

DECEMBER 17, 2014
WAYNESBORO, PA 17268
REGULAR MEETING

Council President C. Harold Mumma 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 – Benjamin Greenawalt, Delmos Oldham, Darrel Potts, C. Harold Mumma, Hans Bader 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.

EXECUTIVE SESSION: Council adjourned to executive session at 7:31 p.m. for the purpose of discussing personnel issues. They returned to regular session at 8:12 p.m.

COMMITTEE REPORTS

PERSONNEL COMMITTEE: Councilman Cermak noted that he received favorable performance evaluations for Mike Pryor and Donald Kaiser – no action was required. He will present several items during the “voting section” of the meeting.

PROPERTY AND PUBLIC SAFETY COMMITTEE: No report.

STREET COMMITTEE: Councilman Potts noted that Council members received minutes from the last Street Committee meeting, a large part of which was regarding pedestrian safety. He encouraged everyone to read the minutes thoroughly, as the Street Committee is in the process of reviewing numerous suggestions/recommendations (which will take several months). There will be no items to vote on.

INTERGOVERNMENTAL COMMITTEE: No report.

DOWNTOWN REVITALIZATION COMMITTEE: No report. Councilman Potts noted

that regular meetings for 2015 have been scheduled on the first Tuesday of each month at 10:00 a.m.

FINANCE COMMITTEE: Councilman Greenawalt noted that Council will be asked to vote on the final 2015 budget later in the meeting.

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

“On November 11th, the Waynesboro Fire Department helped Applebee's with their Veterans' Day celebration. They were very much appreciative of their being there to help honor our veterans. Thank you very much.

On December 4th, 5th, 6th and 7th, the Waynesboro Children's Theatre Troupe presented the play “Miracle on 34th Street”. Senator Alloway, Pat Fleagle, Judge Dick Walsh and I had a cameo appearance in the play. There were 76 youth in the play and they did very well. Congratulations to all who helped.

On December 9th, I attended the Waynesboro Fire Police meeting.

On December 12th, along with Assistant Manager Stains, I attended the ribbon-cutting for the “Itchin 2 Stitch” store.

On December 17th, I attended the Franklin County Commissioners' meeting.

On December 17th, I attended the ribbon-cutting for the new Cobblestone Hotel.”

SOLICITOR'S REPORT: For Council's information, Solicitor Wisner reported that the PA Department of Labor has released its updated bid limits for 2015 – the quote limit now is \$10,500 and the bid limit is \$19,400.

PUBLIC COMMENT - ITEMS ON AGENDA:

Wayne Driscoll, 13 Pen Mar Street (residence) and 310 W. Main Street (business) – Mr. Driscoll addressed Item #8D “Grant for Equipment at Rotary Park”, as the President/spokesman for the Waynesboro Rotary Club, who is trying to install a new playground system, pedestrian walkways and more entrances into Rotary Park. They have already earmarked \$20,000 of their own money and are searching for other funds for the approximate \$35,000-\$40,000 budget. A possible grant through Senator Alloway's office has come to their attention, and they are requesting the Borough's assistance in applying (as it must be applied for by a municipality). President Mumma voiced Council's appreciation for the work the Rotary Club has done at the Rotary Park. The matter will be discussed later in the meeting.

Dan Long (owner of Hopper's) – Mr. Long read a recent newspaper article regarding the

Borough's intent to regulate roll-off dumpsters and mobile storage units. He noted that the proposed ordinance prohibits roll-off dumpsters in excess of 20', but the dumpsters provided by his company are 22'. It was noted that that change will be made in the adopted ordinance (from 20' to 24'); and as this is a de minimis change, it will not need to be re-advertised. Clarification was also given that the property owner requesting the dumpster will be responsible for securing the appropriate permit from the Borough.

Ronnie Martin, 66 State Hill Road – Mr. Martin asked how the companies who provide the dumpsters/containers will know if/when a permit (which is valid from Wednesday to Wednesday each week) has expired. Solicitor Wiser clarified that the ordinance doesn't place a burden on the container owner to remove it when the permit has expired. Mr. Stains suggested that the permit application include a clause that the person applying is required to show proof of the permit to the container company.

VOTING ON ITEMS FROM COMMITTEE REPORTS: Councilman Cermak noted that he received favorable performance evaluations for Doug Mouer and Dakota Welsh. Based on recommendation by Maintenance Superintendent Denny Benshoff, he made a motion to remove Doug Mouer from probationary status. Councilman Greenawalt seconded; the motion passed unanimously. Further, Councilman Cermak made a motion to remove Dakota Welsh from probationary status. Councilman Greenawalt seconded; the motion passed unanimously.

Upon request from Allen Porter, Councilman Cermak made a motion to accept his resignation from the Waynesboro Planning Commission. Councilman Greenawalt seconded; the motion passed unanimously. A letter of appreciation for his service will be forwarded to Mr. Porter.

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

RESOLUTION FOR
COUNCIL MEETING OF December 17, 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 - December 3, 2014 (public hearing)

2. Accept reports of the Code Enforcement Officer and Fire Chief - November, 2014
3. Pay Bills - Voucher List dated 12/10 (and any others presented following preparation of this agenda)

Previously Discussed: N/A.

UNFINISHED BUSINESS

APPROVAL OF 2015 BUDGET AND TAX ORDINANCE: Mr. Hamberger presented the tentative 2015 budget, which includes no tax increase, for Council's approval. Councilman Greenawalt made a motion to approve the 2015 budget, as presented. Councilman Cermak seconded; the motion passed unanimously.

Councilman Greenawalt then made a motion to adopt the 2015 Tax Ordinance, as presented. Councilman Cermak seconded; the motion passed unanimously.

ORDINANCE NO. _____

AN ORDINANCE OF THE BOROUGH OF WAYNESBORO,
COMMONWEALTH OF PENNSYLVANIA, fixing the tax rate for the fiscal
year 2015.

Complete copy on file at Borough Hall.

Further, Councilman Cermak made a motion for all Act 511 taxes to remain in effect at their current rates. Councilman Oldham seconded; the motion passed unanimously.

2015 SALARY SCHEDULE: Mr. Hamberger noted that the 2015 budget includes a 2% cost-of-living increase for all full-time, non-uniformed employees. Councilman Greenawalt made a motion to approve the 2015 Salary Schedule, as presented. Councilman Cermak seconded; the motion passed unanimously.

TAX ANTICIPATION NOTE (TAN) RESOLUTION NO. 2014-16: Solicitor Wisner presented a proposed resolution regarding a Tax Anticipation Note (TAN) for the amount of \$300,000. Last year, a TAN was issued by Susquehanna Bank at an interest rate of 1.45%; and they are willing to honor the same interest rate for the 2015 TAN, with a maximum principal amount of \$300,000. Mr. Hamberger explained that this funding will (most likely) not be used, but it is available if there is a cashflow issue. Councilman Greenawalt made a motion to approve Resolution No. 2014-16, as presented. Councilman Bader seconded; the motion passed unanimously.

RESOLUTION NO. 2014-16

RESOLUTION AUTHORIZING TAX AND REVENUE ANTICIPATION
NOTE FOR FISCAL YEAR 2015

WHEREAS, the Borough of Waynesboro, Franklin County, Pennsylvania (hereinafter the "Borough"), anticipates current revenues as yet uncollected; and

Complete copy on file at Borough Hall.

CONSIDER ORDINANCES FOR ADOPTION: Jason Stains noted that the following ordinances have been duly advertised and are presented now for Council's consideration –

1. **Establishing Specific Regulations Regarding Dumpsters, Roll-off Dumpsters and Mobile Storage Units** – Councilman Bader made a motion to adopt the ordinance, with a modification in the length of permitted roll-off dumpsters. Councilman Potts seconded; the motion passed unanimously.

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING SPECIFIC REGULATIONS REGARDING DUMPSTERS, ROLL-OFF DUMPSTERS AND MOBILE STORAGE UNITS WITHIN THE BOROUGH OF WAYNESBORO AND SETTING FORTH THE PENALTIES FOR THE VIOLATION THEREOF.

Complete copy on file at Borough Hall.

2. **Amending Ordinance No. 1019 Establishing Fees for Parking Violations** – Councilman Greenawalt made a motion to adopt the Parking Ordinance, as presented. Councilman Bader seconded; the motion passed unanimously.

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 1019 ESTABLISHING FEES FOR PARKING VIOLATIONS WITHIN THE BOROUGH OF WAYNESBORO AND SETTING FORTH THE PENALTIES FOR THE VIOLATION THEREOF.

Complete copy on file at Borough Hall.

DESIGNATION OF WAYNESBORO AS HISTORIC DISTRICT: Scott Hershberger, Mainstreet Waynesboro, Inc. (MSW) noted they are currently pursuing the Borough's designation as a historic district, and have contracted with a consultant to prepare the application at a reduced fee of \$13,000. Survey work will begin shortly after January 1st. As mentioned in the past, MSW would appreciate Borough Council's blessing in this venture.

Councilman Potts noted that the matter was discussed at both the Street Committee and Downtown Revitalization Committee meetings, and both committees feel this would be a benefit to the community. Councilman Potts made a motion to publicly endorse MSW's efforts to have Waynesboro named on the National Register of Historic Places.

Councilman Bader seconded.

Discussion ensued regarding the positive aspects of the program including tax incentives, increased property values, additional tourism and revitalization. There are no negative aspects (such as limitations on painting, etc.) unless the local government adopts ordinances as such.

A vote was called and the motion passed unanimously.

REQUEST FOR CONTRIBUTION TO FRANKLIN COUNTY DRUG TASK FORCE: Mr. Stains noted that the Borough received an invoice from the Franklin County Drug Task Force in the amount of \$5,100. In the past, no monetary contribution was made when an officer is associated with the Drug Task Force; but this is not currently the case. Police Chief Sourbier has recommended that the invoice be paid, as the benefits received are more valuable than the amount being paid. Mayor Starliper agreed. Councilman Greenawalt made a motion to approve payment of the invoice to the Franklin County Drug Task Force. Councilman Cermak seconded; the motion passed unanimously.

NEW BUSINESS

2015 REGULAR MEETINGS: Mr. Hamberger presented a proposed advertisement for the 2015 regularly scheduled meetings of the Borough's boards/committees. He asked for direction from Council, as there was some discussion regarding a change from two (2) regular meetings to one (1) regular meeting and a workshop each month. Councilman Cermak made a motion to approve the 2015 regular meetings, including a Council workshop on the first Wednesday of each month and a regular meeting on the third Wednesday of each month. Councilman Bader seconded; the motion passed unanimously.

PROPOSED RESOLUTION FOR POLICE DEPARTMENT FEES: Jason Stains presented a proposed resolution regarding administrative fees charged by the Police Department. He noted that, upon adoption, a consolidated list of all Borough fees will be available at the front desk of Borough Hall and on the Borough's website. Councilman Greenawalt made a motion to approve Resolution No. 2014-15, as presented. Councilman Bader seconded; the motion passed unanimously.

RESOLUTION NO. 2014-15

WHEREAS, the Borough of Waynesboro, from time to time, may adopt new fees and/or change fees charged for Borough Police services, and

Complete copy on file at Borough Hall.

RESOLUTION NO. 91-12 (TRASH AND RECYCLING REGULATIONS): Dan Sheffler noted that Resolution No. 91-12, regarding trash and recycling regulations, was adopted in 1991. He suggested that the resolution be updated, as several issues have arisen

following the use of larger trash and recycling totes. The matter will be discussed at Council's first workshop to be held on February 4th.

GRANT FOR EQUIPMENT AT ROTARY PARK: A presentation was made earlier in the meeting by the Rotary Club President, Wayne Driscoll; and Mr. Hamberger noted that a subrecipient agreement will be required if Council wishes to proceed. Councilman Oldham made a motion to authorize proceeding with the grant application, as requested. Councilman Bader seconded; the motion passed unanimously.

PLANNING COMMISSION ITEMS:

1. **Carbaugh & Kauffman Subdivision Plan** – Kevin Grubbs presented a proposed Subdivision Plan for Carbaugh & Kauffman for a small side-lot addition to convey townhouses on 101 Green Street to an adjoining property at 424 S. Potomac Street. The Waynesboro Planning Commission has reviewed and approved the Subdivision Plan; and it meets all requirements of the Zoning Ordinance and Subdivision/Land Development Ordinance. Councilman Greenawalt made a motion for approval. Councilman Bader seconded; the motion passed unanimously.
2. **Benedict Land Development Plan** – Kevin Grubbs presented a proposed Final Land Development and Stormwater Plan for Darwyn Benedict for construction of a six-unit apartment building on S. Church Street (vacant lot adjacent to 42 S. Church Street). The Waynesboro Planning Commission reviewed the plans and requested certain revisions. Those revisions have been completed and the plans now meet all requirements of the Zoning Ordinance, the Subdivision/Land Development Ordinance and the Stormwater Management Ordinance. The Planning Commission recommended approval conditional on the following: (1) The property owner enter into a developer's agreement with the Borough; (2) The property owner enter into a standard Stormwater Management Agreement; and (3) Bonding or some sort of financial surety would be required. Councilman Cermak made a motion for approval of the Benedict Land Development Plan, subject to the conditions recommended by the Planning Commission. Councilman Bader seconded; the motion passed unanimously.
3. **Marsh Run Properties Land Development Plan** – Kevin Grubbs presented a proposed Final Land Development Plan for Marsh Run Properties for two (2) single-family residential units on Clyde Street (between Brown Street and Eden Avenue). As the plan meets all requirements of the Zoning Ordinance, Subdivision/Land Development Ordinance and the Stormwater Management Ordinance, the Waynesboro Planning Commission recommended approval, subject to the following conditions: (1) The property owner enter into a developer's agreement with the Borough; (2) The property owner enter into a standard Stormwater Management Agreement; and (3) Bonding or some sort of financial surety would be required. Councilman Greenawalt made a motion for approval of the Marsh Run Properties Land Development Plan, subject to the conditions recommended by the Planning Commission. Councilman Cermak

seconded; the motion passed unanimously.

4. **Frye Subdivision & Land Development Plan** – Kevin Grubbs presented the revised Frye Preliminary Subdivision/Land Development Plan for four (4) single-family residential units at the end of W. Sixth and W. Seventh Streets. The owners are looking to convey a 20' section of W. Seventh Street to the Borough, which will give street frontage to Lots 2C and 2D, as required. This will also allow for an access lane to Lot 2F in the rear. The Waynesboro Planning Commission reviewed and recommended approval of the proposed Frye Preliminary Subdivision/Land Development Plan. Councilman Bader made a motion for approval of the plan, as presented. Councilman Cermak seconded.

Ronald Martin, 66 State Hill Road (in the audience), noted he believes there are deed restrictions limiting the number of lots in the subdivision. Lee Royer was asked to check the deed for the restrictions mentioned.

Councilmen Bader and Cermak withdrew their motion/second and the matter was tabled.

REQUEST FOR 2015 EVENTS (MAINSTREET WAYNESBORO, INC.): Scott Hershberger presented a request for Mainstreet Waynesboro, Inc.'s upcoming 2015 events. He noted there is one (1) new event, which will be held at Green Grove Gardens. He was instructed to contact Kevin Grubbs, the Fire Police and Police Chief to discuss any events which require road closures. Councilman Bader made a motion to approve the events, as presented. Councilman Potts seconded; the motion passed unanimously.

FORMAL NOTICE OF INTENT TO RETIRE: Mr. Hamberger read a statement regarding his planned retirement as Borough Manager, effective February 1st. Councilman Cermak made a motion to accept his notice of retirement. Councilman Bader seconded; the motion passed unanimously. Mr. Hamberger was thanked for a "job well done".

APPOINTMENT OF NEW BOROUGH MANAGER: Due to Mr. Hamberger's retirement, Councilman Bader made a motion to appoint Jason Stains as Borough Manager, effective on February 1st, at salary level 21A. Councilman Cermak seconded; the motion passed unanimously.

PUBLIC COMMENT - NON-AGENDA ITEMS:

Ronald Martin, 66 State Hill Road – Mr. Martin noted that the Planning Commission's proposed revised zoning map will make many of the Borough's properties non-conforming, and he urged the Borough to "look at this hard". Mr. Martin was requested to attend the next Planning Commission meeting to discuss his concerns.

Mike Rohrer, 876 Fairview Avenue - Mr. Rohrer stated that he submitted a letter on 06/02/2014 regarding his interest in appointment to one of the two vacancies on the

Planning Commission. He was not contacted by any Borough representative; and those vacancies were eliminated by Council's action to reduce the Planning Commission's membership from 7 to 5. President Mumma voiced apologies to Mr. Rohrer and stated that, effective immediately, all correspondence received regarding interest in serving on a board will be acknowledged. Mr. Rohrer was asked if he would be interested in any other board vacancies, and he noted he will give consideration to that question.

FOR INFORMATION ONLY: None.

COUNCIL AND STAFF COMMENTS: Councilman Cermak thanked Mr. Hamberger for his many years of service and thanked the public for their attendance at this meeting.

Kevin Grubbs pointed out that a public hearing was scheduled at Council's 01/07 meeting at 7:15 p.m.; and he asked for Council's direction since they decided to hold a workshop during their first meeting of each month. President Mumma noted that the January meetings will be held as they normally are, and workshops will begin at the first meeting in February. Council concurred.

Jason Stains commented that he looks forward to working with Council in the future as Borough Manager. He then advised that Waste Management will collect holiday trash (for Christmas and New Years') a day later – for example, Thursday's trash will be collected on Friday and Friday's trash will be collected on Saturday. They also plan to begin collection at approximately 4:00 a.m. As a reminder, Christmas tree pick-up will be conducted during the week of 01/12 to 01/16.

Chief Sourbier thanked Council for approving the contribution to the Drug Task Force, as he feels it is a very valuable asset.

Scott Hershberger noted he looks forward to continued success in the new year. Councilman Greenawalt asked about the possibility of bringing unique businesses to the downtown; and Mr. Hershberger noted that recruitment letters continue to be mailed out in an attempt to encourage specialty businesses to locate in Waynesboro.

Councilman Greenawalt asked Dan Sheffler for a report on the recent zoning hearing. Mr. Sheffler stated that the request was denied, but can be appealed within 45 days.

Councilman Oldham wished those in attendance a Merry Christmas and Happy New year.

Councilman Potts echoed those wishes, and thanked the staff for their work on the 2015 budget.

Mayor Starliper reminded Mr. Stains about the condition of the First Christian Church on W. Main Street. He noted that the Waynesboro Fire Police assisted today with an Open House at the Cobblestone Hotel, and will assist at a wedding at Harbaugh Church on 12/27.

President Mumma thanked the public for their attendance and participation. He echoed previous comments for a Merry Christmas and prosperous New Year, and thanked Mr. Hamberger for his years of service to the Borough.

Having no further business to discuss, the meeting adjourned at 9:36 p.m. on a Greenawalt/Oldham motion which passed unanimously.

Respectfully Submitted,

Melinda S. Knott
Administrative Assistant