

AUGUST 16, 2006
WAYNESBORO, PA 17268

Council President Richard George called the regularly scheduled meeting of the Waynesboro Borough Council to order at 8:35 p.m. with the following in attendance:

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

Mayor Richard Starliper

Borough Staff – Lloyd R. Hamberger, II, Borough Manager
Denny Benschhoff, Maintenance Superintendent
Kevin Grubbs, Head of Engineering Services
Ray Shultz, Police Chief
Dan Sheffler, Zoning-Code Enforcement Officer
Melissa Dively, Borough Solicitor (Salzmann Hughes, PC)

EXECUTIVE SESSION: President George announced that an executive session was held prior to the commencement of this meeting for the purpose of discussing potential litigation.

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

APPROVE MINUTES: Councilman Stains made a motion to approve the minutes of the July 12, 2006 public hearings and regular meeting, as written. Councilman Berry seconded; the motion passed unanimously.

ACCEPT REPORTS: Councilman McCammon made a motion to accept the reports of the Code Enforcement Officer (for July), the Fire Chief (for July), and the Police Chief (for May and June), as presented. Councilman Stains seconded; the motion passed unanimously.

PERSONNEL COMMITTEE: Councilman Berry noted that he will report on five (5) performance evaluations received, as well as make a motion regarding a vacancy in the Police Department.

PROPERTY AND PUBLIC SAFETY COMMITTEE: No report.

STREET COMMITTEE: Councilman Porter reported that the Street Committee discussed the following items at their meeting held on August 14th --

- Motorists making frequent left turns exiting Rutters onto W. Third Street (signs are present prohibiting this) – will discuss the possible use of flashing lights on the signs at the exit with Rutters' representatives
- Discussed crosswalk sign on Fifth Street at Landis Machine Company (should not remain out all the time) – will discuss with representatives of Machine Company
- Status of request for speed bump on Strine Avenue – Denny Benschhoff will install the speed bump during the "asphalt season"
- Reviewed handicapped parking request in front of Christ United Methodist Church on S. Church Street
- Request for loading zone in front of 39 E. Main Street – recommendation will be forthcoming

- Request for handicapped parking space at 328 Fairview Avenue – recommendation will be forthcoming
- List of alleys to be paved (list will be made available for publication by the press) – recommendation will be forthcoming
- Continuous difficulty with recreational vehicles parked too close to intersections
 - Request for no-parking zone at 14 Philadelphia Avenue (commercial business) – additional information will be obtained and the matter will be discussed further
- Reminder to property owners to trim bushes and trees in alleyways to the rear and side of their homes
 - Acknowledged severe problem on E. Second Street (from Summitview and Middle School area to east of the High School) – decided to repair the street on an as-needed basis until the High School’s reconstruction project is completed
- Street sweeper repaired and will be back in-service soon – a schedule will be published in *The Record Herald* for the sweeping to begin next week

Councilman Porter stated that the next Street Committee meeting will be held on Monday, September 11th, at 9:30 a.m. He invited members of the public to attend.

President Richard George thanked the Maintenance and Engineering Departments for their assistance in preparing various streets scheduled for resurfacing this year. He reminded the public that, while this work has caused some temporary inconvenience, they will be pleased with the end-result.

INTERGOVERNMENTAL COMMITTEE: Councilman Stains reminded Council members of the joint meeting to discuss consultants for the comprehensive plan on Tuesday, August 22nd, at 7:00 p.m.

DOWNTOWN REVITALIZATION AND FINANCE COMMITTEE: No report.

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

“On July 27th, I attended the Building Dedication and Ribbon Cutting at Cam Superline, Inc.

On August 13th, once again I had the privilege to present Certificates of Achievement for the rank of Eagle Scout to Daniel Pflager and Thomas Hofmann.”

SOLICITOR’S REPORT: Melissa Dively reported that a letter regarding abatement has been sent to the property owner at 604 W. Main Street, however no response has been received to date. She suggested that she could proceed with petitioning the court, if Council so desires. Council concurred. She also noted that she and Dan Sheffler have been making notes regarding issues that require further clarification in the Property Code. Information on an ordinance amendment will be forthcoming for Council’s review and consideration.

PUBLIC COMMENT - ITEMS ON AGENDA: None.

VOTING ON ITEMS FROM COMMITTEE REPORTS: Councilman Berry reported that he received performance evaluations for the following employees – Robert Cole, Mike Benschhoff, Clint Martin, Melinda Knott and Ray Wagaman. All either met or exceeded standards, however no action was required.

Councilman Berry made a motion to appoint Andrew Zeigler to the position of Police Corporal, effective August 27th. Councilman McCammon seconded; the motion passed unanimously.

Councilman Porter made a motion to approve a 15-minute loading zone in front of 39 E. Main Street for a six-month trial period. No second for the motion was made; therefore, the motion died.

Councilman Porter made a motion to approve a handicapped parking space in front of 328 Fairview Avenue. Councilman Stains seconded; the motion passed unanimously.

Councilman Porter made a motion to approve the paving of various alleys in the Borough, as recommended by Maintenance Superintendent Denny Benshoff. Councilman Berry seconded; the motion passed unanimously.

UNFINISHED BUSINESS

AWARD BIDS (CONCRETE JUNCTION BOXES AND CONCRETE PIPE): Councilman Porter made a motion to award the bids for concrete junction boxes to Terre Concrete Products of Terre Hill, PA; and the bids for concrete pipe to Cayuga Concrete Pipe of New Britain, PA. Councilman McCammon seconded; the motion passed unanimously.

CONSIDERATION OF ORDINANCE NO. 1048 (RE-ZONING REQUEST FOR 405 N. GRANT STREET): Mr. Hamberger noted that the proposed ordinance was duly advertised for Council's consideration at this meeting. Councilman McCammon made a motion to adopt proposed Ordinance No. 1048, granting the re-zoning request at 405 N. Grant Street. Councilman Newcomer seconded.

A vote was then called – voting in favor were: Charles McCammon, Richard George, Craig Newcomer and Allen Porter; voting in opposition were: Allen Berry and Jason Stains. The motion carried on a vote of 4-2.

ORDINANCE NO. 1048

AN ORDINANCE OF THE BOROUGH OF WAYNESBORO, FRANKLIN COUNTY, PENNSYLVANIA, AMENDING OFFICIAL ZONING MAP OF THE BOROUGH OF WAYNESBORO AS PROVIDED IN ORDINANCE NO. 937 BY CHANGING THE ZONING OF A CERTAIN AREA FROM MEDIUM DENSITY RESIDENTIAL, RM, TO GENERAL COMMERCIAL/OFFICE, GC.

Complete copy on file at Borough Hall.

CONSIDERATION OF ORDINANCE NO. 1050 (FIRE LOSSES): Councilman McCammon made a motion to adopt proposed Ordinance No. 1050. Councilman Newcomer seconded; the motion passed unanimously.

ORDINANCE NO. 1050

AN ORDINANCE PROVIDING THAT IN CERTAIN FIRE LOSSES THE INSURANCE COMPANY, ASSOCIATION OR EXCHANGE SHALL TRANSFER INSURANCE PROCEEDS TO A DESIGNATED OFFICER OF THE BOROUGH AS A PORTION OF THE INSURANCE PROCEEDS TO BE HELD AS SECURITY AGAINST THE TOTAL COST OF REMOVING, REPAIRING, OR SECURING THE DAMAGED BUILDING, PROVIDING FOR FEES, PROVIDING FOR PENALTIES FOR VIOLATION AND SETTING FORTH PROCEDURES AND REQUIREMENTS PERTAINING TO SUCH INSURANCE PROCEEDS AND TO THE IMPLEMENTATION OF SAID LEGISLATION IN THE BOROUGH.

Complete copy on file at Borough Hall.

FLOODING DISCUSSION: President George noted that Kevin Grubbs has provided Council with research information on the various flooding situations experienced by residents, and a meeting regarding the matter will be held prior to the next Council meeting (September 6th) at 6:00 p.m. to discuss his proposal. Residents will also have an opportunity at that time to give input and comments on his recommendations.

Kevin Grubbs suggested that removal of the three (3) pipes needs to be done immediately, and then they can progress to the next stage of the proposal.

Steve Bumbaugh, 832 Maple Street, noted that he has lost half of the living space in his home due to the flooding. He is discouraged, however, as he sees no progress being made. Mr. George stated that he understands the residents' frustration, and is trying to move the project forward as quickly as possible. Councilman Newcomer added that they are looking into potential sources of funding for whatever resolution is recommended, but Council wants to ensure that whatever repairs are made will actually help the situation so they are not faced with more problems again in the future.

Councilman Porter also explained that he was away from home for some time because he had injured his back. When he returned home, he was faced with many calls from residents of the area regarding their situation. He apologized "for not being there" when the incident first occurred.

Several residents from the S. Potomac/W. Fifth Street area were present and requested an opportunity to review Mr. Grubbs' proposal also. President George noted that the discussion to be held on September 6th at 6:00 p.m. will include the areas of Cemetery Avenue, W. Fifth Street, S. Potomac Street and Pine Grove Drive; and he urged them to plan to attend that meeting.

REQUEST FOR HAZARD MITIGATION GRANT (FEMA/PEMA): Mr. Hamberger noted that funds may be available through FEMA/PEMA for these flooding conditions in the form of a Hazard Mitigation Grant. Council directed him to proceed with applying for any available funds of this nature.

SUB-RECIPIENT AGREEMENT WITH MAINSTREET WAYNESBORO, INC.: Mr. Hamberger presented Council with the draft form of a Sub-Recipient Agreement with Mainstreet Waynesboro, Inc., and asked for their approval. He noted that Solicitor Melissa Dively has reviewed and approved the document. Councilman McCammon made a motion to approve the draft presented. Councilman Berry seconded; the motion passed unanimously.

NEW BUSINESS

REQUEST FROM MAINSTREET WAYNESBORO, INC. (MAIN STREET MARKET DAY - OCTOBER 7, 2006): Mr. Hamberger noted that Mainstreet Waynesboro, Inc. has submitted several requests for their "Market Day" to be held on October 7th, from 9:00 a.m. to 4:00 p.m. Specifically:

- (1) For use of the downtown sidewalks for art shows, food vendors, and music/carnival-type activities;
- (2) To hold a Scarecrow Contest, with scarecrows to be ground-mounted on the street light poles along Main Street;
- (3) To install two (2) banners across Main Street advertising the event; and
- (4) To mount two (2) permanent cables across Main Street to display this and other banners for similar downtown events.

Mr. Hamberger added that a PENNDOT permit would be required for the banners, and the Borough's Engineering Department would have to approve of the installation of the permanent cables.

Councilman McCammon made a motion to approve the requests, as outlined. Councilman Porter seconded.

Discussion followed regarding the length of time the scarecrows would be attached to the light poles. Mainstreet Waynesboro, Inc. representatives were in attendance and responded that they would be mounted the Friday before "Market Day" and would remain there until the end of October. Concern was noted that the scarecrows may "not last long" due to weather conditions and/or possible vandalism. Fire Chief Flegel added that the scarecrows, being made of straw and clothing, would be highly combustible. President George noted that, if problems develop, the scarecrows may have to be removed earlier than anticipated.

A vote was then called and the motion passed unanimously.

REQUEST FROM WAYNESBORO COMMUNITY CROP WALK: Mr. Hamberger presented a request from the Waynesboro Community CROP Walk for their event to held on October 1st. They are also requesting the placement of a banner across Main Street, and advised that they will coordinate with Mainstreet Waynesboro, Inc. regarding their event. Mr. Hamberger reiterated the need for a PENNDOT permit for the proposed banner. Councilman McCammon made a motion to approve their request. Councilman Porter seconded; the motion passed unanimously.

PLANS FROM PLANNING COMMISSION: Kevin Grubbs presented a request from Marsh Run Properties for a conversion of their Land Development Plan (approved several years ago) on Grandview Avenue, from 94 apartments to condominium units. Solicitor Melissa Dively has reviewed and approved their Declaration of Covenants and Restrictions. No comments were received from the Franklin County Planning Commission, and the Waynesboro Planning Commission recommended approval. Councilman McCammon made a motion to approve the request from Marsh Run Properties for conversion from apartments to condominiums, as presented. Councilman Stains seconded; the motion passed unanimously.

DISCUSSION OF BLINKING LIGHT ORDINANCE: President George noted that Council members received information regarding a proposed "Blinking Light Ordinance", and he asked if they wished to take action on it at this time. Councilman McCammon suggested that the matter be deferred until Council's next meeting. Council concurred.

MODIFICATION OF NORTHSIDE POOL RULES: Mr. Hamberger noted that Council received correspondence from the Recreation Board regarding their recommendation for an amendment to Northside Pool's Rule #11 regarding adult swim periods. They are recommending that the rule be amended to prohibit all person(s) under the age of 18 from entering the pool waters during the designated adult swim period (five 10-minute periods per day), as pool management states that the current regulation (which permits one child under six years of age to be accompanied by an adult during adult swims) is "unenforceable" and abused by patrons. Councilman McCammon made a motion to approve the recommended amendment to Northside Pool's Rule #11. Councilman Stains seconded.

Councilman Newcomer stated that he "totally disagrees" with the amendment, as this takes away a parent's ability to familiarize a younger, non-swimming child with the large pool (when there are no older children around to splash, etc.) Mr. Hamberger explained that that was the logic, initially, for the rule; but management is having a great amount of difficulty enforcing the rule. He suggested that this could be changed for the remainder of the 2006 season (approximately two more weeks), and then

additional input from the pool staff could be obtained regarding any additional modifications. He also noted that they will be recommending some type of identification be provided for everyone at the pool (regardless of age).

A vote was then called on the rule amendment – voting in favor were: Allen Porter, Jason Stains, Charles McCammon and Allen Berry; voting in opposition were: Craig Newcomer and Richard George. The motion passed, 4-2.

NATIONAL INCIDENT MANAGEMENT SYSTEMS (NIMS) TRAINING: Mr. Hamberger reminded Council that they must all complete the NIMS Training – Courses #700 and 100 – by the end of September. He noted that the tests can be completed online or he can make arrangements for a training session at Borough Hall. President George suggested that he schedule a training session for some time in the near future.

DISCUSSION OF EMERGENCY MUNICIPAL SERVICES TAX (EMST): Council President George reminded Council that, several months ago, they decided to make a determination by their August meeting on the tax structure for the following year; and, in particular, if they would like to implement the EMST. The matter cannot be delayed much longer, so he asked for Council's views on the matter.

Councilman Newcomer noted that they are still awaiting a response from the School Board on the potential costs of set-up fees. They were promised that the information would be reported to Council by the end of July; however, to date, it has not been received. Mr. George noted that he has met with Caroline Dean (Business Manager for the School District), and she informed him that the costs were “not significant”. Councilman Newcomer stated that more specific information should be received, again noting that they were not given the information they requested.

Councilman Porter asked what the Borough's potential gain would be if the EMST were implemented. He doesn't feel that Council should make a change in their tax structure if there is no real benefit involved. Mr. George noted that the Borough Manager has provided Council with some projected figures relative to the Borough's benefit.

Mr. Hamberger estimated that the Borough's net increase would be approximately \$100,000-\$120,000, depending on the designated exemption amount. Although the collection demands of an EMST are a substantial increase from those at present, the Borough would profit by taxing individuals who can't be taxed now (if they work in the Borough but live elsewhere). He discussed tax “shifting” – noting that if property taxes are offset, relief would be granted to industrial and commercial units (as well as residential units) and the costs would be shifted to working individuals. He added that those decisions are a policy matter to be decided upon by Borough Council.

Mike Cermak, a member of the public, noted that many other municipalities have enacted the EMST. Waynesboro residents who live here and work elsewhere are currently paying the EMST in the municipality in which they work; and he feels that individuals who live elsewhere and work in Waynesboro should pay the tax also.

Councilman McCammon made a motion to approve the implementation of the EMST. There being no second, however, the motion died.

Councilman Porter then made a motion to not implement the EMST. Councilman McCammon seconded. Discussion followed with Councilman Newcomer reiterating his statement that additional information is needed from the School District. He doesn't feel that a decision can be made until that information is received.

A vote was called – voting in favor (of not implementing the EMST) were: Allen Porter, Charles McCammon and Allen Berry; voting in opposition were: Craig Newcomer, Richard George and Jason Stains. There being a tie vote, Mayor Starliper asked for clarification on the motion. Councilman Porter clarified that his motion was to not implement the EMST for the tax year 2007. Mayor Starliper then voted “nay”. Accordingly, no decision on the implementation of the EMST was made at this time.

PAY BILLS: Councilman Newcomer made a motion to approve the payment of Voucher List VL-06-20. Councilman Stains seconded; the motion passed unanimously.

COUNCIL AND STAFF COMMENTS: Kevin Grubbs noted that he delivered correspondence to Council regarding the developer’s request to release bonding provided for Phase 1 of the West End Development (off Tritle Avenue). He noted that Phase I has been completed satisfactorily, and bonding has been received for Phase II of the development. Councilman Berry made a motion to release the appropriate bonding, as recommended by Head of Engineering Services Kevin Grubbs. Councilman Stains seconded; the motion passed unanimously.

Having no further business to discuss, the meeting adjourned at 9:43 p.m., on a McCammon/Berry motion which passed unanimously.

Respectfully Submitted,

Melinda S. Knott
Administrative Assistant