the agenda.

PROPERTY AND PUBLIC SAFETY COMMITTEE: Councilman McCammon noted that the Property Committee has discussed the proposed sale of the former “dump” in the vicinity of Ridge Avenue and Fifth Street, and he will present their recommendation in the form of a motion later in the meeting.

STREET COMMITTEE: Councilman Porter reported that the Street Committee met on July 9th and discussed several items, including the following --

- E. Second Street – the street is currently open to the public until school reconvenes; and the Street Committee will meet with School District representatives in August to work out details for the next school year

- Clarification on the rules for handicapped parking spaces (complaints were voiced regarding a violation on N. Price Avenue)
- Speed bumps and condition of the alley to the rear of the Eagles Club – a motion will be presented later in the meeting
- Complaint regarding sight distance at one of the Waynesboro Mall exits due to the placement of a shade tree – the tree has been trimmed, and officials will “keep an eye” on the problem
- Request for a barrier post in front of a business on S. Potomac Street – no action will be taken on this request, because new traffic signal standards will be placed at that location in the spring of 2008
- Request for speed limit sign on Philadelphia Avenue
- Complaints regarding vegetation growth in alleys

INTERGOVERNMENTAL COMMITTEE: No report.

DOWNTOWN REVITALIZATION AND FINANCE COMMITTEE: Councilman Newcomer noted that Dan Sheffler (Code Enforcement Officer) is working with the Downtown Revitalization Committee regarding a proposed rental inspection program for apartments in the downtown. Council will be kept abreast of any progress.

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

“Once again I had the pleasure of presenting the Mayor’s Award at the 2nd annual Car Show on June 23rd. My pick was a 1966 red Mustang convertible.

I attended the PSAB’s annual meeting at Valley Forge on June 24th to June 27th. I have forwarded to Council legislative updates that have or may effect boroughs.

On July 4th, I represented the Borough at the Brothers of the Brush annual July 4th parade.

I had the privilege on July 7, 2007 of uniting in marriage, Karla Long and Michael Gonder. We wish them happiness.

On the 16th of July, as Mayor and member of the Franklin County Red Cross Board of Directors, I participated in the ribbon-cutting of the Waynesboro office at the Toll Gate House.”

SOLICITOR’S REPORT: No report.

PUBLIC COMMENT - ITEMS ON AGENDA:

Stephen Monn, 126 W. Main Street – With regard to discussion held by the Street Committee concerning speed bumps in the alley to the rear of the Eagles Club, Mr. Monn suggested that a railing be installed that would force people exiting the rear door a few feet west. This would allow pedestrians

to see vehicles traveling in the alley, as well as aid motorists in seeing them before they enter the alley. He feels that safety (more than speed) is the real issue in this instance.

Mr. Monn also voiced his surprise and shock at Council's reluctance to help Quincy Home with the bond issue discussed at Council's June meeting. He added his hope that Council has reconsidered Quincy Home's request.

Tucker Maxwell, 12 Wynncrest Drive – Mr. Maxwell, a member of the Quincy Home Board of Directors and Waynesboro attorney specializing in wills/estates and elder law, spoke on behalf of Quincy Home. He noted that Waynesboro's leaders have a responsibility to benefit the Greater Waynesboro area. Quincy Home (through its parent organization, PHI) is asking for the Borough's help in making a loan through M & T Bank, in the form of municipal bonds, which will dramatically reduce the cost to the retirement community and help to fulfill its mission for the elderly.

Mr. Maxwell made comments to clarify several misconceptions regarding this matter:

- Cost to Borough? Mr. Maxwell noted that the cost to the Borough is "nothing". In fact, some would say that anything paid to the Borough by Quincy Home could be called extortion; however he would prefer to call it Quincy Home's contribution to the Greater Waynesboro area.
- What if there were a default? Mr. Maxwell noted that he expects no default. If there were, however, Quincy Home (PHI) is borrowing the money – not the Borough of Waynesboro.
- Is PHI making a profit (with the profit to be paid to the owners)? Mr. Maxwell noted that PHI is a 501c3 organization (a charity); and all money coming into PHI is used to further its mission, which is to provide high-quality health care and housing principally to the elderly in a good and proper atmosphere.

Mr. Maxwell explained the concept of Quincy Home's financing. When an individual seeks a mortgage from the bank, the bank quotes a rate; the bank comes up with the money for the loan from the purchase of CD's, investments, etc., which is taxable; and because it is taxable, the interest rate charged is higher than it might otherwise be. When an entity like Quincy/PHI borrows money, it can be done the traditional way – but they can get a lower rate by coming to a municipality for "its blessing" on their mission and what they are attempting to accomplish.

Mr. Maxwell also explained Quincy Home's relationship with PHI. Several years ago, when it was discovered that Quincy Home was in deep financial trouble, the Board hired Carole Malin and CPA Jack Parsons to "turn things around". The Board considered Quincy Home's future and continued existence, and recognized that a small, stand-alone retirement community was not "the way to go". Three (3) serious suitors were pursued, and they chose PHI, whose mission was virtually identical to that of Quincy Home.

Mr. Maxwell stated that the Borough's cooperation with Quincy Home in this respect will improve the Greater Waynesboro area. Their planned venture will cost taxpayers nothing, and there is absolutely no risk to the Borough. He noted that the extraction of money from Quincy Home for this operation is entirely within Council's own judgement, and he suggested that Council members "let your character be your guide". He encouraged Council to move promptly with the request.

Ronald Martin, 66 State Hill Road - Mr. Martin commented that, while he appreciates Mr. Maxwell's comments, Waynesboro's residents do not get reduced rates at Quincy Home. He noted that, over the life of the loan, Quincy Home is expecting to save approximately \$2 million. Because the banks normally charge fees for making loans, he suggested that the Borough should also charge a 1% fee

(which would “go a long way to offset the Borough’s stormwater problems or roof/new HVAC at Borough Hall”). He feels this would be a “win/win” for both parties.

Jeffrey Davis, PHI – Mr. Davis pointed out that, while Waynesboro’s residents do not receive reduced fees, Quincy Home did over \$1.2 million of charity care (which benefitted the Greater Waynesboro area). He noted his appreciation to Council for their support and efforts on this matter.

VOTING ON ITEMS FROM COMMITTEE REPORTS: Councilman Berry made a motion to promote Larry Freeman to the position of Water Plant Operator (salary level 10A), in accordance with his certification effective June 8, 2007. Councilman McCammon seconded; the motion passed unanimously.

Councilman McCammon made a motion to authorize the Borough Manager to have the former “dump” property in the vicinity of Ridge Avenue and Fifth Street appraised. Councilman Stains seconded; the motion passed unanimously.

Councilman Porter thanked Mr. Monn for his suggestion regarding a railing at the rear of the Eagles Club, and noted that that will be discussed with the Club’s Manager. In addition, he noted that the speed bump(s) need to be re-established in the alley; and he made a motion to install three (3) lower and wider speed bumps in Gay Street (behind the Eagles Club). Councilman George seconded. It was noted that the Club’s Manager will work with Borough staff regarding an appropriate location for these speed bumps. A vote was then called; the motion passed 5-1 (Councilman McCammon opposed).

Councilman Porter made a motion to install 25 mph speed limit signs on Philadelphia Avenue between Second and Third Streets. Councilman George seconded. Discussion ensued on the prudence of lowering the speed limit to 15 mph at this location, due to the narrowness and parking on both sides of the street. A vote was called on the motion for 25 mph speed limit signs, and the motion passed unanimously.

UNFINISHED BUSINESS

QUINCY HOME REFINANCING: Solicitor Melissa Dively noted that, after hearing comments and concerns voiced at the last Council meeting, she engaged in discussion with Quincy Home’s bond counsel (Richard Michael) regarding their possible offer of a contribution to the Borough in the form of funds to help defray costs of the stormwater study currently being undertaken. Their thought was that stormwater negatively impacts the sewer system (which is under the auspices of the WBA), so the Borough, its residents, and the WBA would all benefit. Attorney Michael advised that Quincy Home would be interested in contributing whatever the Borough would deem reasonable. After discussions with Kevin Grubbs regarding anticipated costs, an amount of \$20,000 was suggested for the aerial photography portion of the study.

Councilman George made a motion for approval. Councilman Porter seconded; the motion passed unanimously. **A CLARIFICATION ON THE MOTION WAS GIVEN LATER IN THE MEETING.*

NEW BUSINESS

BIDS FOR HVAC UNIT: Mr. Hamberger reported that the bids for the HVAC unit at Borough Hall came in over budget. He and the Finance Committee will review the budget to determine where the additional funding will come from. A report will be presented to Council for their action at an upcoming special meeting.

INTERFAITH HOUSING: Mr. Hamberger noted that Council had previously approved a subdivision plan for Hometown Homes for a property on S. Church Street; and the developer had done some

stormwater management work at the location. Interfaith Housing of Frederick, MD, has since entered into a purchase contract with Hometown Homes for the property, and plans to take over the development in accordance with the original plans. Frank Lucician, Associate Director of Multi-Family Development for Interfaith Housing Alliance, was present to explain their program. He noted that they provide self-help housing for “working” people. Their plans are for the units to be rented, with an option to buy. The occupants help to build their own homes (as well as their neighbors’), and no one is permitted to move into their home until all the homes are completed.

Representatives from Interfaith Housing met recently with the Mayor, Borough Manager and Head of Engineering Services to present their idea. Zoning of the area is appropriate for this type of development, and he was asked to share information about the organization and this project (in particular) with Council members.

Mayor Starliper noted his support for the concept, adding that this type of development would “really enhance that area”.

FINAL COMMENTS AND MOTION CLARIFICATION - QUINCY HOME REFINANCING: Council President Craig Newcomer briefly explained Council’s decision to table the matter at their last meeting to representatives of Quincy Home. He stated that providing information to Council members prior to a meeting greatly assists in their decision-making process.

Borough Solicitor Melissa Dively noted that the motion made previously regarding Quincy Home’s refinancing was somewhat unclear. She asked for clarification – was the motion an approval, unconditional, without any contribution? Councilman George responded that that was his motion – if Quincy Home would, in fact, want to make a contribution, that would be “up to Quincy” and Council is not adding that as a stipulation. Council concurred.

MULLIN & LONERGAN ASSOCIATES CONTRACT: Mr. Hamberger presented Addendum “B” to the Contract for Professional Services with Mullin & Lonergan Associates, Inc. for a modification in the contract amount for F.Y. 2007 from \$7,000 to \$12,000. Councilman George made a motion to approve the proposed Addendum. Councilman Porter seconded; the motion passed unanimously.

PLANNING COMMISSION ITEMS: Kevin Grubbs noted that Council members received information on several plans, which are being presented for Council’s consideration –

1. Sussman Subdivision Plan – existing duplex at 128-130 Snider Avenue. The Sussmans were required by the Planning Commission to receive a variance for lot width requirements (which are a minimum of 25’, as outlined in the Zoning Ordinance), as this is an existing building, and the lots are only 20’. The Zoning Hearing Board granted approval of the requested variance, and the Waynesboro Planning Commission recommended approval to Borough Council. Councilman Porter made a motion to approve the Sussman Subdivision Plan, as presented. Councilman Berry seconded; the motion passed unanimously.
2. Myers/Miller Condominium Land Development Plan – proposed 12-unit condominium unit located at W. Fourth Street and Ridge Avenue. Council received extensive information regarding the Homeowners’ Association for this development, which is still under review. Mr. Grubbs proposed that this matter be placed on Council’s agenda for discussion at their next meeting.

RETURN-TO-WORK PROGRAM: Mr. Hamberger noted that the Borough’s Safety Committee has been doing a great job; and their latest task has been to develop a Return-to-Work program/procedure. He explained that this program outlines procedures by which an employee can

return to work after they have been off due to an injury. Mr. Hamberger and the Borough Solicitor have reviewed and refined the proposed procedure, and are recommending Council's approval. Councilman McCammon made a motion to approve the proposed Return-to-Work program and procedures, as presented. Councilman Stains seconded; the motion passed unanimously.

FACADE IMPROVEMENT PROGRAM REGULATIONS: Mr. Hamberger noted that several questions arose recently with regard to the Main Street Facade Improvement Program, and these were discussed with Council at their Joint Committee meeting. He provided information on proposed modifications to the program's regulations, as follows –

- What would happen if someone had a project on a building and came back for a second project on the same building? The Borough's consultant (Mullin and Lonergan Associates, Inc.) reviewed the matter and recommended that a minimum of six (6) months must elapse between the completion and closing-out of one approved project and the submission of another proposal by the same applicant; and the subsequent proposal must be in another calendar year. In addition, new applications will have first priority.
- Due to the historic nature of some of the structures, it is not always possible to obtain two (2) cost estimates in accordance with HUD standards. Mullin and Lonergan recommends that, in cases where only one (1) appropriate bid is possible, a letter will be required from the applicant stating that only a single bid was provided despite seeking multiple bids; or that due to the nature of the work only one (1) contractor was interested or qualified in doing the work; and therefore, only a single bid was obtained.

Discussion followed regarding clarification on "double-dipping" in the case when a building has been sold to another owner. Mr. Hamberger noted that the rule would be interpreted as if the building were the applicant (and therefore, the "double-dipper"), not the individual. Accordingly, the new owner could apply for a grant, but he/she would be required to follow the regulations as proposed.

Councilman McCammon made a motion to approve the proposed addendum to the Facade Improvement Program's rules and regulations. Councilman George seconded; the motion passed unanimously.

FACADE IMPROVEMENT PROGRAM APPLICATIONS: Mr. Hamberger presented four (4) applications for funding through the Facade Improvement Program. In anticipation of the new regulations being considered by Council, the Design Review Committee reviewed the applications, but recommended approval subject to the particular circumstances of each one. Councilman Stains made a motion to grant approval of the four (4) applications presented. Councilman Berry seconded.

President Newcomer requested advice from Melissa Dively – since the applications were presented prior to adoption of the new rules, will they be applicable to these applications? Ms. Dively noted that that would depend on the wording of the regulations. It would be safest to say that they don't apply, but Council could change their motion to include all pending applications.

After discussion on the matter, a vote was called on the motion to approve the applications. The motion passed unanimous. **A CLARIFICATION ON THE MOTION WAS GIVEN LATER IN THE MEETING.*

PUBLIC IN ATTENDANCE - NON-AGENDA ITEMS:

Ronald Martin, 66 State Hill Road – Mr. Martin commented that information on the applications being discussed should be shared with members of the audience. Accordingly, Mr. Hamberger advised that

the applications approved were:

1. Kevin Potts, 52, 54 and 56 W. Main Street (old Cermak building)
2. Helen Tsoukatos, 34-36 E. Main Street
3. Harry Morningstar, Jr., 100 W. Main Street
4. John Leos, 12-14 E. Main Street (Candy Kitchen)

Joanne Wildeson, Mulberry Laundry Center – Ms. Wildeson voiced her disappointment in Council's decision to "close" S. Mulberry Avenue. She commented that the businesses off Main Street should have been given consideration in this decision, but a professional survey was not conducted and no one discussed the matter with her to see if there could have been an amiable solution. She added that this decision will essentially be closing off the only access from Main Street to the businesses on S. Mulberry Avenue. President Newcomer stated that he supports the closing of S. Mulberry Avenue to vehicular traffic. He envisions the businesses and the parking lot to be a viable place "sometime down the road", and would like to be able to provide facade improvement funds for the buildings surrounding the parking lot.

Doug Helman – Mr. Helman noted that his daughter was involved in an accident at the Mulberry Avenue/Main Street crosswalk recently. He feels that the crosswalk is in a poor location and should be moved westward to the top of the hill. As the business section is more to the west, this location would be more "central" to the area; and pedestrians would also be more visible. Only cars (not SUV's or trucks) should be permitted to park in the three (3) parking spaces on either side of the crosswalk, and a 5' buffer should be painted on the roadway prior to the crosswalk to alert motorists of the upcoming crosswalk. He also suggested erecting signs on either side of the crosswalk indicating a pedestrian crossing. President Newcomer noted that studies were conducted, and the state will be providing pedestrian crosswalk signs (similar to those in Greencastle and Emmitsburg) to be placed in the middle of the street. A suggestion was also made to pursue "rumble strips" prior to the crosswalk (these would have to be approved by the state). The ideas presented will be reviewed further by the Street Committee.

FOR INFORMATION ONLY

STORM SEWER WORK IN FIFTH STREET AREA: Kevin Grubbs noted that the Maintenance Department is in the process of replacing the storm sewer in the alley at Park Street. Denny Benschhoff provided information on the progress (and difficulties experienced), but stated that the work should be completed within the next few days.

S. MULBERRY AVENUE PAVEMENT TEXTURIZING UPDATE: Mr. Hamberger noted that the appropriate amendment has been made to the contract for the S. Mulberry Avenue texturizing to be completed. The total contract price will be approximately \$30,000. Their goal is to have the storm sewer and sanitary sewer work on Fifth Street completed by August 1st, and then they will move forward with the S. Mulberry Avenue project in mid-August. He anticipated that, once started, the work will take several days.

MOTION CLARIFICATION - FACADE IMPROVEMENT PROGRAM APPLICATIONS: Mr. Hamberger requested clarification on the motion made earlier regarding the Facade Improvement Program applications – is Council saying that the "double-dipping" does not apply to anyone who had an application in or not? Council agreed that it did not apply, as no amendment was made to the motion. The "single bid" regulation automatically applies, as the previous regulations required two (2) bids.

PAY BILLS: Councilman Stains made a motion to approve the payment of Voucher Lists VL-07-18 and 19. Councilman Porter seconded; the motion passed unanimously.

COUNCIL AND STAFF COMMENTS: Mayor Starliper reminded the public that washing and repairing vehicles on public streets or parking lots is prohibited; and yard sale signs on utility poles and Borough property/signs is also prohibited. Violators can be cited. He encouraged residents to take pride in their homes (whether they are renters or property owners) by removing the grass and weeds growing in sidewalks and along curbs.

Mayor Starliper also mentioned an e-mail which has been circulating regarding flashing lights at motorists who do not have their headlights on. The article warned of the danger in this due to gang initiation practices. Even though it has been determined that this is a hoax, he cautioned residents about stopping to help people whose vehicles have broken down or picking up hitchhikers. He instructed individuals in these circumstances to contact the police to summon help. In all situations, he added, residents should be careful of their surroundings and the people near them.

Dan Sheffler reported on the status of the property at 502 W. Main Street. He sent Cletus Hurd a letter with a timeframe to submit an engineer's design on repairs needed on the basement. He noted that if the work is not completed within the stated timeframe, the court will be petitioned to get the work done and bill him for it. In addition, Mr. Sheffler noted that he has been issuing numerous citations for weed violations.

President Newcomer advised Council members that the School Board did not approve the Borough's request to place a "Welcome to Waynesboro" sign on their property at E. Second/E. Main Streets. He encouraged Council to begin searching for another location for the sign.

Having no further business to discuss, the meeting adjourned at 8:45 p.m.

Respectfully Submitted,

Melinda S. Knott
Administrative Assistant