

MARCH 7, 2007
WAYNESBORO, PA 17268
REGULAR MEETING

Council President Richard George 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 – Allen Porter, Craig Newcomer, Richard George, Charles McCammon and Allen Berry (Jason Stains was absent)

Mayor Richard Starliper

Borough Staff – Lloyd R. Hamberger, II, Borough Manager
Denny Benschoff, Maintenance Superintendent
Kevin Grubbs, Head of Engineering Services
Melissa Dively, Borough Solicitor (Salzmann Hughes, PC)
Ron Flegel, Fire Chief

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

APPROVE MINUTES: Councilman Porter made a motion to approve the minutes of the February 21, 2007 public hearing and regular meeting, as written. Councilman McCammon seconded; the motion passed unanimously.

COMMITTEE REPORTS

PERSONNEL COMMITTEE: Councilman Berry noted that he will present motions on two (2) performance evaluations later in the meeting.

PROPERTY AND PUBLIC SAFETY COMMITTEE: Councilman McCammon reported that the Property Committee discussed the possibility of having aerial photographs done, but is unsure where the money would come from (as this is not in the budget). In addition, he noted that they viewed (and recommended approval of) the proposed flower pots to be installed on the downtown light poles.

STREET COMMITTEE: Councilman Porter noted he was informed that two (2) handicapped parking spaces are no longer required – he will present a motion for their removal later in the meeting.

INTERGOVERNMENTAL COMMITTEE: No report.

DOWNTOWN REVITALIZATION AND FINANCE COMMITTEE: No report.

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

"I attended the PSAB's Wake-up Breakfast meeting in York on February 23, 2007. Among the issues discussed were ordinances in reference to Megan's Law and illegal aliens; and issues with the Sunshine Act and Open Records Act Developments. Also, the PSAB is in full swing on the revision of the Borough Code, the Taxpayer Bill of Rights, Smoking in Public and Workplaces, Pandemic Issues, Cable Franchising Update, Prevailing Wage and EIT Tax Collection.

On February 24th, I once again had the privilege to attend the TV Tune-in Essay Contest Awards Luncheon. I was very impressed with all winners.

On February 27th, I attended the Tri-County Boroughs' Association meeting. Senator Pat Vance gave us her take on the new legislative session and, in particular, on the transportation issue of snow removal on February 14th. Also, Heather Champion from Dickinson College presented a program of internships for employers. The next meeting will be April 24, 2007 at the Greencastle VFW.

Update on retired Officer Kurt Heffernan – As you may or may not know, on February 26th, Officer Heffernan suffered a stroke. It has affected his left side. Currently, he is in the Chambersburg Hospital in the Rehab Unit. We wish him a full recovery.”

SOLICITOR'S REPORT: No report.

PUBLIC COMMENT - ITEMS ON AGENDA: None.

VOTING ON ITEMS FROM COMMITTEE REPORTS: Councilman Berry made a motion to remove Richard Doll from probationary status. Councilman McCammon seconded; the motion passed unanimously.

Councilman Berry made a motion to approve a step increase for Tom Brennan to salary level 12E. Councilman McCammon seconded; the motion passed unanimously.

Councilman Porter made a motion to remove the handicapped parking signs at 217 Cleveland Avenue and 112 Fairview Avenue, as the spaces are no longer needed. Councilman McCammon seconded; the motion passed unanimously.

UNFINISHED BUSINESS

DOWNTOWN FLOWER POTS: Kevin Grubbs reported that he met last week with representatives of MainStreet Waynesboro, Inc. and mounted the bracket for the flower pots on a street light pole. Pictures were sent to Council for their review and consideration. He noted that there is 8' clearance from the sidewalk to the bottom of the proposed flower pots, and sufficient room on the posts to avoid interference with the existing banners. He added that the design was very well done. Mr. Grubbs also contacted the manufacturer of the light posts to determine appropriate weight tolerance. He feels this will not be a concern, as the flower pots will be situated near the center of the posts (and the maximum weight allowance near the top, but below the light housing, is 15-20 lbs.) Councilman Porter then made a motion to approve the use of the proposed flower pot brackets on the downtown street light posts. Councilman Newcomer seconded; the motion passed unanimously.

Mr. Hamberger noted that MainStreet Waynesboro, Inc. also requested permission to drive a golf cart on the sidewalks downtown and to store the cart in the Borough's garage when it is not in use. He noted no problems with these requests, provided that appropriate details are coordinated through his office. Councilman Porter made a motion to approve both requests (to provide storage for the golf cart in the Borough's garage and to grant permission to operate the golf cart on the sidewalks downtown for the purpose of watering the hanging flower pots on a regular basis throughout the growing season). Councilman Berry seconded; the motion passed unanimously.

STATUS OF PROPOSAL FOR AERIAL MAP (DRAINAGE STUDY): This matter was discussed by Councilman McCammon earlier in the meeting. President George noted that this will be discussed in further detail during Council's upcoming Joint Committee meeting.

NEW BUSINESS

REQUESTS FOR USE OF BOROUGH PARKS FOR EASTER EGG HUNTS: Mr. Hamberger noted that he received two (2) requests to hold Easter Egg Hunts at Borough parks, as follows: (1) Faith United Methodist Church on March 31st, from 12 noon to 3 p.m., at Northside Park; and (2) Waynesboro Fire Department on April 7th, from 9 a.m. to 12 noon, at Memorial Park. He noted that permission can be granted, but it should be noted that the parks are not reserved and are available on a first come, first served basis. Councilman McCammon made a motion to approve the requests, as presented. Councilman Porter seconded; the motion passed unanimously.

REQUEST FROM MAINSTREET WAYNESBORO, INC. RE: CLASSIC CAR SHOW: Mr. Hamberger presented a request from MainStreet Waynesboro, Inc. to close Main Street, between Grant and Broad Streets, on Saturday, June 23rd, from 8 a.m. to 4 p.m., for the purpose of holding a Classic Car Show. Councilman McCammon made a motion to approve the request. Councilman Berry seconded. It was noted that MainStreet Waynesboro, Inc. will be responsible for posting “no parking” signs and for clean-up after the event. Traffic control should be coordinated with the Police Chief and Fire Police Captain, and Kevin Grubbs will secure the appropriate PENNDOT permits. A vote was then called and the motion passed unanimously.

REQUEST FROM MAINSTREET WAYNESBORO, INC. RE: MARKET DAY: Mr. Hamberger presented a second request from MainStreet Waynesboro for several items in regards to their annual Market Day to be held on Saturday, October 6th, from 9 a.m. to 6 p.m. He recommended approval of their requests, as follows:

- 1) To utilize the downtown sidewalks for art shows, food vendors, music/carnival-type activities and sidewalk sales, provided that a 4' pathway is maintained for pedestrian travel;
- 2) Scarecrow contest (similar to last year's event);
- 3) Erection of two (2) banners;
- 4) To close Main Street, between Grant and Broad Streets, during the hours of 9 a.m. and 4 p.m., and to maintain “no parking” in the Square until 10 p.m. (Their request to place luminaries in the parking spaces on the Square during the evening hours should be reviewed/approved by the Fire Chief.)

Councilman McCammon made a motion to approve the request, as presented. Councilman Porter seconded. Discussion ensued regarding the plans (if any) for St. Andrews' Oktoberfest (which is normally held the same day), and possibly closing Main Street to Broad Street for this event. It was noted that their plans have not yet been confirmed.

With regard to the banners, Kevin Grubbs noted he is looking into the possibility of erecting permanent poles on the sidewalk on which to place the banners (instead of attaching them, as in the past, to the buildings). He explained that this would shorten the banners' span, thereby alleviating problems with the banners becoming detached and/or damaged. President George referred the matter to the Property Committee for consideration. Mr. Grubbs added that he requested comments from PENNDOT, and will forward any information he receives to the Property Committee.

A vote was then called; the motion passed unanimously.

AWARD BIDS FOR PAVING MATERIALS: Mr. Hamberger recommended that the bids for stone and paving materials be deferred until Council's next meeting. Council concurred.

MODIFICATION OF 2006 CONTRACT WITH MULLIN AND LONERGAN ASSOCIATES, INC.: Mr. Hamberger noted that the 2006 CDBG contract with Mullin and Lonergan entailed more work than was anticipated. Accordingly, their contract needs to be modified from the original amount of \$7,000 to \$8,300. Councilman McCammon made a motion to approve the contract modification as outlined by the Borough Manager. Councilman Porter seconded; the motion passed unanimously.

PUBLIC IN ATTENDANCE - NON-AGENDA ITEMS

Frank Bittner, 842 Anthony Avenue - Mr. Bittner noted that discussion was held at the last Council meeting regarding the recent \$500,000 lawsuit against the Borough. He had asked why no representative from Council had testified in the case, and questioned if Council has a plan in place to address future lawsuits. He also discussed the Borough's plans for an employee to become certified as a Playground Safety Inspector, and questioned if inspections will also be conducted at various other areas in the Borough (including the Maintenance Department, Water Plant, Sewer Plant, Pool, Golf Course, etc.)

In response to Mr. Bittner's questions regarding the lawsuit, Solicitor Melissa Dively stated that the lawsuit was handled by the defense's insurance company and all matters regarding strategy for the case was in their hands.

Council President Richard George added that the Borough's insurance carrier is responsible for determining how to proceed with these issues. In fact, Borough Council has no input into how they handle each particular case. Depositions are taken; and if they request that Borough staff members testify in the matter, they would do so.

Mr. Hamberger further stated that the concept of a certified Playground Safety Inspector is coincidental and was not an outcome of this incident. Borough employees currently conduct inspections of the park equipment, but they are not certified as experts. The insurance company also does inspections of the equipment and provides recommendations on any concerns observed. He also noted that the Borough has implemented a Safety Committee, comprised of numerous Borough employees, who reviews the safety programs throughout the Borough.

Mr. George added that certification of a Playground Safety Inspector is a joint effort in conjunction with Washington and Antrim Townships (each of which will contribute 33% of the costs for the certification).

Councilman Newcomer also reported that a bill was passed recently in Congress with regard to frivolous lawsuits. He explained that if an individual/company is found not to be at fault in a lawsuit, the person who sued must pay any resultant costs.

FOR INFORMATION ONLY

INVITATION TO MAINSTREET WAYNESBORO, INC.'S CHOCOLATE EXTRAVAGANZA FUNDRAISER (MARCH 31, 2007): Council members were invited to attend MainStreet Waynesboro Inc.'s Chocolate Extravaganza Fundraiser to be held on March 31st, from 7-9 p.m., at the Susquehanna Bank. Proceeds will support the Main Street Program.

UPDATE ON JOINT COMPREHENSIVE PLAN STUDY AND MUNICIPAL TOURS: Mr. Hamberger provided Council members with a rough draft copy of Chapter 1 of the Joint Comprehensive Plan. He noted that the Joint Comprehensive Plan Study Group will meet on March 15th at 9:30 a.m. for tours of various areas of the Borough and Township.

NOTICE OF CHANNEL CHANGES (COMCAST CABLE): Council members received correspondence from Comcast Cable regarding changes to their channel line-up, effective March 29, 2007.

INVITATION TO FRANKLIN COUNTY VISITORS BUREAU/WAYNESBORO CHAMBER OF COMMERCE MEETING (MARCH 9, 2007): Council members received an invitation to attend a special meeting of the Franklin County Visitors Bureau and the Greater Waynesboro Chamber of Commerce on Friday, March 9th, at 10 a.m., at the Renfrew Visitors Center. Mr. Hamberger noted that he will be in attendance to represent the Borough.

FINAL REPORT - FORMER WAYNESBORO GAS COMPANY: Mr. Hamberger noted that he received correspondence from PA DEP regarding submission of the "Final Report" for the former Waynesboro Gas Company property located at 20 E. Sixth Street. Clean-up at the site has been completed and accepted by the state.

CHAMBER OF COMMERCE'S "SPRING FLING MIXER EVENT": The Greater Waynesboro Chamber of Commerce will hold a "Spring Fling Mixer Event" on Thursday, March 22nd, from 5-7 p.m., at The Furniture Market, 22 N. Church Street.

OPEN HOUSE - PREGNANCY MINISTRIES, INC.: Council members received an invitation to attend an Open House at the Pregnancy Ministries' new facility located at 220 S. Potomac Street on Thursday, March 22nd, from 1-7 p.m.

PAY BILLS: Councilman Newcomer made a motion to approve the payment of Voucher List VL-07-05. Councilman Berry seconded; the motion passed unanimously.

COUNCIL AND STAFF COMMENTS: None.

Having no further business to discuss, the meeting adjourned at 8:02 p.m. on a Porter/McCammon motion which passed unanimously.

Respectfully Submitted,

Melinda S. Knott
Administrative Assistant