

SEPTEMBER 20, 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
Melissa Dively, Borough Solicitor (Salzmann Hughes, PC)
Ron Flegel, Fire Chief
Ray Shultz, Police Chief

PLEDGE OF ALLEGIANCE: Mayor Starliper led those present in the Pledge of Allegiance. President George welcomed the public in attendance.

APPROVE MINUTES: Councilman McCammon made a motion to approve the minutes of the August 16, 2006 special meeting and public hearing, as written. Councilman Porter seconded; the motion passed unanimously.

ACCEPT REPORTS: Councilman Berry made a motion to accept the reports of the Fire Chief (for August) and the Police Chief (for July), as presented. Councilman McCammon seconded; the motion passed unanimously.

President George noted that a correction was needed on an estimated cost (page 2) on the report for building permits from Accredited Services.

COMMITTEE REPORTS

PERSONNEL COMMITTEE: Councilman Berry noted that a satisfactory performance evaluation was received for Darryll Wagaman. He met/exceeded all standards, however no action was required.

PROPERTY AND PUBLIC SAFETY COMMITTEE: Councilman McCammon noted that information was obtained on the Borough's pigeon problem. The matter will be discussed later in the meeting.

STREET COMMITTEE: Councilman Porter reported that the Street Committee discussed the following items at their last meeting –

- Children on Grandview Avenue and the lack of speed limit signs – will recommend that 25 mph speed limit signs, as well as “Children at Play” signs, be posted
- Request for handicapped parking space on Cleveland Avenue
- No parking area on Philadelphia Avenue

- Request for parking spaces designated for “Firemen Only” at the Mechanics Steam Fire Engine & Hose Company on Virginia Avenue (similar to those at the S. Potomac Street Fire Station)
- Recreational vehicle parking on Borough streets (in particular, on Fairview Avenue) – no satisfactory resolution was found
- Request to pave alley running north/south, east of Frick Avenue – will have a motion on that matter later in the meeting
- Complaints about people not paying attention to left-turn signs on Third Street at Rutters.
- Discussion on crosswalk sign at Machine Company on Fifth Street – sign disappeared
- Traffic problem on W. Third Street at Fairview Avenue School – are continuing to work on this issue (will meet with School Board representatives)

INTERGOVERNMENTAL COMMITTEE: Councilman Stains noted that Council will need to vote on the proposed agreement between the Borough and Washington Township for fire services for the years 2007-2009. He provided details on the rates included in the agreement.

DOWNTOWN REVITALIZATION AND FINANCE COMMITTEE: No report.

MAYOR’S REPORT: None.

SOLICITOR’S REPORT: Solicitor Melissa Dively reported that, at the Planning Commission’s last meeting, they reviewed the Land Development Plan for the area recently re-zoned at 405 N. Grant Street. They expressed concern that the plan did not show how the parcel that was recently conveyed was to be used, and suggested that a Quit Claim Deed be prepared. Donald Kornfield is preparing that document for her review; and it will be presented to Council for consideration at their next meeting.

PUBLIC COMMENT - ITEMS ON AGENDA:

Caryl Stalick, 15 W. Third Street - Ms. Stalick noted that a recent article in *The Record Herald* about the Borough/Township Joint Comprehensive Plan reported that one prospective consultant stressed the importance of preservation of the unique architecture in the downtown buildings. She noted her disappointment to hear that approximately seven (7) buildings near the hospital will be demolished for their future expansion project.

VOTING ON ITEMS FROM COMMITTEE REPORTS: Councilman Porter made a motion to proceed with the erection of 25 mph speed limit and “Children at Play” signs on Grandview Avenue. Councilman McCammon seconded; the motion passed unanimously.

Councilman Porter made a motion to approve a handicapped parking space at 138 Cleveland Avenue. Councilman McCammon seconded; the motion passed unanimously.

Councilman Porter made a motion to approve an eight-foot “no parking” area immediately to the south of the entrance to the private driveway of Keeney’s Fire Extinguishers on Philadelphia Avenue. Councilman McCammon seconded; the motion passed unanimously.

Councilman Porter made a motion to approve the establishment of two (2) parking spaces, marked "Firemen Only", at the Mechanics Steam Fire Engine & Hose Company on Virginia Avenue. Councilman McCammon seconded; the motion passed unanimously.

Councilman Porter made a motion to resurface the alley running north/south between Tritle and Frick Avenues, beginning at North Street and extending approximately 150'. Denny Benshoff explained that the area will be dug out and stoned (using street millings), which will be at a minimal cost. Councilman McCammon seconded; the motion passed unanimously.

Councilman Porter made a motion to install signs on S. Church Street, from the Square to Third Street, stating "No Trucks Except Local Delivery". Councilman McCammon seconded; the motion passed unanimously.

UNFINISHED BUSINESS

REQUEST FOR USE OF ROTARY PARKING LOT (CLASS OF 1959): This request was withdrawn.

REPORT ON FLOODING ISSUES: Kevin Grubbs noted that the meeting with Denny Black he mentioned at the last Council meeting had been rescheduled (due to a conflict in schedules) until Tuesday, September 26th. At that meeting, he will also meet with their hydraulic and stormwater management engineers. He recommended that nothing be done to the outfall until after their evaluation of the entire corridor of Potomac Street (from north of Brown Street to Cemetery Avenue). Councilman Newcomer requested that the urgency of this project be stressed to Mr. Black. Mr. Grubbs added that the entire study will take several months.

Mr. Hamberger reported that he has begun the process of applying for a Hazard Mitigation Grant through PEMA, and has submitted applications for other grants through various state agencies for approximately \$500,000+. In addition, the Pennsylvania Infrastructure Bank has agreed to extend the Borough's existing loan for these projects. He will also look for additional funding sources during the 2007 budget process.

SUB-RECIPIENT AGREEMENT (MAINSTREET WAYNESBORO, INC.): Mr. Hamberger noted that the Sub-Recipient Agreement with Mainstreet Waynesboro, Inc. is "ready to go". Mainstreet Waynesboro, Inc. has executed their portion, and he recommended that Council proceed so the document can be forwarded to DCED and the program begun. Councilman Newcomer made a motion to approve the Sub-Recipient Agreement with Mainstreet Waynesboro, Inc., as presented. Councilman Porter seconded; the motion passed unanimously.

FIRE SERVICE AGREEMENT WITH WASHINGTON TOWNSHIP: Councilman Stains made a motion to approve the proposed Fire Service Agreement with Washington Township for the years 2007-2009, as discussed earlier in the meeting. Councilman McCammon seconded; the motion passed unanimously.

NEW BUSINESS

RIGHT-OF-WAY AGREEMENT (RICHMOND/GLADIEUX): Kevin Grubbs explained that the Richmond/Gladieux property is located on the unimproved portion of E. Fourth Street, east of Clayton Avenue. They currently have an on-site sewer system, but have recently experienced problems with it. Accordingly, they are requesting to use the Borough's right-of-way (E. Fourth Street) to install a force main (grinder pump) to the Borough's system. They will bear all costs involved (as well as maintenance). Councilman McCammon made a motion to approve the Right-of-Way Agreement with Richmond/Gladieux. Councilman Porter seconded; the motion passed unanimously.

FINAL PLAN - CONDOMINIUM SUBDIVISION (JOSEPH J. & LARAE J. DANIELS): Kevin Grubbs noted that, several meetings ago, Council received plans from the Planning Commission for eight (8) apartment units on the portion of S. Potomac Street across from the S. Potomac Street Fire Hall. They are now requesting permission to convert the plans for apartments to condominiums. The proposed covenants and restrictions were reviewed and approved, but there was an issue with regard to parking. Accordingly, the Zoning Hearing Board approved a variance for 12 spaces (8' x 17'); and their parking lot was re-aligned to provide for a total of 16 parking spaces, which meets the requirements. The Waynesboro Planning Commission has recommended approval for the conversion to condominium units. Councilman McCammon made a motion to approve the conversion, as requested. Councilman Berry seconded; the motion passed unanimously.

PRELIMINARY LAND DEVELOPMENT/SUBDIVISION PLAN (405 N. GRANT STREET - RONALD B. MARTIN): Kevin Grubbs presented Council with the preliminary Land Development Plan for 405 N. Grant Street. The Zoning Hearing Board has approved the developer's request for a special exception for the drive-thru, and the Waynesboro Planning Commission has recommended approval of the preliminary plans. Councilman McCammon made a motion to approve the preliminary Land Development Plan for 405 N. Grant Street, as presented. Councilman Porter seconded; the motion passed unanimously.

RESIGNATION OF HEALTH OFFICER: Mr. Hamberger reported that the Borough's current Health Inspector, Kay Barkdoll, resigned her position effective September 30th. He has contacted the PA Department of Agriculture, who has agreed to conduct future inspections and issue health licenses. (Kay Barkdoll will complete as many inspections as possible until the end of the month.)

Councilman McCammon made a motion to accept Kay Barkdoll's resignation, effective September 30, 2006. Councilman Stains seconded; the motion passed unanimously. It was noted that letters will be mailed to all organizations who currently hold health licenses, as well as any newly established restaurants, to inform them of the agency they will need to contact for required inspections.

REQUEST FOR USE OF ROTARY PARKING LOT (CRAIG MAHRLE): Mr. Hamberger noted that this matter was discussed at Council's recent Joint Committee meeting, and Craig Mahrle is in attendance this evening to discuss his request for the use of spaces at the Rotary parking lot.

Craig Mahrle noted that he owns the former Beck & Benedict building, located at 84 W. Main Street. He has renovated the front of the building into apartments and would like to put six condominium units (approximately 2,000 s.f. each) in the back portion of the building. To satisfy the applicable ordinance requirements, he is required to have 20 parking spaces (12 for the new units and 8 for the existing units); and he is requesting to use the Rotary parking lot to satisfy those requirements. Mr. Mahrle noted that there are approximately 220 spaces in the parking lot, all of which are within the required 800' of the building. As the lot is generally at least 3/4 empty, he feels the capacity is available there without inconveniencing any other businesses downtown. He noted that the spaces would not be specifically assigned.

Councilman Newcomer noted his concern that if this is done for one building, Council will need to do it for other buildings. Councilman Berry added, however, that Council would simply be saying that they are permitted to use the Rotary parking lot to satisfy the parking requirement in the ordinance.

Solicitor Melissa Dively noted that she was asked by the Planning Commission to look at provisions in the Zoning Ordinance that allowed off-site auxiliary parking to satisfy the parking requirement. The provision is for an "assigned parking lot", which she feels would mean that the spaces should be designated by number and for that particular use.

Councilman McCammon made a motion to grant Mr. Mahrle's request. Councilman Porter seconded, noting that he is anxious to see this property developed. He added that there are a lot of spaces available in the Rotary parking lot.

Further discussion ensued. Councilman Berry also stated that, if this request is approved, they will need to know that no parking is permitted there during the week of the annual firemen's carnival. Councilman Newcomer stated his reluctance to make a hasty decision, as the downtown/community (as a whole) needs to be considered. He feels that a plan needs to be developed to take care of this situation, as well as any future situations that may arise. Councilman Stains noted he is in favor of further development of the building, as the remodeling to date has been a great addition to the downtown. As a homeowner, however, he would be reluctant to purchase property that does not guarantee him a parking space. He suggested that permit-parking be considered for the Rotary lot. In addition, he reiterated concern for any potential problems during the week of the carnival.

Mr. Mahrle reminded Council that, by their allocating these 20 requested parking spaces for the proposed six condominium units, they would be receiving additional real estate taxes that are not currently being received. Any use for the building would require parking; and the Rotary lot is currently under-used.

President George requested further clarification from the Solicitor on the matter. She noted that the Zoning Ordinance was designed, in her opinion, to ensure that units proposed for development have sufficient parking and that on-street parking is not utilized because off-street parking was not available. The provision permits the spaces to be located off-site, but she feels that would be best met if the parking spaces are specifically designated for use by a particular unit only.

As a motion was previously made to approve the request, Councilman McCammon called for a vote. Voting in favor were: Allen Berry, Charles McCammon and Allen Porter; voting in opposition were: Richard George, Jason Stains and Craig Newcomer. The vote was tied, 3-3.

Mayor Starliper noted his agreement on both sides. However, he also feels that this should be looked at further. Accordingly, Mayor Starliper voted "nay" and the motion to approve the request was defeated.

President George noted he is hopeful that a recommendation can be presented at Council's next meeting to satisfy Mr. Mahrle's request. Councilman Porter asked if Mr. Mahrle had investigated other off-street parking that might be available within the required 800' area? He responded that he had spoken with other property owners, but none were able to assist.

JOINT COMPREHENSIVE PLAN CONSULTANTS: Mr. Hamberger reported that either firm interviewed would do an excellent job as consultants for the Joint Comprehensive Plan. The Washington Township Supervisors recommended the appointment of Spotts, Stevens & McCoy (SSM), and he approved of their recommendation. Councilman Porter made a motion to appoint Spotts, Stevens & McCoy as consultants for the Borough/Township Joint Comprehensive Plan, contingent upon final terms being negotiated and accepted by the Commonwealth. Councilman McCammon seconded; the motion passed unanimously.

REPORT ON DOWNTOWN MANAGER FROM MAINSTREET WAYNESBORO, INC.: MaryBeth Hockenberry, Executive Director of the Greater Waynesboro Area Chamber of Commerce and Treasurer for Mainstreet Waynesboro, Inc., provided Council with an update on the organization's progress, including raising funds to hire a Main Street Manager, the organization of Main Street Market Days (to be held on October 7th), assistance in developing sign guidelines, and the securing of a \$500,000 Economic Incentive Grant. She thanked Council for their continued support.

Ernie Brockman, a member of Mainstreet Waynesboro, Inc., also thanked Council for their ongoing support. He reported that the Sub-Recipient Agreement with Mainstreet Waynesboro, Inc. approved earlier in Council's meeting will allow them to request funding from DCED for the Downtown Manager's position. He noted that they received applications from 12 individuals, of which they interviewed 5 and are seriously considering 2. A decision on the matter will be made at their upcoming Board meeting on Monday night. It was noted that the Downtown Manager's office will be located in the building where the Chamber of Commerce recently relocated (5 Roadside Avenue).

LETTER FROM ST. ANDREWS SCHOOL RE: CLOSING N. BROAD STREET: Mr. Hamberger noted that Sandy Bowling attended the recent Street Committee meeting to discuss the St. Andrews School's request that Broad Street be closed (from Main Street to North Street) on October 7th, from 8:00 a.m. until 4:00 p.m., for their annual Oktoberfest. In addition, they would like to post "no parking signs" on Main Street, from Clayton Avenue to Broad Street, as was done the previous year. She was instructed to discuss the matter with Police Chief Shultz, who noted his concern regarding the loss of parking spaces for the residents of the area. Councilman McCammon made a motion to approve the request. Councilman Porter seconded; the motion passed unanimously.

PUBLIC IN ATTENDANCE - NON-AGENDA ITEMS:

Amos Miller, 309 W. Sixth Street - Mr. Miller noted his agreement with Borough Council about the Rotary parking lot, in essence, but cautioned them not to stymie future downtown growth – someone wants to bring back life to an old building, and they should be encouraged in every way possible. Applicable rules and regulations should be explained before time and money is spent on a renovation project. It was clarified that Mr. Mahrle has not converted the rear of the building into condominiums yet – he is requesting the parking spaces at the Rotary lot before he does the conversion.

MaryBeth Hockenberry noted that a Main Street Manager will be able to assist in these such circumstances by "spreading the word" on the rules and regulations that would apply to the downtown area.

Ronald Martin, 66 State Road - Mr. Martin asked if Mr. Mahrle had considered putting parking for the condominiums in the basement of his building, as this would meet the criteria and would make a better selling point with the parking on-site. Councilman McCammon answered that Mr. Mahrle has already rented the basement to an individual who sells/stores antiques there.

FOR INFORMATION ONLY

CROP WALK (ADDITIONAL DETAILS): Mr. Hamberger noted that Council was provided with additional details regarding the upcoming CROP Walk and their planned route. Chief Shultz noted that he was aware of the information.

INVITATION FROM CHAMBER OF COMMERCE: Council members received an invitation from the Chamber of Commerce for their upcoming Annual Dinner on October 5th and their Quarterly Breakfast Meeting on September 29th. Anyone interested in attending was asked to inform Melinda Knott.

INVITATION FROM QUINCY RETIREMENT COMMUNITY: Council members also received an invitation from the Quincy Retirement Community for their Open House on October 1st.

MUNICIPAL NOTIFICATION FROM HOMETOWN HOMES, LLC: Council was provided with municipal notification from Hometown Homes, LLC that they will be applying for an NPDES permit from PADEP for a land development plan (South End Villas). Kevin Grubbs noted that their plan meets all applicable requirements.

REQUEST FROM MAINSTREET WAYNESBORO, INC. RE: MARKET DAYS: Mr. Hamberger stated that the Main Street Promotions Committee would like to request that the Borough designate “no parking” on Main Street from the alley by Susquehanna Bank to the Candy Kitchen, and from M & T Bank to Kulla & Barkdoll, for the Main Street Market Day on October 7th. Councilman Porter made a motion to approve the request. Councilman Stains seconded; the motion passed unanimously.

PIGEON CONTROL: Mr. Hamberger reported that he is currently doing research on pigeon problems in other communities – most of the information he received is for non-lethal type solutions. He has received a proposal for trapping from Ehrlich (\$3,000/year). He explained that the initial cost would be \$1,290.00, but the program must be done on a regular basis or it would not have a significant impact on the population. Councilman McCammon noted that something needs to be done, as the pigeons are causing damage to many buildings. Councilman Stains made a motion to address the issue in the 2007 budget. Councilman Porter seconded; the motion passed unanimously.

PAY BILLS: Councilman Newcomer made a motion to approve the payment of Voucher List VL-06-23. Councilman McCammon seconded; the motion passed unanimously.

COUNCIL AND STAFF COMMENTS: Councilman McCammon reported that he recently had the privilege of playing in William Devlin’s celebrity golf tournament at the Monterey Country Club. He reminded Council that Mr. Devlin was a former employee of the Pro Shop at the Municipal Golf Course who was not re-hired for this season. He accused President George of “taking his livelihood away”, noting that all past staff was re-hired in the spring except him. He blamed that decision on Council President Richard George, stating that a member of the Recreation Board had told him that it was “all his (Mr. George’s) idea”. He stated that he doesn’t know why Mr. George did it, but added that “the man is sick”. Councilman Newcomer noted that this is a personnel issue and should not be dealt with during a public meeting. Mr. McCammon then asked the public in attendance if they “want this man sitting on this Council as President”, adding again that “he’s sick”. Amos Miller stated that he has all the faith in the world in Mr. George, and Mr. McCammon then stated that he was “sick too”. Councilman McCammon stated he feels that this Council owes Mr. Devlin some sort of compensation, and suggested that they give their future paychecks to Mr. Devlin. The discussion continued, with Mr. McCammon asking the public for their opinion. Ronald Martin told Mr. McCammon that he was “wrong” and that personal attacks were not appropriate at this meeting. The public in attendance agreed.

Councilman Berry agreed that Mr. McCammon’s comments were inappropriate, adding that the public did not ask for information regarding this matter. Councilman McCammon stated that he “wanted the public to know what kind of man is running this town”.

Councilman Newcomer thanked the Borough Manager for providing Council with information on pigeon control.

Mayor Starliper asked Fire Chief Flegel if the Fire Department can charge for arson incidents, etc., like the ambulance company does. Chief Flegel noted that a program needs to be put in place as a way to recoup costs involved in these types of incidents. He added that he does charge responsible parties for materials and equipment utilized in hazardous materials incidents. He noted that it has been proven in other communities, however, that when you start billing for fire services in a volunteer area, donations stop.

Having no further business to discuss, the meeting adjourned at 8:59 p.m. on a McCammon/Porter motion which passed unanimously.

Respectfully Submitted,

Melinda S. Knott
Administrative Assistant