

FEBRUARY 1, 2006  
WAYNESBORO, PA 17268

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, Jason Stains, Craig Newcomer, Richard George, Charles McCammon and Allen Berry

Mayor Richard Starliper

Borough Staff – Lloyd R. Hamberger, II, Borough Manager  
Denny Benschhoff, Maintenance Superintendent  
Dan Sheffler, Zoning-Code Enforcement Officer  
Kevin Grubbs, Head of Engineering Services  
D. Lloyd Reichard, II, Borough Solicitor  
Ron Flegel, Fire Chief  
Ray Shultz, Police 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 January 18<sup>th</sup> public hearing and regular meeting, as written. Councilman Stains seconded; the motion passed unanimously.

### **COMMITTEE REPORTS**

**PERSONNEL COMMITTEE:** Councilman Berry noted that he will have a recommendation on the hiring of a part-time secretary for the Fire Department.

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

**STREET COMMITTEE:** No report. Councilman Porter added that the Committee has not met since Council's last meeting, but a request for a handicapped parking space at 132 N. Franklin Street was received. The Street Committee's next meeting is scheduled for February 13<sup>th</sup> at 9:30 a.m.

**INTERGOVERNMENTAL COMMITTEE:** No report.

**DOWNTOWN REVITALIZATION AND FINANCE COMMITTEE:** Councilman Newcomer reported that the Downtown Revitalization and Finance Committee met on January 30<sup>th</sup>. During that meeting, they discussed the following items:

- Current bill-paying procedures and a proposed modification – the Borough Manager will request that the programmer develop a method of printing a voucher listing (without the bills actually being paid) for the Committee's review. Those lists will be forwarded to the Finance Committee; and if the Treasurer does not hear from them within three days, she may proceed with paying the bills. Copies of the voucher list will then be forwarded to all Council members;
- The Downtown Business Incentive Program grant from Senator Terry Punt;

- Correspondence from PENNDOT indicating the finding of “no adverse effect” on the historic district with regard to the traffic light program;
- Main Street Facade Improvement Program – questions were raised on the residential portion of the program, which will significantly increase the regulatory requirements of the program. To be eligible, all residential properties must be declared to be substandard under HUD Section 8 housing standards, and these deficiencies must be corrected prior to any facade improvements.

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

“On January 19, 2006, I attended the ribbon-cutting of the newest addition to Main Street, the Liberty Tax Service Office at 26 W. Main Street.

On January 24, 2006, along with the Borough Manager and Council President, we attended the Tri-County Boroughs’ Association Dinner Meeting at New Cumberland. Among the speakers was Representative Jerry Nailor. The other speakers were from New Cumberland, and the topic was in reference to downtown development. New Cumberland has been working on their downtown development for 30 years, and it is still work in progress. The next Tri-County Dinner Meeting will be March 28, 2006 in Waynesboro. Please mark your calendars to be there as hosts.

Also, the State PSAB Annual Conference will be June 11-14 at Seven Springs Mountain Resort; and the Fall Leadership Conference will be October 20-22 at the Lancaster Host Resort.

Also, on January 26, 2006, I attended the Chamber’s Mixer at the Medical Center Complex on East Main Street. Councilman Al Porter attended also.”

**PUBLIC COMMENT - ITEMS ON AGENDA:** None.

**VOTING ON ITEMS FROM COMMITTEE REPORTS:** Councilman Porter made a motion to approve the request for a handicapped parking space at 132 N. Franklin Street, contingent upon final inspection by the Engineering Department. Councilman Stains seconded; the motion passed unanimously.

Councilman Newcomer made a motion to approve the amended 2006 budget, as advertised. Councilman Porter seconded; the motion passed unanimously.

Councilman Newcomer made a motion to adopt Ordinance No. 1041 (2006 Tax Ordinance), as presented. Councilman Porter seconded; the motion passed unanimously.

**ORDINANCE NO. 1041**

AN ORDINANCE OF THE BOROUGH OF WAYNESBORO, COMMONWEALTH OF PENNSYLVANIA, fixing the tax rate for the fiscal year 2006.

Complete copy on file at Borough Hall.

Councilman Newcomer made a motion to adopt Ordinance No. 1042 (Emergency Municipal Services Tax), as presented. Councilman Porter seconded; the motion passed unanimously.

ORDINANCE NO. 1042

AN ORDINANCE AMENDING ORDINANCE NO. 1037

Complete copy on file at Borough Hall.

Councilman Berry made a motion to approve the hiring of Lisa Johnson as Part-Time Secretary at the Fire Department. Councilman McCammon seconded; the motion passed unanimously.

**SUBDIVISION PLAN (133 & 139 SNIDER AVENUE):** Kevin Grubbs noted that a copy of the proposed subdivision plan for 133 & 139 Snider Avenue was forwarded to the Franklin County Planning Commission and received back with no comments. The Waynesboro Planning Commission requested revisions, and reviewed those at their meeting on January 16<sup>th</sup>. At that meeting, they recommended approval of the plan, contingent upon the outcome of the hearing for a sideyard setback variance. The Zoning Hearing Board subsequently approved the request for a variance. Councilman McCammon made a motion to approve the subdivision plan for 133 & 139 Snider Avenue, as presented. Councilman Porter seconded.

Councilman Newcomer informed Council members that he discussed the matter with several constituents in the vicinity of this proposed plan. Of the seven (7) individuals he spoke with, one (1) was in favor of approval and the remaining six (6) opposed (and will probably appeal). Those opposed felt that this single-family home should remain just that, and not be subdivided into a duplex.

A vote was then called, and the motion passed 4-2 (Councilmen Stains and Newcomer opposed).

**SUBDIVISION/LAND DEVELOPMENT PLAN (RONALD & DOROTHY MARTIN - FRICK AVENUE):** Kevin Grubbs noted that the proposed Subdivision/Land Development Plan for the Martins on Frick Avenue was submitted to the Franklin County Planning Commission, who returned the plan with no comments. The Waynesboro Planning Commission also reviewed the plan on January 16<sup>th</sup>, and recommended approval (but was awaiting final approval of the Stormwater Management Plan). That approval has been granted by Denny Black; and accordingly, the plan was recommended for approval. Councilman McCammon made a motion to approve the Martin Subdivision/Land Development for Frick Avenue. Councilman Stains seconded.

Councilman Berry questioned if the units will be owned or rented. Mr. Grubbs stated that they will be condominiums for sale, and a Homeowners Association will be involved. Mr. Berry noted that he has discussed the matter with several residents who noted they would be opposed to the idea if they were rental units. Council President Richard George noted he is not opposed to this plan, but is concerned about the traffic situation. At some time in the future, he feels that the Borough will need to consider an additional egress into the area.

A vote was then called, and the motion passed unanimously.

**SUBDIVISION/LAND DEVELOPMENT PLAN (BENEDICT & HENICLE - LOCUST STREET):** Kevin Grubbs noted that the Subdivision/Land Development Plan for Benedict & Henicle on Locust Street was forwarded to the Franklin County Planning Commission, who provided no comments. The Waynesboro Planning Commission had recommended several revisions, and reviewed those at their meeting on January 16<sup>th</sup>. They subsequently recommended approval of the proposed plan. Councilman McCammon made a motion to approve the plan, as presented. Councilman Berry seconded.

Councilman Newcomer noted it is his understanding that "Locust Street" is not an ordained street, but is indeed an alley in the Borough's records. He added that definitions contained in various sections of

the Subdivision/Land Development Ordinance would indicate that the plan be denied, based on the ordinance. Councilman McCammon then read the definition of a “street”, as contained in the Borough Code – “means and includes any street, road, lane, court, cul-de-sac, alley, public way and public square”. Discussion also ensued regarding the flow of traffic in the vicinity of the proposed development.

Council President George read from Article III of the Zoning Ordinance, as follows: “Every principal structure shall be built upon a lot with frontage upon a public street or upon an approved private street. A condominium development is exempt from this section if the condominium development as a whole fronts upon a public or approved private street.” He asked for the solicitor’s interpretation of this matter. Mr. Reichard stated that there is an ambiguity in the ordinance, because there is confusion as to whether an alley is included in the definition of a street. The Subdivision Ordinance indicates that a street does not include an alley. He stated that the plan could be approved under the ordinance, provided that the developer (and the approval process) conforms to the ordinance.

Kevin Grubbs noted that the Subdivision/Land Development Ordinance states, in Article VII-5-4, that “every lot or parcel of land shall abut an improved street except that the Planning Commission may waive this requirement and permit frontage on an alley, provided: a) the newly created lot or lots do not create traffic congestion nor interfere with the free flow of traffic in the alley; b) the lots are in accord with the development plans of the neighborhood and in the best public interest; and c) a hearing is held at which time area residents may submit testimony.” Mr. Grubbs also confirmed that Locust Street is not ordained as a street, and is (in fact) an alley.

Mr. Reichard stated that Council’s options are: 1) to approve the plan; or 2) to return the plan to the Planning Commission for the purpose of it conforming to the ordinance. The Planning Commission would then hold a public hearing and make a recommendation on action by Borough Council. If they did that, however, the developer would have to consent to a time extension or the plan would be deemed by law as approved (due to the time factor involved in the approval process). If the developer would not approve an extension, Borough Council could reject the plan because of non-conformity to the ordinance.

The developer, Darwyn Benedict, asked for an explanation of the difference between Hollinger Avenue and Locust Street; and Kevin Grubbs noted they are the same type of situation. Clarification on the type of construction involved at this proposed location was requested; and it was noted that a single-family dwelling is planned. Discussion then followed regarding sketch plans received for proposed townhouse units on Hollinger Avenue. Additional discussion was held regarding future traffic problems in the area, as well as the Borough’s possible obligation to reconstruct Locust Street and/or Hollinger Avenue if they are ever ordained as streets.

Mr. Grubbs explained that the review period for the plan will expire on March 2<sup>nd</sup>. He suggested that a 30-day time extension would be required. After further discussion, Mr. Benedict agreed to the time extension requested.

As there was a motion and second on the floor to approve the Subdivision/Land Development Plan as presented, a vote was called. The motion failed, 2-4 (with Councilmen George, Stains, Newcomer and Porter opposing).

Councilman Porter then made a motion to send the Subdivision/Land Development Plan for Benedict & Henicle on Locust Street back to the Planning Commission for further review. Councilman Stains seconded; the motion passed 5-1 (Councilman McCammon opposed).

## **NEW BUSINESS**

**REQUEST FOR LETTER OF SUPPORT (ANTIETAM WATERSHED ASSOCIATION IMPLEMENTATION PLAN GRANT):** Mr. Hamberger noted that correspondence was received from the Antietam Watershed Association regarding their request for endorsement of their attempts to obtain an implementation planning grant. Councilman Porter made a motion to provide the requested endorsement. Councilman Stains seconded; the motion passed unanimously.

**UPDATE ON ADVERTISEMENTS FOR STREET PAVING:** Kevin Grubbs provided Council members with an updated list of the projects proposed for reconstruction in 2006. "Invitations to Bid" have been advertised and mailed; and bids are scheduled for opening on March 14<sup>th</sup>.

Discussion was then held regarding the grade of materials to be utilized for CV Avenue (due to the high volume of truck traffic to/from Frick Company). Mr. Grubbs affirmed that this will be considered when specifying the materials to be used, and he is consulting with PENNDOT regarding the matter.

President George noted his appreciation to the Engineering Department for their efforts on these projects.

**SCHEDULE CDBG HEARING:** Mr. Hamberger noted that a public hearing will need to be scheduled as a requirement of the 2006 CDBG program – he suggested February 15<sup>th</sup> at 7:00 p.m. Council concurred.

**FAIR HOUSING RESOLUTION NO. 2006-01:** Mr. Hamberger explained that Council is required to pass a Fair Housing Resolution as part of the CDBG process, and proposed Resolution #2006-01 was presented for their consideration. Councilman McCammon made a motion to approve Resolution #2006-01, as presented. Councilman Berry seconded; the motion passed unanimously.

#### RESOLUTION 2006-01

#### FAIR HOUSING RESOLUTION

LET IT BE KNOWN TO ALL PERSONS of the Borough of Waynesboro that discrimination in the sale, rental, leasing, financing of housing or land to be used for construction of housing, or in the provision of brokerage services because of race, color, religion, ancestry, sex, national origin, handicap or disability is prohibited by Title VIII of the Civil Rights Act of 1968 (Federal Fair Housing Law) and the Pennsylvania Human Relations Act. It is the policy of the Borough of Waynesboro to implement programs to ensure equal opportunity in housing for all persons regardless of race, color, religion, ancestry, sex, national origin, handicap or disability, or familial status (families with children). Therefore, the Borough of Waynesboro does hereby pass the following Resolution.

Complete copy on file at Borough Hall.

**PUBLIC IN ATTENDANCE - NON-AGENDA ITEMS:** None.

#### FOR INFORMATION ONLY

**UPDATE ON \$500,000 DOWNTOWN GRANT:** Mr. Hamberger reported that he and Council President George met recently with Senator Punt and a representative of the Downtown Committee regarding a \$500,000 Downtown Grant which will aid downtown businesses in generating foot traffic and interest. Funding may be provided for various items such as rent rebates, inventory stocking, property expenses, and building purchases. They are hoping to have the program "up and running" by mid-2006. Additional information regarding the program may be obtained by contacting the Waynesboro Chamber of Commerce.

**TRAINING OPPORTUNITIES:** Information on training opportunities entitled “Introduction to Land Use Planning” and “Zoning Law Administration” was provided to Council members. Individuals interested in attending were asked to contact Melinda Knott.

**PAY BILLS:** Councilman Newcomer made a motion to approve Voucher List VL-06-01, as submitted. Councilman Stains seconded; the motion passed unanimously.

**COUNCIL AND STAFF COMMENTS:** Councilman Porter commented on *The Record Herald’s* recent article regarding Waynesboro’s visiting nurse services. He feels that this is a much-needed service in the community, and is glad that the Borough is helping to fund it.

Also, with regard to the need for an update of the Zoning Ordinance’s sign section, Councilman Porter informed Council that he was contacted by a resident who would like to give input during the revision process. He noted that there may be additional members of the business community who could also provide assistance.

Councilman Stains announced that the Recreation Board’s next meeting will be held on Tuesday, February 7<sup>th</sup>, at 7:30 p.m. He welcomed the public to attend the meeting, noting that there are many upcoming opportunities with regard to the municipal golf course and various recreational activities in the Borough.

Mayor Starliper suggested that it might also be wise to meet with representatives/members of the Chamber of Commerce for additional input regarding the Zoning Ordinance update on signs. (He mentioned the correspondence received recently from Baer Signs.) In addition, Mr. Starliper asked for details on the maintenance agreement with Allegheny Power for the downtown street lights, specifically on the replacement of light bulbs. Also, Mr. Starliper suggested utilizing the donation received from Michael Cermack at the last Council meeting to purchase additional trash receptacles on Main Street. President George directed the Property Committee to review this suggestion and make a recommendation to Council for action. Finally, Mayor Starliper asked for information on the Borough’s Emergency Operations Plan; and Mr. Hamberger advised that a copy is available at Borough Hall for public viewing.

Council President George noted that several replies have been received in response to Council’s “Request for Proposals” for Borough Solicitor. He instructed the Personnel Committee to review the proposals received, conduct interviews, and report back to Council with their recommendation.

Dan Sheffler reported that Kay Barkdoll will take the state certification test for Health Inspector on Friday, February 3<sup>rd</sup>.

Kevin Grubbs informed Council that the Planning Commission will begin their review of the Zoning Ordinance’s sign section, at Council’s request, at their next meeting scheduled for February 13<sup>th</sup>.

Mr. Hamberger noted that he had tentatively scheduled the joint Committees meeting for Tuesday, February 14<sup>th</sup>. As that is Valentine’s Day, however, he suggested that the meeting be rescheduled for February 21<sup>st</sup>. Members of the appropriate committees agreed.

Having no further business to discuss, the meeting adjourned at 8:20 p.m.

Respectfully Submitted,

Melinda S. Knott  
Administrative Assistant