

JUNE 7, 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
Dan Sheffler, Zoning-Code Enforcement Officer
Scott Crum, Draftsman-Inspector
Melissa Dively, Borough Solicitor (Salzmann Hughes, PC)
Ron Flegel, Fire Chief
Denny Benschoff, Maintenance Superintendent
Ray Shultz, Police Chief

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

President George reminded the public that, during the summer months, Council meetings are held just once per month. Accordingly, the July meeting will be held on July 12th; and the August meeting will be held on August 9th.

APPROVE MINUTES: Councilman McCammon made a motion to approve the minutes of the May 17, 2006 meeting, as written. Councilman Berry seconded; the motion passed unanimously.

COMMITTEE REPORTS

PERSONNEL COMMITTEE: Councilman Berry reported that the Personnel Committee discussed the following items at their most recent meeting –

- Performance evaluation for Lynn Goetz (Golf Course) – action will be taken later in the meeting
- Request to hire a Cashier at Northside Pool – action will be taken later in the meeting
- Request to hire a Summer Maintenance Worker for the Maintenance Department – action will be taken later in the meeting
- Performance evaluation for Lisa Johnson (Fire Department) – action will be taken later in the meeting

PROPERTY AND PUBLIC SAFETY COMMITTEE: Councilman McCammon reported that the Property Committee discussed the following items at their most recent meeting --

- Recommendation on removal of the fence at the Franklin Street Park – will present a motion on the matter later in the meeting
- Request that the Solicitor add the following words to the “Definition” section of the Borough’s Zoning Ordinance – message board, flashing sign and footprint – will present a motion on the matter later in the meeting

- Cleaning the clock tower at Borough Hall – will ask that Council request the Borough Manager to pursue cleaning of the clock tower

STREET COMMITTEE: Councilman Porter reported that the Street Committee discussed the following items at their meeting held on June 5th –

- Complaints about handicapped parking spaces not being used by the individuals they were designated for (in particular, one at 122 Clayton Avenue) – will have a motion on the matter later in the meeting
- Complaints about parking of motor homes and recreational vehicles on streets, which creates a sight distance or blind spot problem for motorists – Borough Manager will do research to see what other communities are doing and what PSAB recommends
- Locust Street was designated one-way at the last Council meeting – signs are on order
- Upgrade of parking meters – new meters have arrived and have been tested; awaiting stickers for the meters indicating the days/hours they will be used
- Back-plates on traffic control lights – the matter will be deferred until the new lights have been installed (PENNDOT reports that construction should take place during the summer of 2007)

INTERGOVERNMENTAL COMMITTEE: No report.

DOWNTOWN REVITALIZATION AND FINANCE COMMITTEE: Councilman Newcomer reported that a meeting will be held with the Wage Tax Bureau regarding the Emergency Municipal Services Tax (EMST).

Councilman Newcomer noted that a meeting will also be scheduled with Main Street Inc. to address their correspondence regarding downtown trash containers.

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

“On May 20th, I attended the groundbreaking ceremony at our YMCA for their new expansion project.

On May 29th, I participated in the Memorial Day Parade and Program that was put together by the Combined Veterans Council.

On the 31st of May, along with Sgt. Mike Bock, Hans Bader, Don Ringer and Frank Bittner, we participated in a South Central Pennsylvania Regional Counter-Terrorism Task Force Tabletop Exercise.

As you might have seen in the newspaper, on June 2nd, the announcement was made that Main Street Inc. will be the recipient of funds for a downtown manager.

On June 4th, I attended the Eagle Scout Court of Honor for Victor Morningstar. My congratulations to him and his family.”

SOLICITOR'S REPORT: Melissa Dively reported that she met recently with the Borough Manager to review several outstanding matters, one of which is a curative amendment to the billboard matter. She anticipates that that information will be available for Council's review prior to their next meeting.

PUBLIC COMMENT - ITEMS ON AGENDA:

Frank Bittner, 842 Anthony Avenue – Mr. Bittner requested additional information on handicapped parking spaces, including the requirement for a permit and/or any fees which are assessed. He also questioned if the Borough has record of the permits issued for such handicapped parking spaces. Councilman George responded that an application process must be followed, for which there is a \$75.00 administrative fee. In addition, the Street Committee is currently in the process of mailing letters out to individuals who have been issued handicapped parking spaces to determine how many there are and if they are being utilized.

VOTING ON ITEMS FROM COMMITTEE REPORTS: Councilman Berry made a motion to approve a step increase for Lynn Goetz to 4B. Councilman McCammon seconded; the motion passed unanimously.

Councilman Berry made a motion to approve a salary increase for Lisa Johnson (to \$6.15/hour). Councilman McCammon seconded; the motion passed unanimously.

Councilman Berry made a motion to approve the hiring of Danielle Frey as a Cashier at Northside Pool. Councilman McCammon seconded; the motion passed unanimously.

Councilman Berry made a motion to hire Scott Crum Jr. as a Summer Maintenance Worker with the Maintenance Department. Councilman McCammon seconded; the motion passed unanimously.

Councilman McCammon made a motion to remove the fence at the Franklin Street Park (the equipment will remain). Councilman Stains seconded. Discussion followed regarding what (if any) comments had been received from the Recreation Board; and Councilman McCammon noted that he is aware of no comments from them regarding the matter. Further discussion ensued regarding any liability issues as a result of removing the fence. Solicitor Melissa Dively stated that she does not want to comment on the matter in public. She noted that she would be happy to look into the matter, and suggested that the motion could be amended to include the phrase “pending the Borough Solicitor’s recommendation”. Councilman McCammon refused to amend his motion. A vote was then called – Councilmen McCammon, Stains and Porter voted in favor; Councilmen George, Berry and Newcomer voted in opposition. Mayor Starliper stated that the Mayor has thirty (30) days in which to make a decision, therefore he tabled the matter until Council’s next meeting.

Councilman McCammon made a motion that the Borough Solicitor provide definitions for Council’s review and inclusion in the “Definitions” section of the Zoning Ordinance of the following words: message board, flashing sign and footprint. Councilman Newcomer seconded. Solicitor Dively reported that she has been working on a similar matter which will address those definitions. The motion then passed unanimously.

Councilman McCammon made a motion to authorize the Borough Manager to secure proposals for painting the clock tower at Borough Hall. It was noted that a motion is not necessary for this action, however Council concurred with the recommendation.

Councilman Porter made a motion to remove the handicapped parking space in front of 122 Clayton Avenue, as the applicant failed to comply with the regulations imposed (must be used on a regular basis). Mr. Porter further noted that the individual who lives at this address has off-street parking available for their use. Councilman Berry seconded; the motion passed unanimously.

President George noted that the Street Committee has scheduled a meeting prior to the August Council meeting (August 9th) at 6:45 p.m. for the purpose of discussing the N. East Avenue situation with residents in that area. He noted that all Council members are invited to attend, and residents of the area will be notified.

Councilman Newcomer opened discussion on the downtown trash container issue. After comments regarding the recommendation submitted by the Design Committee of Main Street, Inc., it was requested that the matter be presented to the main body of Main Street Inc. for their concurrence.

SOLICITOR'S COMMENT REGARDING MAYOR'S "TIE-BREAKER" VOTE: Ms. Dively advised Council that she reviewed the Pennsylvania Borough Code (specifically Section 1003, addressing a tie vote), which indicates that the Mayor, if in attendance at the meeting, may at his option cast the deciding vote, or request that the matter be tabled until a special meeting of Council to be held within not less than five days or more than ten days at which time the matter shall be reconsidered by Council and, if a tie or split vote still exists, it shall be the duty of the Mayor at that time to cast the deciding vote.

AWARD BIDS (2006 CDBG PAVING PROJECTS AND MOBILE DIGITAL VIDEO SYSTEM): Mr. Hamberger noted that two (2) bids were received for the 2006 CDBG Paving Projects, the lower of which was from Valley Quarries. Accordingly, the staff recommends that the contract be awarded to Valley Quarries, provided that they meet all CDBG requirements. Councilman McCammon made a motion to award the bid for the 2006 CDBG Paving Projects to Valley Quarries, as recommended by the Borough Manager. Councilman Porter seconded; the motion passed unanimously.

Mr. Hamberger also noted that the staff is recommending that bids for the mobile digital video system be rejected, as the bids received did not meet the required specifications and/or did not include the proper bonding. Councilman Newcomer made a motion to reject the bids for the mobile digital video system. Councilman McCammon seconded; the motion passed unanimously.

UNFINISHED BUSINESS

CONSIDER ORDINANCE NO. 1046 (ALLEY VACATION - OLD MILL ROAD): Mr. Hamberger noted that proposed Ordinance No. 1046 has been advertised for Council's consideration. Councilman McCammon made a motion to adopt Ordinance No. 1046, as presented. Councilman Newcomer seconded; the motion passed unanimously.

ORDINANCE NO. 1046

AN ORDINANCE OF THE BOROUGH OF WAYNESBORO, FRANKLIN COUNTY, PENNSYLVANIA, VACATING A PORTION OF UNNAMED ALLEY IN THE BOROUGH OF WAYNESBORO, FROM ITS INTERSECTION WITH EAST NINTH STREET TO THE INTERSECTION WITH OLD MILL ROAD, BEING A LENGTH OF 324.50 FEET.

Complete copy on file at Borough Hall.

CONSIDER ORDINANCE NO. 1047 (ALLEY VACATION - GRANDVIEW AVENUE EXTENSION): Mr. Hamberger presented proposed Ordinance No. 1047, which was also advertised for Council's consideration at this meeting. Councilman McCammon made a motion to adopt Ordinance No. 1047, as presented. Councilman Porter seconded. Councilman Berry mentioned correspondence recently received from a neighborhood resident which addresses several safety concerns for children crossing over the property in question to patronize the convenience store across Grant Street/Orchard Road. Additional discussion ensued regarding the safest route of travel and if this vacation would be a detriment to that safer route. Mr. Hamberger suggested that these concerns may be better addressed when the re-zoning issue is discussed. A vote on the motion to adopt Ordinance No. 1047 was then called, and the motion passed unanimously.

ORDINANCE NO. 1047

AN ORDINANCE OF THE BOROUGH OF WAYNESBORO, FRANKLIN COUNTY, PENNSYLVANIA, VACATING A PORTION OF UNOPENED ALLEY IN THE BOROUGH OF WAYNESBORO, FROM ITS INTERSECTION WITH THE PROPOSED GRANDVIEW AVENUE EXTENSION, BEING A LENGTH OF 117.36 FEET; IN ADDITION, VACATING AN UNOPENED PORTION OF GRANDVIEW AVENUE EXTENSION, BEING A DISTANCE OF 152.37 FEET.

Complete copy on file at Borough Hall.

MODIFICATION OF SUBDIVISION/LAND DEVELOPMENT ORDINANCE FOR STREET LIGHTS:

Mr. Hamberger reported that, pursuant to Council's request, he and the Borough Solicitor have prepared proposed modifications to the Subdivision/Land Development Ordinance with regard to street lights in new developments. Councilman McCammon made a motion to authorize the Borough Manager to advertise the ordinance for Council's consideration at their next meeting. Councilman Berry seconded; the motion passed unanimously.

ORDINANCE FOR ZERO SET-BACK: Mr. Hamberger noted that the Borough Solicitor has prepared revisions to the proposed ordinance for zero set-backs. In accordance with Borough procedures, the matter has been returned to the Planning Commission for review and comment at their meeting on June 12th. He suggested that the proposed ordinance may be back for Council's discussion at their July 12th meeting.

ORDINANCE FOR REZONING AND HEARING (N. GRANT STREET): Councilman McCammon made a motion to authorize advertisement of the public hearing for the proposed rezoning on N. Grant Street for Council's next meeting. Councilman Berry seconded; the motion passed unanimously.

NEW BUSINESS

FIRE LOSS ORDINANCE: Mr. Hamberger provided Council members with a sample "Fire Loss Ordinance" from the Pennsylvania State Association of Boroughs. He requested that they review the ordinance for future discussion.

NEW TRUCK FOR FIRE DEPARTMENT: Fire Chief Ron Flegel reported that the utility unit (Utility 2) was damaged beyond repair in an accident several weeks ago. Money had been budgeted for its replacement in the 2006 budget, but they were not able to locate an acceptable used vehicle (and a new one could be purchased for slightly more). Accordingly, he is requesting a revision to the budget to cover the expenditure of funds to purchase a new vehicle which would boast a five-man crew cab. Councilman Berry made a motion to forego the boiler replacement and use that money to pay for the roof replacement and a new vehicle, as recommended by the staff. Councilman Porter seconded. After further discussion of the assurance obtained from the Borough's HVAC technician, a vote was called. The motion then passed unanimously.

REQUEST FROM CARNIVAL COMMITTEE TO USE TRUCK: Fire Chief Flegel noted that the Carnival Committee is requesting the use of a Borough truck to pick up supplies and perishables for the carnival. He noted that, in the past, a utility vehicle was available for use; however, the Fire Department's new vehicle will not arrive in time for the carnival this year. Denny Benshoff noted he would have no problem with making a truck available; and Mr. Hamberger recommended that only Borough employees or authorized relief drivers be permitted to drive the Borough truck. Councilman McCammon made a motion to approve the request, including the stipulation as set forth by the Borough Manager. Councilman Stains seconded; the motion passed unanimously.

NINTH STREET STORM SEWER: Mr. Hamberger noted that negotiations have been held with representatives of Hometown Homes (who is developing an area in the vicinity of Ninth Street) to fill in

the drainage ditch along Ninth Street. After several discussions and recalculations, the developer has agreed to contribute \$100,000 up-front, and the Borough will bill for the residual work (up to a total of \$130,000). The Borough will be contributing approximately \$60,000 in labor for the project. Councilman McCammon made a motion to approve the agreement with Hometown Homes for this work, as outlined by the Borough Manager. Councilman Porter seconded; the motion passed unanimously.

PUBLIC IN ATTENDANCE - NON-AGENDA ITEMS:

Stuart Honodel, 600 W. Main Street - Mr. Honodel discussed his concern regarding “junk” in the neighborhood, as well as the condition of the burned-out properties on W. Main Street. Councilman Porter noted that Council is very concerned about these conditions also, and several councilmen (along with the Borough Manager) have met with one property owner and his attorney to discuss their plans. Dan Sheffler added that the other property owner has been issued 17 citations – he has paid the fines – and the process begins again. Borough Solicitor Melissa Dively advised Council that abatement procedures are provided for in the Maintenance Code; and President George requested that she pursue the matter and provide them with further direction. Councilman McCammon added that this matter will be discussed at the next Joint Committee meeting to be held on Wednesday, June 14th, beginning at 7:00 p.m. It was noted that the public is welcome to attend this meeting.

FOR INFORMATION ONLY

REQUEST RE: “WAYNESBOROFEST” BANNERS: Mr. Hamberger reported that Susquehanna Bank has donated “WaynesboroFest” banners to be placed on the downtown light poles for June 19th to July 10th. Councilman Porter made a motion to approve the installation of the banners on the light fixtures. Councilman Stains seconded; the motion passed unanimously.

PAY BILLS: Councilman Newcomer made a motion to approve the payment of Voucher List VL-06-14. Councilman Berry seconded; the motion passed unanimously.

COUNCIL AND STAFF COMMENTS: Councilman Newcomer mentioned that Council approved a motion at their last meeting with regard to fire-damaged properties – that repair work must be started within one year of the damage and completed within two years. He noted, however, that this would not pertain to these properties (only to those damaged by fire in the future). Mr. Hamberger added that the Borough is also looking into a “Fire Loss” Ordinance.

FRANKLIN STREET PARK FENCE: Denny Benshoff informed Council that a child was hurt recently at the Franklin Street Park due to damage to the fence caused by vandalism. He added that this (vandalism) continues to be an ongoing battle.

SPECIAL COUNCIL MEETING: Council President Richard George announced that Council will hold a special meeting on Wednesday, June 14th, beginning at 6:45 p.m., in the first floor conference room of Borough Hall.

Mr. George thanked Councilman McCammon for his recent efforts in correcting a problem with installation of the banners on the light fixture poles. Mr. McCammon added that Dave Neibert also assisted.

Having no further business to discuss, the meeting adjourned at 8:37 p.m.

Respectfully Submitted,

Melinda S. Knott
Administrative Assistant