

JULY 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

Ron Flegel, Fire Chief

Ray Shultz, Police Chief

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

**APPROVE MINUTES:** Councilman Benchhoff made a motion to approve the minutes of the May 19<sup>th</sup> regular meeting, the June 16<sup>th</sup> public hearing and regular meeting, and the June 29<sup>th</sup> special meeting, as written. Councilman Winters seconded; the motion passed unanimously.

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

## **COMMITTEE REPORTS**

**PERSONNEL COMMITTEE:** No report.

**PROPERTY AND PUBLIC SAFETY COMMITTEE:** No report.

**STREET COMMITTEE:** Councilman George reported that the Street Committee met on July 12<sup>th</sup>. They acknowledged receipt of correspondence from Bill and Audrey Smith regarding traffic flow on Summit Avenue, correspondence from Tony and Kim Tartaglia regarding Third Street, correspondence from Gwen Gates regarding a traffic concern at the entrance to the Middle School on Second Street, correspondence and a petition from citizens on Park Street regarding unsuitable road conditions, and correspondence from Dr. Sharon March regarding concerns for the proposed development at Third and Potomac Streets. The Committee prepared a written response to the "Citizens for Sane Development' and asked for comments on the response from Council. Hearing none, Councilman George stated that the response will be presented to the group following this meeting.

Councilman George noted that the reconstruction of E. Ninth Street has been completed. Kevin Grubbs reported that the street will be closed through the following week, in order to ensure that the appropriate signs have been erected and the line painting done. Mr. George commended the Engineering and Maintenance Departments for their efforts on this project. Councilman Winters concurred.

Councilman George noted that the appropriate signs for the four-way stop at Fairview Avenue and Third Street have been installed. The four-way stop will take effect beginning the following afternoon. An informational article was published in the newspaper to inform residents of this change. He also thanked the Maintenance and Engineering Departments for their assistance on this job.

Mr. George added that, following discussion with several concerned citizens, the Street Committee has decided to delay the traffic study at Third and S. Church Streets until school is in session again.

Discussion was also held at the meeting regarding a request for a four-way stop at Clayton Avenue/Fifth Street/Anthony Highway.

**INTERGOVERNMENTAL COMMITTEE:** No report.

**DOWNTOWN REVITALIZATION AND FINANCE COMMITTEE:** Councilman Cook noted that the Downtown Revitalization and Finance Committee meeting for the month of July has been rescheduled for Wednesday, August 4<sup>th</sup>, at 7:00 p.m.

**MAYOR'S REPORT:** No report.

**PUBLIC COMMENT - ITEMS ON AGENDA:** None.

### **UNFINISHED BUSINESS**

**LIGHTS ON CLAYTON AVENUE:** Mr. Hamberger noted that Council members received a revised copy of the agreement with several residents of Clayton Avenue regarding installation of new street lights in front of their homes. He also presented a copy to Harry Morningstar, Jr. the previous day, although he has heard nothing back from him yet. Councilman Cain made a motion to move forward with the agreement. Councilman George seconded. It was noted that this draft of the agreement includes a clause regarding action to be taken if the boring reveals rock. A vote was called -- voting in favor of proceeding were Richard George, Jahnathan Cain and Andrew Benchoff; voting in opposition were Charles McCammon, John Cook and Ardie Winters. Mayor Barlup broke the tie by voting in favor. The motion passed.

**BID RESULTS FOR CDBG STREETS:** Bids for the 2004 CDBG paving project were opened on July 20<sup>th</sup>. Valley Quarries was the sole bidder -- their total bid for both Prospect and Sunnyside Avenues was \$231,130. Mr. Hamberger noted that only \$195,000 was budgeted for this project, but blacktop prices are up this year. He explained that modifications could be made to previous years' budgets, as there are remaining funds in the housing rehabilitation allocations. Councilman George made a motion to award the bid to Valley Quarries, subject to the state's approval of the proposed monetary transfers as discussed. Councilman Cook seconded; the motion passed unanimously. Mr. Hamberger will contact Mullin and Lonergan Associates to begin the procedure for the modifications.

## **NEW BUSINESS**

**PROPOSED CHANGES TO RCI BY-LAWS:** Mr. Hamberger noted that RCI has proposed changes to their existing by-laws. Councilman Cook made a motion to approve the proposed changes, as presented. Councilman Benchoff seconded; the motion passed unanimously.

**STUDY OF A MULTIPURPOSE BUILDING AT RENFREW:** Correspondence was received from John Keller, President of RCI, regarding the possibility of adding a multipurpose building at Renfrew. There would be no charge to the Borough, but approval is required since the Borough owns the property. Councilman Cook made a motion to grant approval for RCI to proceed with a study regarding the building, as proposed in their correspondence dated June 30, 2004. Councilman Winters seconded; the motion passed unanimously.

**LAND DEVELOPMENT (RONALD & MARY MARTIN - S. POTOMAC STREET & MADISON AVENUE):** Council received copies of the Land Development Plan of Ronald & Mary Martin for storage units at the corner of S. Potomac Street and Madison Avenue. The Waynesboro Planning Commission reviewed the matter at their July 12<sup>th</sup> meeting, and recommended approval contingent upon review of a structural analysis report by Denny Black. Kevin Grubbs explained that the storage units are proposed to be placed on top of the storm sewer at that location. The Planning Commission will insist on an agreement from the owner that will protect the Borough's interests if there should be a problem. No plans will be executed until the Planning Commission is satisfied; they will then be presented to Council for final execution. Councilman Cook made a motion to approve the Land Development, subject to the described procedure. Councilman George seconded; the motion passed unanimously.

Ronald Martin was present. He commented positively on the reconstruction of E. Ninth Street, adding that this will relieve Clayton Avenue of a lot of truck traffic.

**PUBLIC IN ATTENDANCE - NON-AGENDA ITEMS:** Margery Benson, 2 W. Third Street. In reference to the previous action by Council to approve the Land Development Plan at S. Potomac Street and Madison Avenue, Ms. Benson questioned if Councilman Andrew Benchoff represents the developer, Ronald Martin. Councilman Benchoff replied, "not in that particular matter".

Kim Tartaglia, 8 W. Third Street. Ms. Tartaglia provided Council with correspondence regarding property owners who were not notified of the original request to rezone the property in question. In her correspondence, she concluded that the omission of written notification nullifies Ordinance #1007 and the property should revert to Medium Density Residential.

Roy Tressler, 121 W. Third Street. Mr. Tressler presented information from the PA Land Use Law, drawing particular attention to their definition of spot zoning. He questioned if the Borough submitted the zoning request to the County Planning Commission -- Mr. Hamberger replied in the affirmative, adding that a response was received from their office regarding the matter. Borough Solicitor Lloyd Reichard noted that the request did not constitute spot zoning, as the property was immediately adjacent to a similar zone. Mr. Tressler noted that he respectfully disagrees with Mr. Reichard's interpretation, adding that the property should convert to Residential.

## **FOR INFORMATION ONLY**

**FRANKLIN COUNTY COG MEETING (JULY 28, 2004):** Council members received an invitation to a Franklin County COG meeting to be held on Wednesday, July 28<sup>th</sup>, at 8:30 a.m., at the Chambersburg Area School District Administration Building.

**PAY BILLS:** Councilman Cook made a motion to approve the payment of Voucher Lists VL-04-22, 23 and 24. Councilman Cain seconded; the motion passed unanimously.

**COUNCIL AND STAFF COMMENTS:** Mr. Hamberger echoed previous comments by Councilman George regarding the E. Ninth Street project. He noted that this project was very frustrating due to the weather, but added that Valley Quarries was more than cooperative. He explained that their bid had been based on 2003 prices; and when the project was delayed until 2004, they willingly held firm in those prices for this year. He stated that this street extension should be very beneficial in this area.

To further respond to Margery Benson's previous question, Councilman Benchoff clarified that his law firm has represented Mr. Martin, however that representation occurred before he joined the firm and he had no involvement with this particular project (Land Development at S. Potomac Street and Madison Avenue). He then offered to withdraw his vote on the matter, however Ms. Benson did not accept his offer.

Fire Chief Ron Flegel informed Council members that both volunteer companies recently applied for grant monies available through PEMA to address firefighter safety issues; and both companies received notification that their requests have been approved. The ATH&L Company will receive \$13,212 to upgrade the SCBA fill system on the Rescue Squad, and the MSFE&H will receive \$12,430 for the purchase of a second thermal imaging camera.

Chief Flegel also encouraged Council members and the public to patronize the Fire Department's annual carnival, which will be in operation for several more evenings. Mayor Barlup echoed the Chief's urging to support the Fire Department.

Having no further business to discuss, the meeting adjourned at 8:12 p.m.

Respectfully Submitted,

Melinda S. Knott

Administrative Assistant