

MARCH 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 Benshoff, Maintenance Superintendent
D. Lloyd Reichard, II, Borough Solicitor
Ray Shultz, Police Chief
Ron Flegel, Fire Chief
Kevin Grubbs

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

APPROVE MINUTES: A minor correction was made to the drafted minutes of the February 15th meeting – Councilman Newcomer was mistakenly listed as having seconded a motion with regard to left-turns at the intersection of Walnut/Main Streets. It was noted that Councilman Berry seconded the motion.

Councilman McCammon made a motion to approve the minutes of the February 15th public hearing (as written) and the regular meeting (as amended). Councilman Berry seconded; the motion passed unanimously.

COMMITTEE REPORTS

PERSONNEL COMMITTEE: Councilman Berry reported that the Personnel Committee reviewed the following items, and will recommend action as noted:

- Favorable performance evaluation for Julie Myers – will recommend step increase to 7E
- Golf Course Pro Shop staff for 2006 season – will recommend hiring seven (7) individuals
- Appointment/re-appointment to Library Board
- Interviews for Borough Solicitor's position – will discuss this matter during the upcoming workshop session

PROPERTY AND PUBLIC SAFETY COMMITTEE: Councilman McCammon reported that the Property Committee held a meeting on February 22nd. During the meeting, they discussed the following items:

- Investigated Franklin County's housing rehabilitation program – a recommendation will be forthcoming to discontinue the Borough's program and refer all inquiries to the Franklin

County Planning Commission

- Discussed Sign Ordinance – will recommend proceeding with the ordinance proposed by the Planning Commission
- S. Franklin Street Park – will recommend that it be closed (remove equipment and plant grass)
- Trash can(s) downtown – will recommend utilizing the \$1,000 donation from Michael Cermack to purchase additional trash cans for downtown. The prices obtained, however, are such that only one can could be purchased with this money.
- Street banners – Mr. McCammon recalled that the banners are owned by Main Street Inc. (The Borough gave permission to the Retail Bureau for them to be hung on the street light poles, along with the Christmas wreaths.) Main Street Inc., in turn, took over responsibility for the banners.

STREET COMMITTEE: Councilman Porter reported that no Street Committee meetings have been held since Council's last meeting. The next meeting is scheduled for March 13th at 9:30 a.m. He invited members of the public to attend.

INTERGOVERNMENTAL COMMITTEE: Councilman Stains noted that, beginning on March 28th, Comcast will add a new "Family Tier" of service available to Waynesboro's customers. He reviewed the channels to be included.

DOWNTOWN REVITALIZATION AND FINANCE COMMITTEE: Councilman Newcomer noted that the Joint Committees meeting was held recently. During that meeting, they discussed Council's recent decision to include residential properties in the Borough's Facade Improvement Program. After further investigation, however, they are recommending that inclusion of the residential properties be discontinued due to the amount of federal regulations involved and their resultant cost. Individuals inquiring about this program should be referred to the Franklin County Planning Commission for additional information on their housing rehabilitation program.

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

"I was invited to attend the 16th TV Tune-In Student Essay Contest Awards and Luncheon on February 25, 2006 at the Rouzerville Ruritan Club.

We see and hear a lot of negative items concerning the youth of today, but after listening to these young people, grades 3 thru 12, there is a lot of hope for positive items in our community. My congratulations to all of the individuals who entered, the winners, judges, and the TV Tune-In Committee members. Thank you for taking pride in our young people."

PUBLIC COMMITTEE - ITEMS ON AGENDA: None.

VOTING ON ITEMS FROM COMMITTEE REPORTS: Councilman Berry made a motion to grant a step increase for Julie Myers to level 7E. Councilman McCammon seconded; the motion passed unanimously.

Councilman Berry made a motion to hire the following individuals as Pro Shop Attendants at the Municipal Golf Course – Ron Mitchell, Howard McKean, Raymond Noll Jr., Charles Smith, Laura

Green, Lisa Black and Christine Costlow. Councilman Stains seconded. Councilman McCammon then made a motion to add Bill Devlin to the list of those recommended for hiring. After further discussion, a vote was called on the first motion. The motion passed 5-1, with Councilman McCammon voting in opposition. Further discussion ensued regarding the matter. Mike Forney, Chairman of the Recreation Board, was present and noted that the Recreation Board decided that Mr. Devlin would not be hired at this time. The motion to add Bill Devlin to the list of those recommended for hiring died, due to lack of a second.

Councilman Berry made a motion to re-appoint Andrew Benchoff to the Library Board, and to appoint Jason Piatt (as Claire Hunter's replacement). Said terms would expire on February 1, 2009. Councilman Porter seconded; the motion passed unanimously.

Councilman McCammon made a motion to discontinue the Borough's housing rehabilitation projects in the CDBG Program, and refer all interested parties to the Franklin County Housing Trust Fund. Councilman Newcomer seconded; the motion passed unanimously.

Mr. Hamberger noted it has been determined that the Franklin Street Park was purchased with Project 70 funds. Accordingly, he will contact Representative Pat Fleagle and Senator Terry Punt to discuss options for the future of the park. Vandalism issues will be referred to the Recreation Board for review and recommendations. Councilman McCammon made a motion to table action on the Franklin Street Park until input has been received from the Recreation Board. Councilman Stains seconded; the motion passed unanimously.

Councilman Berry made a motion to authorize the Borough Manager to search for less costly, but suitable, trash containers for the downtown area. Councilman Stains seconded; the motion passed unanimously.

Discussion ensued regarding the fire-damaged properties on W. Main Street. Councilman McCammon read excerpts from the Zoning Ordinance which he feels apply to these properties, as follows: "Any nonconforming use or structure which is destroyed by fire, casualty or act of God may be repaired, rebuilt and used as before, provided that no increase in the degree of non-conformity is thereby created. All repairs shall be commenced within two (2) years after the damage occurs and shall be completed within four (4) years after such date, or such use shall not be rebuilt except as a conforming use or structure. Cessation of a nonconforming use for a continuous period of two (2) years shall create a rebuttable presumption that such use has been abandoned. Such nonconforming use shall not thereafter be revived." He suggested that this ordinance should be revised to address future situations of this nature; but at this point in time, the Property Maintenance Code would be the "only hope". Borough Solicitor Lloyd Reichard stated that these excerpts are not applicable to these properties at this time, because nothing would prevent the owner(s) of these properties from seeking a variance to reconstruct buildings on the properties. The property owner(s) are only required at this time to ensure that the properties are safe, secure and not subject to creating a hazard to the public. Councilman McCammon disagreed with the Solicitor's opinion. Councilman Newcomer then asked if the structure(s) are safe and sound; or is there something that the Borough can do to ensure that they are? Mr. Hamberger noted that a recommendation was made at the Joint Committees meeting on February 22nd to arrange a meeting between the Property Committee and the property owner to inquire what their plans are for the properties. Discussion was held at length, followed by the suggestion that Council may wish to seek another legal opinion on the matter. Mr. Reichard reminded Council members that, with regard to actions taken by the Borough, legal matters are in the control of the Borough Solicitor under the Borough Code. Council would have the option of following the advice of the Solicitor or replacing him. Mr. Hamberger noted he will request that the Code Enforcement Officer review regulations in the Property Maintenance Code to determine if any apply to this situation.

Councilman Newcomer made a motion to remove residential properties from the Borough's Main Street Facade Improvement Program. Councilman Porter seconded; the motion passed unanimously. Mr. Newcomer explained to the public that if a property is included in this program and is determined to be substandard under Section 8 Housing regulations, the taxpayers' money would have to pay to bring it up to standards on the inside prior to program funds being spent on the exterior's facade.

UNFINISHED BUSINESS

RECOMMENDATION FOR 2006 CDBG PROJECTS: Mr. Hamberger recommended that 2006 CDBG funds be utilized as follows:

1. Street improvements	\$90,516
2. Downtown revitalization	\$41,000
3. Administration	\$30,000
4. Public service (including funds for Homeless Shelter)	\$ 5,290

Councilman McCammon stated that, after visiting the New Hope Shelter, he feels that additional funds should be given to them. He made a motion that \$10,000 be allocated. Council President George reviewed the request they submitted, which follows:

Washers and dryers	\$ 3,800
Update electrical system	\$ 2,000
Update telephone system	<u>\$ 1,490</u>
TOTAL	\$ 7,290

He asked what the additional funds would be utilized for, and Councilman McCammon noted that there are many needed items. He stipulated, though, that the funds not be utilized to build a smoking deck.

Mr. George suggested that members of Council and the public take an opportunity to tour the New Hope Shelter, as they are doing an excellent job. He added that funds were not allocated to them in the past, because Council was not satisfied with the way the facility was being operated.

Based on the information provided by Councilmen George and McCammon, Councilman Newcomer noted he would not be opposed to recommending additional funds for the New Hope Shelter, but feels that a written request for the additional funds should be presented (including what the additional funds would be used for).

The motion to allocate \$10,000 to the New Hope Shelter died for lack of a second. Councilman Porter then made a motion to approve the amount they requested (\$7,290). Councilman Stains seconded; the motion passed 5-1 (with Councilman McCammon opposing).

AWARD BIDS: Councilman Porter made a motion to award the bids for stone and paving materials to Valley Quarries. Councilman Newcomer seconded; the motion passed unanimously.

NEW BUSINESS

APPLICATION FOR PARADE PERMIT (COMBINED VETERANS COUNCIL): Mr. Hamberger presented the Combined Veterans Council's Application for Parade Permit for the Memorial Day Parade. Councilman Porter made a motion to approve the request, as submitted. Councilman McCammon seconded; the motion passed unanimously.

RESOLUTION RE: POLICE PENSION DEDUCTIONS: Mr. Hamberger presented proposed Resolution #2006-02, which affirms the fact that contributions are not deducted for the policemen's salaries for the police pension plan. He stated that this is a requirement of Act 205, and is outlined in the police contract. Councilman McCammon made a motion to adopt Resolution #2006-02, as presented. Councilman Stains seconded; the motion passed unanimously.

RESOLUTION 2006-02

WHEREAS, the Waynesboro Borough Council has been advised that, for the present time or for the twelve (12) month period beginning January 1, 2006, the Waynesboro Police Pension Plan is solvent without deduction, and that it will not be necessary for police officers to contribute to said plan.

Complete copy on file at Borough Hall.

PUBLIC IN ATTENDANCE - NON-AGENDA ITEMS:

Amos Miller, 309 W. Sixth Street - With regard to earlier discussions about the condition of properties, Mr. Miller commented that there should be some type of ordinance or regulation as a means for the Borough to force property owners to either demolish or repair houses that are abandoned or damaged by fire within a certain time limit. This could be a real-life situation that needs to be addressed for the future. Council noted that they will take his comments under advisement.

Frank Bittner, 842 Anthony Avenue - Mr. Bittner discussed concerns regarding several items, including: (1) downtown trash cans – should be emptied late on Fridays; (2) “trash hole” at former Valley Quarries batching plant at southwest end of town; (3) concrete slab on former Beck property across from Builders Supply that has accumulated oil, PCB's, etc.; and (4) lack of curbing on south side of median strip on Eighth Street (off Potomac Street). President George referred this item to the Street Committee for review.

Paul Ingelstad, 129 E. Second Street - Mr. Ingelstad commented on several items, as follows: (1) the youth who were cleaning-up Main Street over the weekend should be recognized for their efforts – Mr. Hamberger was instructed to write a letter of appreciation to the group from Otterbein Church; (2) several businesses have been “littered” with signs posted in the ground; (3) many developers have also been planting advertisements all over town – Mr. Hamberger noted that those are illegal and are removed when observed; (4) he was pleased to witness police patrols in the downtown area; (5) speeding continues on many streets; in particular, on Second Street, Third Street and nearby alleyways; and (6) the zero setback proposal would be an worthwhile effort in getting Main Street “in shape”.

Mr. Hamberger responded to several issues discussed: (1) trash is emptied downtown three times per week (on Mondays, Wednesdays and Fridays); (2) clarification is being obtained from Ed Geubtner regarding the zero setback issue – the matter will be on the agenda for the next Joint Committees meeting; (3) the Code Enforcement Officer has been instructed to remove developers' “planted” signs, but businesses are permitted 100' of signage (provided that they obtain a permit and the signs are installed properly).

Councilman Newcomer also responded on the speeding issue. He noted that, if speed limits are not posted, the permitted speed is 55 mph. He has been in contact with Representative Pat Fleagle and Senator Terry Punt, and they are making attempts at having that reduced in rural locations and downtown districts. Until a change in the legislature is made, however, the Borough's Police Department can only cite someone if they are endangering others or driving recklessly. Councilman Porter noted that, in the past, signs have been posted on numerous streets to reduce speeds to 25 mph. The matter will be discussed further at the next Street Committee meeting.

Council President George also stated that Council and other volunteers have spent a great deal of time trying to “dress up” signs for the downtown. He feels confident that the public will see an improvement.

FOR INFORMATION ONLY

SCHEDULE FOR LOCUST ALLEY PUBLIC HEARING: Kevin Grubbs informed Council members that the Planning Commission has scheduled a public hearing on the proposed Locust alley Subdivision Plan for March 13th at 7:00 p.m. (prior to their regular meeting that evening at 7:30 p.m.), in Council Chambers. The hearing has been duly advertised, and appropriate notices have been mailed and/or posted.

SCHEDULE FOR HOSPITAL ALLEY ABANDONMENT PUBLIC HEARING: Kevin Grubbs added that a public hearing has been scheduled for the proposed alley abandonment off Dickinson Avenue on March 15th at 7:00 p.m. (prior to Council’s regular meeting). Mr. Hamberger noted that a hearing will also be held at 7:15 p.m. that evening regarding the 2006 CDBG Program.

REMINDER OF TRI-COUNTY BOROUGH ASSOCIATION MEETING: Mr. Hamberger reminded Council that Waynesboro is hosting the upcoming Tri-County Boroughs Association meeting to be held on Tuesday, March 28th at the Elks Club.

AWARD ADDITIONAL BIDS: Mr. Hamberger recommended that the bids for random curb and sidewalk be awarded to Ray Eyer. Councilman Porter made a motion as such. Councilman Berry seconded; the motion passed unanimously.

PAY BILLS: Councilman Newcomer made a motion to approve the payment of Voucher Lists VL-06-04 and 05. Councilman Stains seconded; the motion passed unanimously.

COUNCIL AND STAFF COMMENTS: Councilman McCammon noted that the Property Committee discussed two proposed ordinances from the Planning Commission – the first regarding signs in the TC district. Councilman McCammon made a motion to proceed with this proposal. Councilman Newcomer seconded; the motion passed unanimously. The second proposal from the Planning Commission pertained to electronic message centers. The Property Committee recommended awaiting additional information for further review.

Councilman McCammon made a motion to hold the Borough Employees’ Picnic on September 23rd at Renfrew Park. Councilman Porter seconded; the motion passed unanimously.

Councilman Berry thanked the public for their attendance at this meeting, and suggested they encourage their neighbors to attend also. He added his appreciation to former Councilwoman Lorena Newcomer for the positive comments for Council in her recent “Letter to the Editor”.

Councilman Porter also thanked Mrs. Newcomer for her favorable comments.

Councilman Stains added his appreciation also to Mrs. Newcomer, as well as members of the community for attending tonight’s meeting. He encouraged them to continue to attend meetings and invite their neighbors to do the same.

Councilman Newcomer echoed “thanks” to Mrs. Newcomer. He noted that Council should hold an executive session at their upcoming workshop to discuss the Borough Solicitor’s position and

hopefully make a decision on the matter. He feels they have four (4) very qualified attorneys vying for the position.

Mayor Starliper also thanked Mrs. Newcomer for her comments in support of Council. He then recommended that Borough Council hire Robert Petrunak as a Patrolman for the Police Department, effective April 1st. Councilman Porter made a motion to approve the hiring. Councilman Berry seconded; the motion passed unanimously.

Council President George reported that, at Council's last Joint Committees meeting, it was decided that they would add some citizens as liaisons on the Downtown Revitalization & Finance and Street Committees as an experimental action. He explained that these citizens would not have a vote, but would serve as Council's "eyes and ears". He advised individuals interested in serving in this capacity to inform Mr. Hamberger. He added his personal feeling that this is a very positive step. He also thanked Lorena Newcomer for her support.

Having no further business to discuss, the meeting adjourned at 8:38 p.m. on a McCammon/Porter motion which passed unanimously.

Respectfully Submitted,

Melinda S. Knott
Administrative Assistant