

NOVEMBER 7, 2007  
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 – 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 October 17, 2007 meeting, as written. Councilman Stains seconded; the motion passed unanimously.

**COMMITTEE REPORTS**

**PERSONNEL COMMITTEE:** Councilman Berry reported that he will discuss one (1) item during the “voting section” of the meeting.

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

**STREET COMMITTEE:** Councilman Porter reported that the Street Committee met on November 6<sup>th</sup> and discussed the following items –

- C.V. Avenue Rebuild Project – Kevin Grubbs noted that they are hoping to have the project ready to bid in December.
- Center Square Traffic Signal Project – Mr. Hamberger has received design drawings for review. Any comments are to be forwarded to PENNDOT by the middle of next week. Senator Punt is also anxious for the project to move forward, and he intends to “make some telephone calls” to get it started.
- Portion of W. Second Street (between Potomac Street and Cleveland Avenue) to be one-way – after review of the matter, the Street Committee does not feel that a change at this time is justified.
- Stones on Second Street at bottom of hill (due to High School construction project) – complaints about the condition of the street have been received. The contractor will be reminded to clean up the street to the best of his ability. Mr. Porter reminded the public

that they need to be patient in order to have a new high school and (eventually) a new street.

- 2008 Street Projects
- Abandoned vehicle on Rotary Parking Lot – it was noted that the appropriate paperwork has been filed in order to have the vehicle removed.
- Pedestrian crosswalk signs – PENNDOT had offered to purchase and provide several pedestrian crosswalk signs for the Borough's use, however they have not yet been received. It was suggested that the Borough may want to consider purchasing several themselves for dangerous intersections.
- Cottage and North Streets intersection – poor visibility at this location was discussed. A motion will be presented later in the meeting.

Councilman George reported that he has secured funding to purchase six (6) pedestrian crosswalk signs, so those can be ordered at anytime.

**INTERGOVERNMENTAL COMMITTEE:** No report.

**DOWNTOWN REVITALIZATION AND FINANCE COMMITTEE:** No report. It was noted that a budget meeting will be held after the Council meeting.

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

“On November 5<sup>th</sup>, I had the privilege to attend the Veterans' program at Fairview Elementary School. The students presented a wonderful program and it concluded with a Blackhawk copter flying in.

On November 7<sup>th</sup>, earlier this evening, I attended and presented Certificates of Achievement to Lion Richard Shook for 50 years of membership and 50 years of perfect attendance, Lion Ezra Fitz for 51 years of membership, and Lion Ardie Winters with 60 years of membership in the Lions Club International.”

**SOLICITOR'S REPORT:** No report.

**PUBLIC COMMENT - ITEMS ON AGENDA:**

Amos Miller, 309 W. Sixth Street – Mr. Miller commented that he travels Second Street quite often and doesn't see the stones there as a “big problem”. It was his understanding that the contractor could block the street off at any point, and he feels that that would be more of an inconvenience than the stones. Mayor Starliper added that snow plowing in the winter could possibly be a concern.

**VOTING ON ITEMS FROM COMMITTEE REPORTS:** Councilman Berry made a motion to re-hire Tammy Shank as a Police Officer with the following conditions –

- 1) Pension – credited with 9 years and 7 months
- 2) Longevity – credited with 9 years and 7 months
- 3) Seniority – 0, per the contract with the Waynesboro Police Association
- 4) Sick Leave – 0, per the contract with the Waynesboro Police Association
- 5) Vacation – credited with 9 years and 7 months
- 6) Probationary Period – 1 year

- 7) Complete Physical and Psychological Examinations, as required, prior to start of employment
- 8) Residency – live in Pennsylvania within 15 air miles radius of Center Square of Waynesboro
- 9) Salary – pay grade Police Officer IV

Councilman McCammon seconded. Councilman George stated he feels this action is “premature”, and suggested tabling the matter until after the 2008 budget deliberations have been completed. A vote was called and the motion passed 5-1 (Councilman George opposed).

Councilman Porter made a motion to place a “No Parking Here to Corner” sign one car length to the left of Cottage Street on North Street. Councilman Stains seconded; the motion passed unanimously.

## **UNFINISHED BUSINESS**

**NOVEMBER COUNCIL MEETING SCHEDULE:** Due to the number of budget and special meetings, Mr. Hamberger suggested that the Joint Committee meeting scheduled for Wednesday, November 14<sup>th</sup>, be canceled. In addition, because the next Council meeting is scheduled for the evening before Thanksgiving, he recommended that the meeting be rescheduled to Tuesday, November 20<sup>th</sup>. Councilman Porter made a motion to make the meeting schedule changes recommended by the Borough Manager. Councilman Berry seconded; the motion passed unanimously.

**LOCAL SERVICES TAX:** Mr. Hamberger noted that Council discussed the advertisement of a proposed \$52.00 Local Services Tax for consideration at their next meeting. Councilman Porter made a motion to authorize the Borough Manager to advertise the proposed Local Services Tax Ordinance for consideration at Council’s meeting on November 20<sup>th</sup>. Councilman McCammon seconded; the motion passed unanimously.

**UPDATE ON STORM SEWER STUDY:** Kevin Grubbs reported that he met with the engineering consultant regarding this matter earlier today. All photos have been received from the mapping company at this time, and intensive field will begin now. When that information has been gathered, it will be forwarded to the consultant for analysis. He anticipates the field work to take approximately 2-3 weeks, but a cost estimate for the recommended work will not be available until the first of the year. As the mapping company held up the project from the start, President Newcomer suggested meeting to discuss their contract following this meeting.

## **BIDS - UNDERGROUND BORING SERVICES AND SECURITY SYSTEM FOR BOROUGH HALL:**

Mr. Hamberger recommended that the bid for underground boring services be awarded to Precision Underground Construction Services of Waynesboro, PA, and the bid for a security and alarm system at Borough Hall be awarded to Glessner Protective Services Inc. of Hagerstown, MD. Councilman George made a motion to award the bids as recommended by the Borough Manager. Councilman McCammon seconded; the motion passed unanimously. (Mr. Hamberger explained that the underground boring services are required to place street lights along Main Street from C.V. Avenue westward to Tritle Avenue.)

## **NEW BUSINESS**

### **REQUEST FROM WHIRLWIND PRODUCTIONS FOR APPROVAL TO CONDUCT SOUND**

**CHECKS:** Mr. Hamberger received a request from Jason Bartholow of Whirlwind Productions (a DJ service), whose business is located at 132 W. North Street. He conducts sound checks on his equipment 3-4 times per year, for 10-15 minutes each time, and is requesting that Council grant him an exemption under the Noise Ordinance so that he is not in violation. Discussion ensued, and Councilman McCammon made a motion to table the matter until further research can be done. Councilman Porter seconded; the motion passed unanimously.

**CHRISTMAS TREES IN CENTER SQUARE:** Carole Malin, Mainstreet Waynesboro Inc., was present to explain their plan to place groups of three (3) trees in each of the quadrants of Center Square this year (for a total of 12 trees). The Committee is concerned, however, that they may have to utilize a parking space in each quadrant, in order to keep the 4' right-of-way on the sidewalks for pedestrians. Accordingly, they are requesting permission to alleviate one (1) parking space in each quadrant of the Square for this purpose. Councilman Porter made a motion to approve their request. Councilman Berry seconded; the motion passed unanimously.

**AMENDED RESIDENCY REQUIREMENTS FOR CIVIL SERVICE POSITIONS:** Mr. Hamberger noted that the most recent contract with the Police Officers' Association was modified to require residency within 15 air miles of Center Square, which conflicts with the Civil Service Commission's Rules and Regulations. The Civil Service Commission has agreed to amend their rules and regulations regarding residency requirements for Police Officers, and agreed to concur with a similar change (if Council desires such) in the regulations regarding Fire Apparatus Drivers. Accordingly, proposed Resolution No. 07-15 was presented for Council's consideration. Councilman George made a motion to authorize execution of the appropriate documents to amend the residency requirements for both Police Officers and Fire Apparatus Drivers to 15 air miles of Center Square. Councilman Stains seconded; the motion passed unanimously.

#### RESOLUTION 07-15

WHEREAS, the Waynesboro Civil Service Commission and the Borough Council of the Borough of Waynesboro have adopted Resolution 01-14 which enables the Borough Council to adopt Minimum Standards for Applicants to be Examined for the Fire Apparatus Drivers' Examination, and

Complete copy on file at Borough Hall.

#### **PUBLIC IN ATTENDANCE - NON-AGENDA ITEMS:**

Carlene Willhide, Executive Director of the Waynesboro Chamber of Commerce – Ms. Willhide was present to finalize plans for the Christmas Parade to be held on Saturday, November 17<sup>th</sup>. She noted that the Borough's Maintenance Department will be assisting in placing wreaths and garland on the street light poles beginning next week. She requested that arrangements be made for the trash cans downtown to be emptied before and after the parade (Mr. Hamberger will contact Waste Management regarding this matter). "No parking" signs will be posted the night prior to the parade, and the Police Department will take care of positioning barricades for the street and alley closings.

Carl Jamarik, 493 S. Potomac Street – Mr. Jamarik requested additional information regarding George Clopper's property on W. Sixth Street. He was told at the last Council meeting that nothing could be done because the property was "grandfathered"; and he questioned when the ordinance was put in place and when Mr. Clopper purchased it. Mr. Hamberger noted that the matter is currently being reviewed by the court. Council President Newcomer noted he will discuss the matter further with Mr. Jamarik after the meeting.

Councilman McCammon noted that he believed another member of the public wished to speak, however the individual he indicated stated that he did not. Mr. McCammon proceeded to comment that Dan Sheffler was hired as the Borough's Building Inspector, at a salary of between \$30,000 and \$40,000. Since the issuance of building permits and inspections were "turned over to Cermak", Mr. McCammon stated that Mr. Sheffler "doesn't have a lot of work to do". Mr. McCammon stated that he has a number of violations against Mike Cermak to present to Council, however President Newcomer

explained that these allegations must go before the Appeals Board before they are presented to Council.

**FOR INFORMATION ONLY**

**REPORT ON CIVIL SERVICE EXAMINATION SCHEDULE:** Mr. Hamberger reported that Civil Service examinations were scheduled for Fire Apparatus Driver (on November 5<sup>th</sup>) and for Police Officer (on November 13<sup>th</sup>). He reported, however, that only one (1) applicant applied for the Fire Apparatus Driver examination and no one applied for the Police Officer examination.

He believes that the problem with the Fire Apparatus Driver's examination is the requirement for applicants to hold a FFI (Firefighter I) certification. At the advice of the former Fire Chief, this requirement was added in the early 2000's. Current Fire Chief Ron Flegel explained that this certification requires a lot of time and training, which is quite difficult for a volunteer. Many of the training components of the certification are offered locally, but the certification requires a weekend stay in Somerset County (which is quite costly and difficult for volunteers to obtain). He feels that this affects many of the organization's volunteers, who are well-trained but didn't have the opportunity to obtain this certification. Mr. Hamberger suggested that Council may want to re-visit their minimum standards for applicants, and (perhaps) require persons to have a minimum amount of training and expertise but acquire the certification within a certain period of time after they are hired.

In addition, Mr. Hamberger noted that "bad timing" could have had an affect on the applicants for the Police Officers' examination. A recent change in these requirements requires that applicants have Act 120 certification, and the current HACC class has not yet graduated. He suggested that Council may also want to look at that requirement.

Council President Newcomer referred the matter to the Personnel Committee for review and recommendations.

**BUDGET SCHEDULE:** Council members will meet briefly with Chief Ray Schultz immediately following this meeting. In addition, they will hold a regular budget meeting the following evening beginning at 7:00 p.m.

**PAY BILLS:** Councilman Stains made a motion to approve the payment of Voucher Lists VL-07-30, 31, 32 and 33. Councilman Porter seconded; the motion passed unanimously.

**COUNCIL AND STAFF COMMENTS:** Mr. Hamberger thanked members of the Civil Service Commission for their efforts involved in the examination process. Mayor Starliper reminded Council that a replacement on the Civil Service Commission will be needed after the first of the year (when Benjamin Greenawalt begins his tenure on Council).

Councilman McCammon advised Solicitor Dively that he would like to take "the matter about Cermak before the Appeals Board as a member of the Council", and asked if he would be required to pay the \$200 fee. Ms. Dively noted that she would need to review the Code to determine if he would have legal standing as an aggrieved landowner; and, if he is doing this as a duly-authorized representative of Council, he would need to have Council's approval. She further explained that she cannot represent the Property Appeals Board and cannot provide legal advice as such – this would require a special counsel appointment. Councilman McCammon commented to Council that "this has to be done ... this man is crazy". President Newcomer asked if there was a motion for Councilman McCammon to represent Council in this matter. Councilman McCammon made the motion. Hearing no second, however, the motion died. Councilman McCammon attempted to get clarification on the fact that he will be required to pay a \$200 fee for the appeal. Solicitor Dively again stated that that determination will have to be made by the Solicitor for the Appeals Board. After clarification on the responsibilities of the Appeals Board, Dan Sheffler suggested that Mr. McCammon's problem with Mr. Cermak should be

taken to the Department of Labor and Industry, because it deals with the “professional execution of his duties”. Solicitor Dively agreed that a review of Mr. Cermak’s professional behavior is not an interpretation of code regulations, but a matter of his licensing (which is within the jurisdiction of the State Department of Labor and Industry). Discussion ensued regarding the need to hire a Solicitor for the Appeals Board, as a Solicitor of the Borough cannot serve as a Solicitor for the Appeals Board. Mr. Hamberger noted that he will discuss the matter with several attorneys and present a recommendation to Council shortly.

Councilman Berry reiterated the Mayor’s comments regarding the veterans’ program at the Fairview Elementary School. He was quite impressed and felt that the veterans in attendance appreciated it very much.

Councilman Porter stated that, as he drove up Clayton Avenue recently, he was struck by the fact that Waynesboro is truly a “beautiful town”.

Councilman Stains agreed with the Mayor and Councilman Berry’s comments regarding the veterans’ program at Fairview Elementary, adding that it was very impressive.

Councilman George offered congratulations and best wishes to Benjamin Greenawalt and Harold Mumma (who were in attendance at this meeting) on their election to Borough Council beginning in 2008.

Kevin Grubbs noted that concern has been noted regarding turn arrows at the turning lanes, with regard to the upcoming signalization project. He will discuss the matter with PENNDOT representatives in the near future. He explained that the cycling times will be much improved, but wants assurance that there won’t be major problems if a turn arrow is added in the project later.

Chief Ray Shultz thanked Council members for hiring Tammy Shank as a Police Officer, and to the Mayor and Borough Manager for time they spent working on various budget issues for his Department.

President Newcomer also congratulated the individuals elected to Borough Council, and thanked the public for their attendance at the meeting.

Having no further business to discuss, the meeting adjourned at 8:41 p.m. on a George/Berry motion which passed unanimously.

Respectfully Submitted,

Melinda S. Knott  
Administrative Assistant