

MARCH 19, 2014
WAYNESBORO, PA 17268
REGULAR MEETING

Council President Wayne Driscoll called the regularly scheduled meeting of the Waynesboro Borough Council to order at 7:25 p.m. (following the public input session held at 7:00 p.m. and a brief recess), with the following 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
Shawn Adolini, Fire Chief

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

PROPOSED RESIDENTIAL LIFE SAFETY ORDINANCE: Councilman Mumma made a motion to reject the proposed Residential Life Safety Ordinance (and limit future discussion on a proposed Rental Ordinance). Councilman Oldham seconded.

Discussion followed regarding comments received on the matter:

- Jason Stains noted that a gentleman came to the front desk this afternoon to comment favorably on an ordinance in support of tenants – he feels that more needs to be done to ensure that landlords repair/maintain their properties for the tenants' safety.
- Mayor Starliper noted that he received several telephone calls – all saying it is not needed.
- Councilman Mumma stated he had four (4) telephone calls – all were against the ordinance.
- Councilman Potts noted that he has not talked to one person who was in favor of it.
- Councilman Oldham noted he has had several calls – all were against it.
- Councilman Greenawalt also received several calls – no one supports it.

President Driscoll stated that the review/consideration process with regard to a rental inspection program has gone on for a long time, and he thanked everyone who was involved for their input and efforts. Prior to Council's final vote on the matter, he permitted the public to speak.

Patrick Burns, 404 W. Eighth Street - Mr. Burns again voiced his opinion that an ordinance of this nature is needed, and he urged Council to strongly consider the matter.

Donald Minnich - Mr. Minnich stated that the majority has spoken against the ordinance, and tenants were given the same opportunity to speak in favor of it.

President Driscoll voiced his hope that the people (landlords) who spoke against the ordinance did so in good faith, knowing that they take care of their properties and their tenants. He then called for a vote on the motion to reject the proposed ordinance. The motion passed 5-0 (Councilman Cermak recused).

COMMITTEE REPORTS

PERSONNEL COMMITTEE: Councilman Cermak noted he will present two (2) items during the "voting section" of the meeting.

PROPERTY AND PUBLIC SAFETY COMMITTEE AND DOWNTOWN REVITALIZATION COMMITTEE: President Driscoll reported that this year's "Summer Movie Series" will be completely underwritten by the Rotary Club. Dates for the movies have been tentatively set for 06/10, 07/08 and 08/12. More details will be forthcoming. In addition, he reported that several benches will be installed at the Dog Park in the near future.

STREET COMMITTEE: No report. Councilman Potts noted that the next Street Committee meeting will be held on 03/26 at 9:00 a.m.

INTERGOVERNMENTAL COMMITTEE: No report.

FINANCE COMMITTEE: No report.

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

"On March 7th, Mainstreet held their annual Chocolate Extravaganza and on March 8th, the Waynesboro Hospital held their annual Health Fair. Both events were well-attended and congratulations to both organizations.

On March 18th, along with Chief Sourbier and Kim Green, I attended the Waynesboro Communities that Care's Asset Building Luncheon. The theme was poverty's impact on communities."

SOLICITOR'S REPORT: Solicitor Wisner noted that the Borough Code was substantially

amended in 2012 and is now in the codification process. He is hopeful that the required approvals will occur in the near future.

PUBLIC COMMENT - ITEMS ON AGENDA: None.

VOTING ON ITEMS FROM COMMITTEE REPORTS: Councilman Cermak reported he received a favorable evaluation for Gary Zentmyer and made a motion to grant him a step increase to salary level 12E. Councilman Greenawalt seconded; the motion passed unanimously.

Upon recommendation by the Assistant Borough Manager, Councilman Cermak made a motion to hire Adam Heebner as an Assistant Manager at Northside Pool, at a salary of \$10.00/hour. Councilman Greenawalt seconded; the motion passed unanimously.

Members of Boy Scout Troop 97 from Trinity Church were in attendance and welcomed by Council.

CONSIDER APPROVAL OF CONSENT AGENDA: Councilman Greenawalt made a motion to approve the Consent Agenda, as presented. Councilman Mumma seconded; the motion passed unanimously.

**RESOLUTION FOR
COUNCIL MEETING OF March 6, 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: N/A.

Routine:

1. Approval of minutes - January 22, 2014 (regular meeting) and February 12, 2014 (regular meeting)
2. Pay Bills - Voucher Lists dated 02/26 and 02/26 (and any others presented after preparation of this agenda)

Previously Discussed: N/A.

UNFINISHED BUSINESS

UPDATE ON LOCAL ECONOMIC REVITALIZATION TAX ASSISTANCE (LERTA)

PROGRAM: Mr. Hamberger announced that the County has adopted the Borough's LERTA map and plan (but for a 5-year tax reduction instead of 10-year). He has also been told that the School District is considering adopting the LERTA plan for the Frick Company area only. Kevin Grubbs is working to obtain the deed information they have requested.

NEW BUSINESS

REQUEST FROM WAYNESBORO RUNNING, INC. FOR ROAD RACE APPROVAL

(SEPTEMBER 13, 2014): Council members received a request from Waynesboro Running, Inc. to hold the Mad Anthony Half-Marathon on 09/13. Kevin Grubbs noted that all notifications have been sent out, and a meeting with the organizations involved will be held at a later date to review final details. Councilman Cermak made a motion to approve the request, as presented. Councilman Potts seconded; the motion passed unanimously.

PLANNING COMMISSION ITEMS: Kevin Grubbs presented a proposed Subdivision Plan for Ronald and Mary Martin for three (3) buildings in a GC zone at S. Potomac/W. Fifth Streets. The Waynesboro Planning Commission reviewed the plan on 03/10 and recommended approval with minor revisions (those revisions have been completed). Councilman Greenawalt made a motion to approve the Martin Subdivision Plan. Councilman Cermak seconded; the motion passed unanimously.

Mr. Grubbs also presented a proposed Land Development Plan for Banyan Investments, LLC, at 28-32 E. Main Street. He explained that the property owner will install stormwater facilities and blacktop the existing stone parking lot to the rear. The Waynesboro Planning Commission reviewed the plan on 03/10 and recommended approval. Councilman Greenawalt made a motion to approve the Banyan Investments Land Development Plan, as presented. Councilman Oldham seconded; the motion passed unanimously. Mr. Grubbs added that Council had previously approved a waiver of the stormwater management maintenance bonding for this project, as the estimate to maintain it over a 10-year period was estimated at less than \$800. Mr. Mahrle (the property owner) is also requesting a waiver of the project bond, as the total cost is estimated at \$25,000. Councilman Cermak made a motion to waive the project bond as recommended by Mr. Grubbs. Councilman Mumma seconded. Upon request for his opinion on the matter, Solicitor Wisner advised that this is a very small improvement and only involves a stormwater facility and paving. In this case, the applicant will be constructing stormwater management facilities first, which addresses the real concern of the public improvement. For this reason, he feels there is a level of comfort in waiving the bonding requirement, provided that the applicant notify Mr. Grubbs when the stormwater facilities are installed (and he gives permission for them to proceed with the paving). A vote was called and the motion passed unanimously.

EXTEND TEMPORARY CONSTRUCTION LOAN/PENNVEST: Mr. Hamberger reported that the temporary construction loan for the storm sewer project will expire in

late-June; and as the contract for the project has been extended to 06/30, he feels it would be necessary to also extend the loan thru the end of the year. Councilman Cermak made a motion to authorize the Solicitor to begin the process of ensuring there is interim financing in place thru the balance of 2014. Councilman Oldham seconded; the motion passed unanimously.

PUBLIC COMMENT - NON-AGENDA ITEMS: None.

FOR INFORMATION ONLY

“ALLOWAY FOR A DAY” AT BOROUGH HALL (MARCH 28, 2014): Mr. Hamberger announced that Senator Alloway will hold office hours in Borough Hall’s second floor conference room on 03/28 from 9:00 a.m. to 4:00 p.m. The public is welcome to visit.

PENNDOT OPEN HOUSE PUBLIC PLANS DISPLAY MEETING (APRIL 8, 2014): Mr. Hamberger also announced that PENNDOT will hold an Open House Public Plans Display meeting (for the Memorial Bridge project) in Borough Hall’s Council Chambers on 04/08 from 5:30 p.m. to 7:00 p.m. They will also hold an elected officials meeting at 4:30 p.m.

APPROVE MINUTES - JANUARY 22, 2014 (PUBLIC HEARING): Minutes from the January 22nd public hearing on the proposed ordinance vacating a portion of Prospect Avenue and two alleys located between N. Enterprise Avenue and Sunnyside Avenue were presented (from the stenographer) for approval. Councilman Greenawalt made a motion for approval. Councilman Mumma seconded; the motion passed unanimously.

REQUEST TO HOLD EASTER EGG HUNT AT MEMORIAL PARK ON 04/12: The Waynesboro Fire Department and Fire Police have requested to hold their annual Easter Egg Hunt at Memorial Park on 04/12 at 10:00 a.m. Councilman Greenawalt made a motion to approve the request, as presented. Councilman Oldham seconded; the motion passed unanimously.

REQUEST TO HOLD EASTER EGG HUNT AT NORTHSIDE PARK ON 04/12: Faith United Methodist Church has requested to hold their annual Easter Egg Hunt at Northside Park on 04/12 at 2:00 p.m. Councilman Greenawalt made a motion to approve the request, as presented. Councilman Mumma seconded; the motion passed unanimously.

COUNCIL AND STAFF COMMENTS: Councilman Cermak thanked the public for their attendance.

Dan Sheffler asked for “Council’s blessing” to investigate the property at 32-34 Cleveland Avenue, as it has been in a state of extreme disrepair for several years. Councilman Oldham also mentioned the property at 156 Ridge Avenue, and requested this also be reviewed. Council concurred.

Kevin Grubbs noted that Jim Zaiger (Coldspring Estates) has proposed a plan to construct a storage area within a floodplain to the Waynesboro Planning Commission. DEP, however, is still reviewing the plan; and accordingly, he is requesting a time extension of 365 days (from 03/07/2014 to 03/06/2015). Councilman Mumma made a motion to approve the time extension for plan review to 03/06/2015 for Coldspring Estates. Councilman Potts seconded; the motion passed unanimously.

Scott Hershberger (MSW) reported that their Chocolate Extravaganza was a success, with 222 people in attendance (including several from out-of-town). Their next event, a Celebrity Bartender Night at Rolling Mills Restaurant, will be held on 03/26 – 100% of their tips and 20% of all food sales will benefit Mainstreet Waynesboro, Inc. Mr. Hershberger also invited Council and the public to attend the Open House at their new office on 04/03 from 5:00 p.m. to 7:00 p.m.

Councilman Greenawalt thanked everyone for their attendance. He commended the Borough's maintenance crew for their efforts in demolishing the former caretaker's house at the Municipal Golf Course.

Councilman Oldham also thanked everyone for their attendance and comments on the Rental Ordinance.

Councilman Potts thanked the public for their input and patience with Council through the Rental Ordinance "ordeal". In response to a comment made earlier in the meeting, he clarified he doesn't feel that any Council votes are "easy" and takes every vote he casts seriously.

Mayor Starliper reminded the public to sweep stones from their sidewalks into the street for the street sweeper to collect. He reported on two (2) House Bills which are being considered – House Bill 2026 will strengthen felony charges for anyone who deliberately harms or kills a K-9 officer in the line-of-duty and House Bill 1671 will set additional requirements regarding executive sessions.

President Driscoll thanked the public for their input on the rental inspection issue, as it was a very difficult decision and a lot of people were quite passionate about it.

COUNCIL RE-ORGANIZATION: President Driscoll commented that 2014 is proving to be an extremely busy year (for his business and his family), and in July he will be taking on the presidency of the Rotary Club. He doesn't feel he is able to take care of all the details as President of Council and, therefore, resigned the presidency. He then turned the meeting over to Vice-President Mumma. Mr. Mumma opened the floor for nominations. Councilman Driscoll nominated Mr. Mumma as Council President. Councilman Cermak seconded. Councilman Driscoll made a motion to close the nominations and Councilman Cermak seconded; the motion passed unanimously. Having been elected as Council President, Mr. Mumma resigned from his position as Council Vice-President and opened the floor for nominations. Councilman Mumma nominated Councilman Driscoll as Vice-President. Councilman Cermak seconded.

There being no further discussion, a vote was called and the motion passed unanimously.

Having no further business to discuss, the meeting adjourned at 8:17 p.m. on a Greenawalt/Cermak motion which passed unanimously.

Respectfully Submitted,

Melinda S. Knott
Administrative Assistant