

AUGUST 18, 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, John Cook, Charles McCammon, Ardie Winters and Andrew Benchoff (Jahnathan Cain was absent)

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

Ron Flegel, Fire Chief

Ray Shultz, Police Chief

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

APPROVE MINUTES: Councilman Cook made a motion to approve the minutes of the July 21, 2004 meeting, as written. Councilman Benchoff seconded; the motion passed unanimously.

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

unanimously.

PERSONNEL COMMITTEE: In the absence of Councilman Jahnathan Cain, Mr. Hamberger presented a report on the Personnel Committee's most recent meeting. At that meeting, the Committee received performance evaluations for Ray Wagaman, Clint Martin, Robert Cole and Mike Benschoff -- all either met or exceeded standards for their positions, and no action was required.

Mr. Hamberger also noted that Northside Pool has been progressively losing staff due to lifeguards returning to school. Accordingly, he has authorized the Pool Manager to hire Kristy Young and Kately Johnson to assist at the slide, and to promote Tyler Oyer and Laura Rock to the positions of Head Lifeguard. Councilman Cook made a motion to affirm the hirings and promotions. Councilman Benschoff seconded; the motion passed unanimously.

A vacancy on the Civil Service Commission was also discussed. Councilman George made a motion to appoint Allen Porter to fill the current vacancy. Councilman Benschoff seconded; the motion passed unanimously.

PROPERTY AND PUBLIC SAFETY COMMITTEE: No report. Discussion ensued regarding rescheduling the next Property Committee meeting. Members of the Committee agreed to hold their next meeting on September 13th, immediately following the Personnel Committee meeting which begins at 7:00 p.m.

STREET COMMITTEE: Councilman George was unable to attend the last Street Committee meeting, and deferred the report to Councilman Cook. Mr. Cook noted that the meeting was held on August 2nd. The following items were discussed:

- bu The E. Ninth Street project has been completed, and a ribbon-cutting ceremony was held on August 5th.
- bu Some issues with regard to the paving of Park Street were discussed. He has spoken with Congressman Bill Shuster about the possibility of receiving additional grant money -- that matter will be discussed at the Street Committee's next meeting.
- bu The request for a four-way stop at the intersection of Clayton Avenue/Fifth Street will remain on the Street Committee's agenda for future discussion.

bu The center-line on E. Second Street will be painted on Friday of this week.

- bu The request for a traffic signal at N. East Avenue and E. Main Street is still under advisement.
- bu Under "New Business", the Street Committee also received requests for the removal of some street parking, traffic issues on Borough streets, handicapped parking spaces, E. Ninth Street parking restrictions, and street lighting, etc.

It was noted that a four-way stop has been installed at the intersection of Fairview Avenue/W. Third Street. Some complaints were received about visibility of the red flashing lights, and that problem has been resolved. Police Chief Shultz noted that his department has issued several violation warnings at that location, but no incidents have taken place.

INTERGOVERNMENTAL COMMITTEE: No report.

DOWNTOWN REVITALIZATION AND FINANCE COMMITTEE: No report. Councilman Cook reported that the next meeting will be held on August 23rd at 7:00 p.m.

MAYOR'S REPORT: No report.

PUBLIC COMMENT - ITEMS ON AGENDA: Kim Tartaglia, 8 W. Third Street. Ms. Tartaglia made Council aware that a four-year old boy was struck the previous day by a vehicle on Third Street between Walnut and Church Streets (where they had requested a four-way stop be established).

UNFINISHED BUSINESS

CDBG FUNDING FOR SUNSET AND PROSPECT AVENUES: Mr. Hamberger noted that he has reviewed the balances in the 2002-03 CDBG budgets with regard to street paving funds. He recommended re-allocating some of the funds remaining in previous years' budgets, as follows: move \$65,000 allocated for Housing Rehabilitation to Street Paving. If additional funds are required for Housing Rehabilitation in the future, modifications can be made in the budgets for the 2003-04 CDBG funds. Councilman Cook made a motion to approve the Borough Manager's recommendation for re-allocating CDBG funds. Councilman George seconded; the motion passed unanimously.

NINTH STREET PAVING (COMPLETED): Denny Benshoff reported that Ninth Street has been completed. Councilman George suggested that an additional tree be removed to provide better sight distance. Mr. Benshoff noted that he had cleared what PENNDOT recommended, but will speak with the property owner regarding the tree in question.

NEW BUSINESS

RESIGNATION OF COUNCIL MEMBER DENNIS "JAHNATHAN" CAIN: Mr. Hamberger reported that Jahnathan Cain contacted him during his vacation and indicated he would need to resign from Council. Mr. Cain is relocating to California, where he will seek employment and set up living arrangements for his family. His letter of resignation was read, and will take effect on August 31st.

Mr. Hamberger advised that Council will need to accept Mr. Cain's resignation at their meeting on September 1st. He recommended that an article be placed in *The Record Herald* requesting that anyone interested in the vacancy submit a letter of intent no later than September 3rd. Council can then review the applications and hold interviews for the position. He reminded Council members that they have 30 days from August 31st to make an appointment. If no appointment is made by Council by that deadline, the Vacancy Board can then make an appointment. Individuals vying for the position must reside in the Borough's second ward and be a registered voter.

Councilman George made a motion to authorize the Borough Manager to proceed with announcing the vacancy. Councilman Cook seconded; the motion passed unanimously.

CROP WALK REQUEST: Council received a letter from Reverend Stephen Harris regarding the annual CROP Walk to be held on October 3rd. The route is similar to previous years, beginning at the YMCA, proceeding across Main Street through the subdivision to Country Club and Gehr Roads, etc., and returning to the YMCA. Police Chief Shultz noted no problems with the request. Councilman Cook made a motion to approve the request, as presented. Councilman Benchoff seconded; the motion passed unanimously.

RUTTERS DEVELOPMENT PLANS: Assistant Director of Engineering Kevin Grubbs reported that the Planning Commission recommended approval of the Rutters Land Development, contingent upon completion of the revisions requested and review of the structural analysis report for the storm sewer,

at their special meeting on July 27th. Mr. Grubbs noted that that report has since been received, and Rutters has agreed to replace the section of 60" storm sewer system at their site at their expense. They will present plans showing the intended installation, specifications, cross-sections, profile details and load capacities over the area -- that information was not ready in time for this meeting.

Mr. Grubbs reminded Council that they have 120 days in which to take action on this plan (the deadline for the review period and extension is September 24th). Accordingly, Council will need to make a decision by September 10th. Mr. Hamberger suggested holding a special meeting on August 30th to take action on this matter. Rutters has agreed to have the required information available for review prior to that date. Council concurred.

Caryl Stalick, 15 W. Third Street. Ms. Stalick raised questions regarding the impervious surface ratio/percentage. She stated that it can be no more than 60%, in accordance with the Borough's ordinance; however, it seemed to be 83% on the preliminary plans. Kevin Grubbs noted that the final plans are within the required coverage, adding that the Planning Commission reviewed that requirement very carefully.

Paul Engelstad, 129 E. Second Street. Mr. Engelstad noted that there have been many comments about the development process in Waynesboro with regard to what is permitted and how it is designed. He and several of his neighbors visited the Rutters Farm Store in Gettysburg (of which he provided pictures to Council). The store's exterior is brick and "fits the neighborhood" where it is located. Mr. Engelstad noted that he spoke with Gettysburg's Zoning Officer, who was amazed to discover that Waynesboro has not implemented guides to protect the integrity of its neighborhoods. Mr. Engelstad noted he has obtained a copy of the *Gettysburg Design Guide*, which they utilize to ensure that there are no "disasters" like the Rutters plan in their neighborhood. He further noted that the Rutters Farm Store in Gettysburg is not in the downtown historic district, but is in an adjacent district similar to the area of Potomac/Third Streets. He added that no one is saying that Rutters should not come to Waynesboro, but the residents don't want something in the neighborhood that is designed for along a highway. He stressed that Borough Council needs to consider adopting similar guidelines/regulations as Gettysburg has for new construction in order to preclude similar situations.

Kim Tartaglia, 8 W. Third Street. Ms. Tartaglia presented pictures of several homes from her neighborhood, as well as a proposed picture of the planned Rutters store. She pointed out the historic character of the homes, and noted that the planned construction should be more in keeping with the character and nature of the neighborhood.

Roy Tressler, 121 W. Third Street. Mr. Tressler noted that this group of citizens has voiced their opposition to the location of the proposed Rutters store since April. If the project moves forward, however, he listed the following restrictions which he feels should be put in place: (1) safety - prohibit

left turns from Philadelphia Avenue, Rutters should pay for the crossing guard at the intersection, and one set of fuel pumps should be eliminated; (2) hours of operation - 6 a.m. to 10 p.m.; (3) building - design and texture must compliment the neighborhood; (4) signage - prohibit lighted canopy and roof signs; and (5) PA system - prohibit fuel island speaker systems.

Margery Benson, 2 W. Third Street. Ms. Benson asked if Council members had any questions for the group of citizens regarding this matter.

Janis Krouss, 160 S. Church Street. Ms. Krouss asked if Council would consider holding a special meeting to address zoning in the Borough so this situation can be avoided in the future.

Roy Tressler asked when Council plans to take action on the land development plan. Council President McCammon replied that they have scheduled a special meeting on Monday, August 30th, to address the Rutters issue.

Paul Engelstad asked if it would be appropriate for Council to request that Rutters bring an architect/designer to the meeting to discuss plans which would be "more sympathetic to the neighborhood". Borough Solicitor Reichard replied that as long as the project conforms to the existing ordinances, that is the requirement which must be met. Any requests that Council chooses can be made, but not mandated.

2005 BUDGET CYCLE: Mr. Hamberger noted that the 2005 budget cycle has begun. He will provide Council with a proposed budget calendar at the first or second meeting in September.

PUBLIC IN ATTENDANCE - NON-AGENDA ITEMS: Margery Benson, 2 W. Third Street. Ms. Benson discussed traffic patterns in the vicinity of Third and Church Streets. She noted that large trucks have been traveling on these streets, which she feels sure they were not designed for. She added concern that this may damage the Borough's infrastructure.

FOR INFORMATION ONLY

REPORT ON STREET PAVING: Denny Benschhoff reported that excavation work on Sunnyside and Prospect Avenues will begin soon. He estimates that paving will begin in approximately two weeks.

DELIVERY OF NEW DUMP TRUCK: Mr. Benschhoff also reported that the Maintenance Department's new dump truck will be placed in service in the near future.

PAY BILLS: Councilman Cook made a motion to approve the payment of Voucher List VL-04-25. Councilman George seconded; the motion passed unanimously.

COUNCIL AND STAFF COMMENTS: Mr. Hamberger thanked Council and the Mayor for their recent cards and wishes of sympathy.

Councilman Winters questioned if there is a requirement for bicycles to be equipped with lights for after-dark riding. Police Chief Shultz replied that that is a state law.

Councilman Benschhoff made note of a memo which was attached to the agendas distributed for this evening's meeting. The memo states he will be abstaining from voting on any Rutters matter (a copy of the memorandum is attached hereto and will be considered a part of these minutes).

Fire Chief Ron Flegel reported that the Fire Department's annual carnival was a success. He thanked members of Council who provided assistance and/or patronized the event.

On behalf of the other Council members, Councilman George stated that Jahnathan Cain will be missed. He had a lot of new ideas and much enthusiasm, and was an asset to the Council.

Mr. George also thanked Paul Engelstad for his letter, which provided much "food for thought". He stated that Council needs to be aware of many issues as they look to the future in their attempts to make the best town for everyone.

For discussion at a future meeting, Councilman George suggested that Council consider the possibility of making Philadelphia Avenue (one block from Second to Third Streets) one-way north. He noted that many comments have been heard regarding the dangerous intersection at Third and S. Potomac Streets, but he feels there is nothing more dangerous than the intersection of Philadelphia Avenue and Third Street (especially when attempting to cross the street or turn left from Philadelphia onto Third). Regardless of Rutters, Mr. George noted this possibility should be seriously considered.

Councilman Cook asked if Mr. Engelstad could provide the Borough with a copy of the "*Gettysburg Design Guide*" which he mentioned earlier. Mr. Engelstad agreed and provided his copy of the book for their use.

Mayor Barlup also thanked Mr. Engelstad for his letter. He noted that the Rutters Farm Store in Gettysburg has no gas pumps and blends well in their community.

Council President McCammon noted that the special meeting scheduled for Monday, August 30th, will be held at 7:30 p.m.

Having no further business to discuss, the meeting adjourned at 8:16 p.m.

Respectfully Submitted,

Melinda S. Knott

Administrative Assistant