

FEBRUARY 12, 2014
WAYNESBORO, PA 17268
REGULAR MEETING

Council President Wayne Driscoll called the meeting of the Waynesboro Borough Council to order at 7:30 p.m. It was noted that this meeting was rescheduled from February 5th because of weather conditions. The following were in attendance:

Borough Council Members – Benjamin Greenawalt, Delmos Oldham, Darrel Potts, Wayne Driscoll, C. Harold Mumma and Michael Cermak

Mayor Richard Starliper

Borough Staff – Lloyd R. Hamberger, II, Borough Manager
Denny Benshoff, Maintenance Superintendent
Dan Sheffler, Zoning-Code Enforcement Officer
Kevin Grubbs, Head of Engineering Services
Sam Wiser, Borough Solicitor (Salzmann Hughes, PC)
Jason Stains, Assistant Borough Manager
Jim Sourbier, Police Chief
Mike Beck, Assistant Fire Chief

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

COMMITTEE REPORTS

PERSONNEL COMMITTEE: Councilman Cermak noted he received favorable performance evaluations for Todd Sharrah, Jason Stains and Chris Eyler. No action was required.

PROPERTY AND PUBLIC SAFETY COMMITTEE: No report.

STREET COMMITTEE: No report. Councilman Potts announced that the next Street Committee meeting will be held on 02/26 at 9:00 a.m.

INTERGOVERNMENTAL COMMITTEE: No report.

DOWNTOWN REVITALIZATION COMMITTEE: President Driscoll reported that he attended Mainstreet Waynesboro's monthly meeting; and noted there will be an informational meeting on the possibility of a downtown historic district on 02/25 at 5:30 p.m. at Trinity Church.

FINANCE COMMITTEE: Councilman Greenawalt noted that the Borough and County

tax bills will be mailed out next month.

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

“On January 28th, with Chief Sourbier, Assistant Manager Stains and Borough Engineer Grubbs, I hosted the Downtown Information meeting. It was well-attended and informative for all concerned.

On January 31st, along with Manager Hamberger, Assistant Manager Stains and Councilman Oldham, I attended the meeting at the Township Office in cooperation with Congressman Shuster's appearance there.

On February 1st, it was a privilege, along with Borough officials and police officers, to be present at the Memorial Dedication Service for Officer William Daywalt, Our thanks to all involved.

On February 6th, I attended the ribbon-cutting at Hartle's Sub Shop in Rouzerville.

On February 8th, along with Police Department personnel, Assistant Borough Manager and Council members, I attended the first Public Safety Awards Banquet.

On February 12th, I attended the Waynesboro Beneficial Fund's Board of Directors meeting.”

Mayor Starliper also reported he has notified radio stations, newspapers, TV stations and the Chamber of Commerce that the Borough's Snow Emergency Plan will go into effect this evening at 12:00 midnight. To clarify, parking will be prohibited on Main Street (from Clayton Avenue to Fairview Avenue) and S. Potomac Street (from Main Street to Second Street) during this time.

SOLICITOR'S REPORT: No report.

PUBLIC COMMENT - ITEMS ON AGENDA: None.

VOTING ON ITEMS FROM COMMITTEE REPORTS: None.

CONSIDER APPROVAL OF CONSENT AGENDA: Mr. Hamberger asked the Solicitor to provide his recommendation on award of the bid for ductile iron pipe. Solicitor Wiser noted there was a 1¢ difference in price between Ferguson Waterworks in New Cumberland and L/B Water in Chambersburg. He noted that when pipe is delivered in large quantities, it would make sense to go with the lowest bidder in that instance. However, when pipe needs to be physically picked-up, it would be beneficial to go with the closest bidder. Accordingly, he recommended to award the bid for ductile iron pipe (delivered to our location) to Ferguson Waterworks and the bid for ductile iron pipe (to

be picked-up) to L/B Water Service, Inc.

It was noted that the Pool Concession Stand bids will be reviewed and a recommendation made at the next Council meeting.

Councilman Greenawalt made a motion to approve the Consent Agenda, as modified. Councilman Cermak seconded; the motion passed unanimously.

RESOLUTION FOR
COUNCIL MEETING OF February 5, 2014
"CONSENT AGENDA"

WHEREAS, the Mayor and Borough Council have either previously discussed or considers certain agenda items to be of a routine nature; and

WHEREAS, items of the nature noted in the paragraph above generally meet with the consensus approval of the Mayor and Borough Council.

NOW, THEREFORE, on motion of Councilman _____, seconded by Councilman _____, by a vote of _____, it was resolved that the following items are approved by the Mayor and Borough Council:

Award of Contracts:

1. Random Curb/Sidewalk
2. Stone
3. Sodium Hypochlorite
4. Paving Materials (Superpave Wearing Course, Superpave Base Course and Cold Patch)
5. Ductile Iron Pipe

Routine:

1. Pay Bills - Voucher List(s) dated 01/24, 01/29 and 02/12 (and any others following preparation of this agenda)

Previously Discussed: N/A.

NEW BUSINESS

SUMMER READING PROGRAM AT MEMORIAL PARK (ALEXANDER HAMILTON MEMORIAL FREE LIBRARY): Due to their renovation/construction, Jason Stains noted that the Library is requesting to reserve the Memorial Park pavilion for their Summer Reading Program on Tuesdays (June 17, June 24, July 8, July 15, July 22, July 29 and August 5) at 10:00 a.m. for 1½ hours. They expect approximately 30 children (all children are to be accompanied by an adult) and will be responsible for clean-up after they are finished. Councilman Greenawalt made a motion to approve the request. Councilman Cermak seconded. President Driscoll added that the pavilion is not typically reserved for private events, but this is a public event. The motion passed unanimously.

TAX COORDINATING COMMITTEE APPOINTMENTS: It was noted that Lloyd Hamberger is currently the Borough's representative on the Tax Coordinating Committee (TCC) and Councilman Greenawalt is the alternate. Councilman Cermak made a motion to appoint Jason Stains as the representative and Delmos Oldham as the alternate. Councilman Mumma seconded; the motion passed unanimously.

SNOW REMOVAL: This matter was tabled for discussion at a later date.

ADDITIONAL ALLEY RENAMING: Since a portion of Alley #1 is being renamed "Schier's Way" and there was discussion at the last Council meeting regarding a tribute to Officer Daywalt, President Driscoll mentioned the possibility of renaming the remaining portion (from Church Street eastward) after Officer Daywalt. Councilman Oldham noted he would be more in favor of installing a memorial plaque at the beginning of the alley, or perhaps a plaque in the proposed downtown parklet.

Assistant Manager Stains interjected that the Fire Chief was contacted by Franklin County Emergency Management regarding their concern with the renaming of a portion of the alley. Chief Adolini provided correspondence to Council indicating concern that selecting portions of particular streets rather than the entire portions can lead to both public and emergency service confusion. Accordingly, he requested that Council consider renaming the entire portion or leaving it as is.

Mayor Starliper agreed with Councilman Oldham's suggestion regarding a memorial plaque on the N. Church side of the alley, and feels it would be an appropriate dedication to Officer Daywalt. The matter was referred to the Street Committee for further review/recommendation.

APPOINT VOTING DELEGATE (PSAB ANNUAL CONFERENCE): Mr. Stains noted that Mayor Starliper will be attending the PSAB Annual Conference, and it would be appropriate for Council to appoint him as the Borough's voting delegate. Councilman Greenawalt made a motion as such. Councilman Cermak seconded; the motion passed unanimously.

APPROVE 2014 NORTHSIDE POOL RATES: Mr. Stains advised that minor changes in the pool rates were recommended/approved by the Recreation Board – daily admission prices were unchanged, ticket books were increased by several dollars, and a new family-level tier was added to allow for a childcare provider to be included. He clarified that the caregiver's ID card will be marked in a way to prevent him/her from using the membership without the child(ren). Councilman Oldham made a motion to approve the 2014 rates, as proposed. Councilman Mumma seconded; the motion passed unanimously.

PRELIMINARY RECYCLING REPORT: Mr. Hamberger reported that residential recycling has nearly doubled since the addition of larger recycling totes; and commercial recycling has also increased by 42%. These efforts will result in the Borough receiving a larger recycling grant.

J. C. BAR PROPERTIES, INC. - DEVELOPER'S AGREEMENT (MARTIN'S FOOD MARKET):

Solicitor Wiser presented Council with copies of the developer's agreement with J. C. Bar Properties for the Martin's Food Market at Waynesboro Mall. The agreement addresses various items of the development, it references the agreement Council entered into regarding the traffic signal improvements the developer will be installing, it discusses various improvements the developer is required to make (such as stormwater management, landscape plans, etc.), it sets forth the inspection requirements and completion requirements, and provides for reimbursement to the Borough of any legal, administrative, and/or consultant expenses the Borough has incurred in the course of reviewing the plans or entering into any of these agreements. In tandem with the developer's agreement, there is also a stormwater maintenance and operations agreement that provides that the developer will maintain their stormwater management facilities (and if they fail to do so, the Borough has the right to enter upon the property to inspect those facilities, perform any maintenance which may be necessary, and bill the property owner for the cost of that maintenance). Mr. Wiser added that execution of these two (2) agreements is a condition of approval of the Land Development Plan.

Councilman Greenawalt made a motion to authorize/approve execution of the proposed developer's agreement and stormwater maintenance and operations agreement for J. C. Bar Properties (Martin's Food Market), as presented. Councilman Oldham seconded; the motion passed 5-0 (Councilman Cermak abstained under protest).

MEDICAL LEAVE SHARING: Mr. Stains provided Council members with a confidential memo outlining the situation of a uniformed employee who will be requiring some potentially long-term sick time away from the job. Stipulations of their labor contract prohibit other uniformed employees from sharing their sick time; however one (1) individual in the labor union would like to donate eleven (11) days to that individual. That would, however, reduce his sick time below the required minimum number of hours. Mr. Stains added he has also been informed that there are non-uniformed employees (and members of the police union) who would like to donate sick days to this individual as well (and Borough Council prohibited that several years ago).

Management has reviewed the matter and is requesting that Council approve a one-time, temporary reprieve from the limitations set in the labor contract, as well as limitations set for the donation of sick hours between uniformed and non-uniformed employees, for this particular employee. All unused time would be given back to the donor; and any further requests of this nature for other employees would have to go before Borough Council.

Councilman Mumma made a motion to approve the recommendations for sick leave sharing for this particular individual, as recommended by management. Councilman Greenawalt seconded; the motion passed unanimously.

ACCEPT REPORTS OF THE CODE ENFORCEMENT OFFICER, POLICE CHIEF AND

FIRE CHIEF - January, 2014: As these reports are normally accepted at Council's second meeting of the month (and the meeting originally scheduled for 02/19 will be canceled), they are being presented for Council's approval at this time. Councilman Mumma made a motion to accept the reports, as presented. Councilman Cermak seconded; the motion passed unanimously.

CONSIDERATION OF PROPOSED ORDINANCE RE: RENAMING ALLEY AND AMENDING TRAFFIC/PARKING REGULATIONS: President Driscoll noted that the proposed ordinance was duly advertised for Council's consideration at this meeting. Councilman Mumma made a motion to adopt the proposed ordinance, as presented. Councilman Potts seconded.

Solicitor Wiser clarified that this ordinance includes approval of the alley renaming for "Schier's Way" and the traffic/parking regulations (street signs, etc.) which were approved over the last several months. If Council wishes to include a larger portion of the alley being renamed, it would be best to "carve out" that portion of the ordinance and create a stand-alone ordinance to deal with that issue at a later time. This would not preclude adoption of the traffic/parking regulations portion of the ordinance.

It was noted that Chief Adolini's correspondence was received after Council had voted on the alley renaming; and, it was further noted that the opinion of Franklin County Emergency Management had changed since their original opinion prior to Council's vote.

President Driscoll stated that he appreciates Chief Adolini's input on the matter, but they had previously discussed/decided on the matter. A vote was called and the motion passed unanimously.

ORDINANCE NO. _____

AN ORDINANCE RENAMING THE ALLEY THAT RUNS FROM ITS INTERSECTION WITH NORTH POTOMAC STREET TO ITS INTERSECTION WITH NORTH CHURCH STREET IN THE BOROUGH OF WAYNESBORO AND AMENDING ORDINANCE NO. 688 OF THE BOROUGH OF WAYNESBORO, AS AMENDED, PRESCRIBING TRAFFIC AND PARKING REGULATIONS IN THE BOROUGH OF WAYNESBORO.

Complete copy on file at Borough Hall.

FOR INFORMATION ONLY

CUMBERLAND-FRANKLIN COUNTY BOROUGH ASSOCIATION MEETING (FEBRUARY 25, 2014): Council members received an invitation to the CFCBA meeting to be held on 02/25. RSVP's are due by 02/13.

UPDATE ON STORM SEWER PROJECT: Kevin Grubbs reported that, as of this day, the contractor is working between Sixth and Seventh Streets. He estimated that they

have approximately 100' of pipe left to install and an 80' section between Green and Sixth Streets. Once all the pipe has been installed, the contractor will need to wait for the weather to improve and will begin curb/sidewalk and blacktop restoration. He added that the underground tanks at Herman Chiropractic have been removed; and he will meet with the property owner regarding his responsibility for the costs.

UPDATE ON DEMOLITION OF CARETAKER'S HOUSE AT GOLF COURSE: Denny Benshoff reported that the former caretaker's house at the golf course has been demolished and the hole has been filled.

PUBLIC COMMENT - NON-AGENDA ITEMS: John Beck, Assistant Fire Chief, was present. Fire Chief Adolini requested he ensure that Council members received information on their proposal for a Junior Membership Program. Council acknowledged receipt.

COUNCIL AND STAFF COMMENTS: Mr. Hamberger reminded Council members of the following upcoming meetings --

- 2014 Franklin County Drug Task Force Breakfast meeting to be held on 03/27
- PENNDOT's meeting regarding the Memorial Bridge Project to be held on 04/08
- Senator Alloway's public forum with constituents in Borough Hall on 03/28

Councilman Mumma instructed those in attendance to "be safe" with regard to the upcoming bad weather and cold temperatures.

Councilman Cermak asked the Fire Department representatives present to provide him with a brief report on the current state of the Fire Department (either publicly or after the meeting). Regarding maintenance items, Assistant Chief Beck noted that "everything happens at once". Mention was made regarding truck repairs that were needed, as well as repairs to the bay doors. There was a theft (and an attempted theft) in the building; and at their most recent Volunteer Fire Department meeting, they voted to split costs (50/50) with the Borough to secure the Potomac Street Station. Additional information will be forthcoming for Council's review. Mr. Beck noted that January was a busy month, but things are going well.

Dan Sheffler reminded residents that sidewalks must be cleared of snow/ice 24 hours after the snow has ended. He added that he has issued 36 citations for this violation to date.

Kevin Grubbs noted that he received a request from Banyan Investments for a 30-day plan review extension for their parking lot (at the former Wolf & McKown building). Stormwater management facilities need to be installed and certain revisions (which require additional time) also needed to be done. Their plan will be reviewed again at the 03/10 Planning Commission meeting. Councilman Mumma made a motion to

approve the request for a time extension. Councilman Cermak seconded; the motion passed unanimously.

Kevin Grubbs noted that a contingency for approval of the Land Development Plan for Hometowne Homes (South End Villas, located at Ninth Street/Old Mill Road/Church Street) was the execution of a developer's agreement and a stormwater maintenance and operations agreement. They have presented executed copies of both agreements, as well as required bonding in the amount of \$43,835. Solicitor Wiser noted this is very similar to what was discussed earlier with J. C. Bar Properties, which he reiterated briefly. Councilman Greenawalt made a motion to authorize/approve execution of the proposed developer's agreement and stormwater maintenance and operations agreement for Hometowne Homes (South End Villas), as presented. Councilman Oldham seconded; the motion passed unanimously.

Jason Stains noted that progress is being made with regard to the debt notices sent out recently. To date, they have collected a little over \$6,000 toward the outstanding \$15,000 owed to the Borough; and payment arrangements have been made with several other individuals. The remaining individuals have failed to acknowledge the letters ... another attempt to collect the money will be made before taking additional legal action.

Mr. Stains also noted that new lease agreements are being pursued with individuals who currently rent garage units (on Middle Street) from the Borough. Rents have been increased this year, and will also increase an additional percentage each year following. Several tenants are behind in their rent, and they have received final notice to pay in full or steps will be taken by the Borough to liquidate their property and rent the units to other tenants.

Police Chief Sourbier noted his appreciation to all who attended Officer Daywalt's memorial ceremony. He reminded residents that a med-collection (prescription medications) box has been installed inside the front doors of the Police Department. He also requested information on the "medical leave sharing" situation mentioned earlier in the meeting, as he would like to advise members of his Department how to donate to this individual (if they so desire).

Scott Hershberger, Mainstreet Waynesboro, reported that the Chocolate Extravaganza Event will be held on 03/07 at the Waynesboro Country Club. Tickets are on sale at their office and several businesses downtown. He also reported that Congressman Shuster was in town for the Business Expo on 02/08; and he took a tour of Waynesboro afterwards. Mr. Shuster seemed to be very impressed with some of the projects they are working on.

Councilman Greenawalt asked when the 2013 audit will begin. Mr. Hamberger noted it will begin in March with a goal for completion in June or July.

Councilman Oldham requested that Council members receive (at least) a quarterly report on the budget, so they know how each department is doing throughout the year

with expenses. He feels this would aid in them being pro-active instead of re-active. Several Council members agreed this would be beneficial.

On behalf of the Street Committee and as a resident of the Borough, Councilman Potts commended the Borough staff for what they have been faced with this winter.

Mayor Starliper echoed Chief Sourbier's comments regarding the memorial service for Officer Daywalt. He thanked all who participated and helped to organize the event. President Driscoll agreed that it was very well done.

President Driscoll noted that the Council meeting originally scheduled for 02/19 has been canceled.

Having no further business to discuss, the meeting adjourned at 8:29 p.m. on a Greenawalt/Cermak motion which passed unanimously.

Respectfully Submitted,

Melinda S. Knott
Administrative Assistant