

APRIL 21, 2004

WAYNESBORO, PA 17268

Council President Charles McCammon 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 - Richard George, Jahnathan Cain, John Cook, Charles McCammon, Ardie Winters and Andrew Benchhoff

Mayor Louis M. Barlup, Jr.

Borough Staff - Lloyd R. Hamberger, II, Borough Manager

Denny Benshoff, Maintenance Superintendent

Kevin Grubbs, Assistant Director of Engineering

D. Lloyd Reichard, II, Borough Solicitor

Ray Shultz, Police Chief

Ron Flegel, Interim Fire Chief

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

APPROVE MINUTES: Approval of the minutes was deferred until the next Council meeting.

ACCEPT REPORTS: Councilman George made a motion to accept the reports of the Building Inspector, Fire Chief and Police Chief, as presented. Councilman Cook seconded; the motion passed unanimously.

COMMITTEE REPORTS

PERSONNEL COMMITTEE: Councilman Cain made a motion to accept Tammy Shank's resignation as Police Officer, effective May 5th. Councilman Cook seconded; the motion passed unanimously.

Councilman Cain also made a motion to hire Lynn Goetz as a full-time Golf Course Maintenance Worker. Councilman Cook seconded; the motion passed unanimously.

PROPERTY AND PUBLIC SAFETY COMMITTEE: No report. Councilman Benchoff noted that the Property Committee's meeting for the month of April will be rescheduled in the near future. He added that the Property Committee meetings are open to the public.

STREET COMMITTEE: Councilman George acknowledged receipt of correspondence from residents of W. Third/S. Church Streets. He noted that their request will be discussed at the Street Committee's meeting scheduled for the first Monday of May at 10:00 a.m.

INTERGOVERNMENTAL COMMITTEE: No report.

DOWNTOWN REVITALIZATION AND FINANCE COMMITTEE: Councilman Cook reported that the Downtown Revitalization and Finance Committee will meet on Monday, April 26th, at 7:00 p.m. They plan to discuss new information on the Borough's Facade Program. He also stated that the meeting is open to the public. Mr. Hamberger added that Main Street, Inc. will hold its annual re-organizational meeting on Wednesday, April 28th, at 7:00 p.m., in Borough Hall's Council Chambers.

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

"The major role of Chief Shultz and a primary responsibility of mine, as Mayor, is the protection of the citizens of Waynesboro. We both take these roles very seriously.

In this period in history, maintenance of public order and protection of people and property has become an increasingly difficult task. And yet, Waynesboro has been fortunate to have dedicated police officers who remain diligent at all times.

Recently, however, several factors have given us reason for concern. The police force is currently below minimum in number due to several reasons:

1. The retirement of officers, although anticipated, decreased the force.

bu The desire of several officers to make career changes into areas of a greater interest.

3. The fact that our prevailing wage scale is far below that of surrounding municipalities.

We understand factors 1 and 2 because these would be found under any circumstance. However, number 3 is the area that I urge Council to seriously consider. Until the Borough of Waynesboro becomes competitive in salaries with neighboring communities, it will continue to be difficult to retain good officers. Therefore, I strongly appeal to Council to make this of high priority on their agenda during the next budget process.

On a positive note, 18 interested individuals have taken the Civil Service written examination for police officers and have also completed the interview process. The physical aptitude section of the requirement has not yet been given.

We are hopeful that from this group we will be able to attract several good candidates to bring our complement of police officers to a better level.

With summer approaching, the need for more police visibility is important. Chief Shultz does a remarkable job of scheduling to cover all shifts while being understaffed."

BUS SERVICE (CTA) REPORT: No report.

PUBLIC COMMENT - ITEMS ON AGENDA: Kim Tartaglia (address not given). Ms. Tartaglia discussed the letter from residents of S. Church/W. Third Streets, and the need for a four-way stop at that intersection. She stated that the traffic needs to be slowed down, as this poses a real danger to children who are crossing the street to and from school.

Janis Krouss, 160 S. Church Street. Ms. Krouss noted that there have been many accidents at this location, the most recent of which involved her property. There are many factors in the cause for concern including speeding on Third Street, the crest in the hill, and visibility problems.

Councilman Cain noted that he lives on W. King Street, where there are similar situations at the intersection of Garfield/King Streets and N. Grant/King Streets. He asked if the Police Department could patrol the aforementioned intersections in an attempt to resolve this problem. He also suggested that the Street Committee consider the possibility of establishing four-way stops in all residential areas of the Borough.

Speaking for the Street Committee, Councilman George noted they will discuss and consider the request at their May meeting. He invited interested individuals to attend the meeting to voice their concerns and hear the Committee's thoughts on the matter.

Debra UMBER, 120 W. Third Street. Ms. UMBER stated that posting a police officer to "watch traffic" would probably not be realistic, as the number of officers on the force is insufficient to warrant this task. She suggested that speed bumps be installed in the roadway.

Mayor Barlup agreed with the suggestion of speed bumps, but it was noted that they are not permitted in the state of Pennsylvania. Kevin Grubbs noted that Maryland uses inverted speed bumps, but only at four-way stop intersections. He was requested to obtain additional information from PENNDOT regarding their use.

Willard Rahn, 141 Snider Avenue. Mr. Rahn stated that the intersection of Third and Potomac Streets is a dangerous intersection. He noted that Ronnie Martin's proposal (Rutter's) would make it even more dangerous.

UNFINISHED BUSINESS

RESOLUTION NO. 2004-12 (EXCEPTION TO BURNING REGULATIONS FOR WAYNESBORO AREA SCHOOL DISTRICT): Mr. Hamberger noted that Council discussed the School District's request to burn damaged trees at their last meeting. He was directed to prepare a resolution authorizing an exception to the Borough's Burning Ordinance. Councilman Cook made a motion to approve Resolution #2004-12. Councilman Cain seconded; the motion passed unanimously.

RESOLUTION #2004-12

WHEREAS, Section V, Subsection 9 of Borough Ordinance No. 956, known as the "Air Pollution Control Ordinance of 1994", provides that Borough Council may from time to time adopt exceptions to the open burning prohibition in the Borough of Waynesboro by resolution, and

WHEREAS, the Borough of Waynesboro has determined that it is in the public interest to permit open burning from time to time by the Waynesboro Area School District, and

Complete copy on file at Borough Hall.

NORTHSIDE POOL RULES AND REGULATIONS: Mr. Hamberger noted that the Rules and Regulations for Northside Pool have been discussed by the Recreation Board for the last several months. He explained that the only major change is the complete prohibition of smoking at Northside Pool. Councilman Benchoff made a motion to adopt the Rules and Regulations, as presented. Councilman Cook seconded. Councilman George raised several questions regarding Rules #3, #7 and #17. Councilman Benchoff amended his motion to approve the Rules and Regulations as presented; however, he requested further consideration and recommendation by the Recreation Board with regard to Rules #3, #7 and #17. Councilman Cook seconded; the motion passed unanimously.

BIDS FOR PAVING PROJECTS: Mr. Hamberger noted that the low bidder for the 2004 Paving Projects was Valley Quarries, and he recommended awarding the bid to them. Councilman George made a motion to award the paving bids to Valley Quarries. Councilman Winters seconded; the motion passed unanimously.

NEW BUSINESS

SUBDIVISION PLAN (OTTERBEIN MINISTRIES, INC.): Kevin Grubbs reported that the Planning Commission reviewed a minor subdivision plan submitted by Otterbein Ministries at their meeting on April 12th. The plan was recommended for approval. Councilman George made a motion to approve the subdivision plan for Otterbein Ministries, as presented. Councilman Cook seconded; the motion passed 5-0 (Councilman Benchoff abstained).

LAND DEVELOPMENT PLAN (WAYNESBORO AMBULANCE SQUAD): Kevin Grubbs presented a proposed Land Development Plan for the Waynesboro Ambulance Squad on W. Main Street. The Planning Commission reviewed this plan also on April 12th, and recommended approval. The Franklin County Planning Commission had no comments on the matter. Councilman George made a motion to approve the Ambulance Squad's Land Development Plan. Councilman Cook seconded; the motion passed unanimously.

COLD SPRING ESTATES (SIGNS AND LIGHTS): Mr. Hamberger noted that he received a request from Jim Zaiger to install three (3) street lights for Phase 5 of Cold Spring Estates on Fir Spring Drive. Those were authorized by Council in December, and the site is now ready for the installation. Mr. Hamberger stated he will contact Allegheny Power to proceed.

In addition, Mr. Zaiger is requesting the installation of three (3) signs for Fir Spring Drive at the intersections of W. Third Street, Chicory Spring Drive and Golden Spring Drive; one (1) sign for Golden Spring Drive at the intersection of Fir Spring Drive; and three (3) stop signs at the end of Fir Spring Drive at W. Third Street, the end of Chicory Spring Drive at Fir Spring Drive, and the end of Golden Spring Drive at Fir Spring Drive. Mr. Hamberger added that the developer will bear the costs of these signs. Council noted no objections.

REZONING REQUEST (WILLIAM GSELL): Kevin Grubbs reported that, during the April 12th Planning Commission meeting, William Gsell submitted a petition to rezone a property on the northwest corner of C. V. Avenue and W. Main Street from Industrial (I) to General Commercial (GC). The matter was reviewed by the Borough Solicitor and Planning Commission, and recommended for approval. Lloyd Reichard noted that a public hearing will need to be scheduled regarding the matter. Councilman Cook made a motion to schedule a public hearing for Mr. Gsell's rezoning request. Councilman Benchoff seconded; the motion passed unanimously.

PROPOSED PROPERTY NUISANCE ABATEMENT ORDINANCE: Councilman Cain stated that he has provided Council with a proposed ordinance dealing with drug problems and dealers, as well as

several other areas, including prostitution. Councilman Cain made a motion that the proposed ordinance be referred to the Property Committee for review. Councilman George seconded; the motion passed unanimously.

PUBLIC IN ATTENDANCE - NON-AGENDA ITEMS: Roy Tressler, 121 W. Third Street. Mr. Tressler spoke regarding the proposed Rutters store at the corner of Third and Potomac Streets. He noted that his neighborhood is very well maintained, and the residents take a lot of pride in their homes and properties. He stated he is not opposed to the property being developed, but it should not be a "Rutters-type" store. Mr. Tressler noted his concern regarding traffic, as there have already been many accidents at this intersection. As 12 gas pumps are being proposed, he noted that there will be added noise, trash, fumes and possible contaminants. He cautioned Council on the implications should there be a fuel spill at that location. Mr. Tressler noted he was told recently by a Council member that if the development was not approved, there could be a potential lawsuit -- and he added that that threat is not a good enough reason to approve the development. Mr. Tressler noted that residents of the area were assured several months ago (when the previous rezoning was done at the alley north of the property in question) that any development at this location would not be this type of business.

Councilman Cain noted he understands Mr. Tressler's concerns. He asked if anyone had spoken to Ronnie Martin regarding their feelings on this matter. No direct reply was given to Mr. Cain's inquiry, however Mr. Tressler added that there are a lot of other opportunities for that property.

Debra Umber, 120 W. Third Street. Ms. Umber questioned if an impact study had been done. She suggested that a reputable engineering firm be contracted to do a study regarding the effect this development would have on traffic, air quality, noise, aesthetics and safety in this vicinity. She asked if a traffic study had been conducted recently in this area. Kevin Grubbs stated that no traffic studies have been done there for the past several years. Ms. Umber also mentioned possible groundwater contamination due to the underground tanks, and she asked what the Borough plans to do to protect the residents should a contamination occur. She commented that this could also create future lawsuits. Ms. Umber noted that these are serious issues which need to be considered before a site plan is approved for this area.

Council President Charles McCammon stated that Borough Council has not yet seen anything in the way of plans for this proposed business. Kevin Grubbs agreed, noting that the Planning Commission only received a preliminary sketch plan (an overview to communicate their intentions are as far as developing the property). No action can be taken until a complete set of Land Development plans is received.

Residents were urged to attend the next meeting of the Planning Commission, which will be held on the second Monday of May at 7:30 p.m. Kevin Grubbs can be contacted to see if this matter is on their agenda for discussion.

Janis Krouss, 160 S. Church Street. Ms. Krouss stated there are more matters to look at besides zoning -- groundwater contamination (which occurs frequently in caverns) is one. In addition, she noted that some type of clean-up may be required at this location due to the previous use (automotive repair shop), prior to development of any nature.

Councilman Benchoff noted that several constituents have contacted him regarding this proposal. He directed them to present their concerns to the Planning Commission, as it is their job to assure that all required criteria is met.

Residents asked for advice from Council as to how a concerned citizens group can proceed in opposition. President McCammon noted that the Borough and residents of the southwest corner of the Borough recently spent money in opposition to the Valley Housing Development near Mt. Vernon Terrace. All that was in vain, because there are only certain reasons why a plan can be turned down. Mr. McCammon reiterated that Council has not yet received a proposal for this site.

Residents were again urged to attend the upcoming Planning Commission meeting. It was noted that they can view a copy of the Subdivision/Land Development Ordinance by contacting Kevin Grubbs or the Alexander Hamilton Memorial Library.

Mr. Tressler requested that Council "use whatever weight or influence" they have to oppose this proposal.

Councilman Cain commended residents for grouping together to work against something they are opposed to. He discussed the Valley Housing issue mentioned previously, adding that much time and money was spent and the development is still going in. He urged that the lines of communication must remain open, and he suggested that residents discuss their concerns regarding the proposal with Ronnie Martin.

Dr. Sharon March, 203 S. Potomac Street. Dr. March stated that zoning and other laws are made to protect and support people, their neighborhoods and communities -- they are not made to destroy people's homes or lives. She mentioned her concern regarding the noise at night from a Rutters, adding that previous businesses at that location did not "destroy their lives". She added that, "just because it is legal, that doesn't make it moral".

Roberta Doty, 118 W. Third Street. Ms. Doty mentioned the icy conditions of Third Street hill during winter weather, questioning why they would be permitted to put gas pumps at the bottom of that hill?

Melissa Forney, 123 W. Third Street. Ms. Forney stated that Third and Potomac is a bad intersection for school-age children to cross now, and it will only be made worse if this proposal is approved. Council President McCammon noted that that is a problem to be addressed by the School Board.

Councilman Cain noted that speeding was an issue included in residents' recent letter regarding Third Street. He noted that the use of radar is not permitted in Pennsylvania, but the Engineering Department can determine speed by marking two lines and taking a measurement of the time it takes a vehicle to travel from Point A to Point B. Councilman George noted that these lines have already been placed on Third Street, and added that the Street Committee will be discussing this matter at their next meeting. Mr. George stated he understands the residents' concerns, but noted that Mr. Martin will also have an opportunity to "present his case" as well. He suggested that the residents attend any upcoming meetings of the Planning Commission and/or Council regarding this matter.

Mr. Hamberger explained the process of Land Development approval, beginning with presentation of the plans to the Planning Commission. Many problems can be addressed at the beginning of the approval process. He urged residents to attend the Planning Commission's meeting on the second Monday of May at 7:30 p.m. in the second floor Council Chambers.

President McCammon asked if the residents have thought about writing a letter to Rutters outlining their opposition. He added that opposers of the Valley Housing development organized and hired their own legal counsel.

Kim Tartaglia stated it is her understanding that, if a Rutters is approved at this location, Waynesboro will be the first town to let them build within Borough limits.

PAY BILLS: Councilman Cook made a motion to approve the payment of Voucher List VL-04-13. Councilman George seconded; the motion passed unanimously.

FOR INFORMATION ONLY

PSAB ANNUAL CONFERENCE (JUNE 6-9, 2004): Mr. Hamberger reminded Council of the upcoming PSAB Annual Conference to be held June 6-9, 2004. Anyone interested in attending was asked to contact Melinda Knott.

COUNCIL AND STAFF COMMENTS: Mr. Hamberger reminded Council of their scheduled workshop on Saturday, April 24th, at 10:00 a.m.

Mr. Hamberger reported that he attended the School Board's meeting last week to discuss the Keystone Opportunity Zone (KOZ) resolution. During the meeting, they indicated they did not wish to proceed. As approval was needed from the Borough, County and School Board, this is now a dead issue. He noted he could not convince them of the merit of the KOZ program.

Fire Chief Ron Flegel noted that a minor revision needs to be made to a box card for the Borough of Waynesboro to bring it in-line with the County's running procedure. He explained that, in 2002, additional tankers were placed on Waynesboro for initial alarms due to the drought. Those have since been reviewed and moved back to second alarm situations, as opposed to first alarm responses; and Council's approval is required. The matter will be reviewed by the Property Committee.

Chief Flegel also reported that cooperation among the officers and volunteers has been excellent, and he hopes to maintain that. He held the first monthly department meeting on April 14th, at which time there were 16 officers and members present. The meeting was very positive and he hopes to continue with regular monthly meetings in the future.

Vicki Huff, 28 E. Main Street. Ms. Huff noted that she worked many nights with the Pool Committee on the Northside Pool regulations several years ago. Regarding the shower issue, this is not a real issue for an outdoor pool because the kids are playing in the dirt and grass anyway, and more chemicals are utilized for outside pools due to evaporation. The Committee felt, also, that there were not enough lifeguards on staff to enforce this rule -- they need to watch the pool area, not the showers. Ms. Huff noted that, if Council prohibits daily-paying patrons from leaving and returning to the pool, they are discriminating against non-members. She mentioned problems experienced several years ago when the smoking issue was contemplated. The kids who smoke will be hanging out outside the gate (where people come and go) and patrons will be uncomfortable walking past the kids. Councilman Cain suggested that an area outside the gate be designated as a smoking area, but Ms. Huff stated another complaint voiced at that time was from parents who smoke and leave their children inside to go smoke outside. She stated that the lifeguards will be serving more and more as "babysitters".

Councilman George requested a brief executive session at the end of the meeting for the purpose of discussing a personnel matter.

Councilman Cook stated he was very happy to see constituents at tonight's meeting to voice their opinions. He noted that he lives in the area where the proposed Rutters would be built, and he is also against it.

Mayor Barlup noted his agreement with Ms. Huff regarding the shower issue at the pool. He stated it is a good idea, but it would be impossible to enforce.

Council adjourned for a brief break prior to an executive session at 9:13 p.m. They went into executive session at 9:20 p.m., reconvened to regular session at 9:22 p.m., and adjourned.

Respectfully Submitted,

Melinda S. Knott

Administrative Assistant