

FEBRUARY 20, 2013
WAYNESBORO, PA 17268
REGULAR MEETING

Council President Stains 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, Craig Newcomer, Darrel Potts, Jason Stains, Wayne Driscoll 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 Wisner, Borough Solicitor (Salzmann Hughes, PC)
Jason Cohen, Assistant Borough Manager
Jim Sourbier, Police Chief
Dave Martin, Fire Chief

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

COMMITTEE REPORTS

PERSONNEL COMMITTEE: Councilman Cermak noted that he received a favorable evaluation for Todd Sharrah. No action was required.

PROPERTY AND PUBLIC SAFETY COMMITTEE: Councilman Driscoll noted that plans are underway for the second annual Summer Movie series. Tentative dates for the events are 06/11, 07/16 and 08/13. WaynesboroFest has offered to sponsor one of the events, including an evening swim at Northside Pool. He hopes to have the remaining sponsors in place by the end of March. Council noted no objections.

STREET COMMITTEE: No report. Councilman Potts noted that the next Street Committee meeting will be held on 02/27 at 9:00 a.m.

INTERGOVERNMENTAL COMMITTEE: No report. President Stains reported that the Alexander Hamilton Memorial Library received an estate bequest, and they plan to use the bequest as “seed money” for a Capital Campaign. No objections were noted.

DOWNTOWN REVITALIZATION COMMITTEE: Councilman Newcomer noted that the Committee met the previous day, but there was nothing significant to report on. They will be reviewing the Joint Comprehensive Plan with regard to the downtown to ensure

they are in compliance with it.

FINANCE COMMITTEE: No report.

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

“On February 9th, I attended the annual dinner and awards banquet of the Waynesboro Volunteer Fire Department. Councilman Greenawalt represented the Borough and Fire Police also.

On February 12th, I attended the Waynesboro Fire Police meeting and gave the Oath of Office to three (3) new members. Chief Sourbier was in attendance also.

On February 13th, along with Manager Hamberger and Assistant Manager Cohen, I attended the 2013 Franklin County Municipal Summit meeting at St. Thomas.

On February 16th, I had the privilege of uniting in marriage Jessica Basta and Ryan Cahill. We wish Mr. and Mrs. Cahill the very best.

On February 18th, along with Chief Sourbier and members of the Police Department, I attended the seminar presented by Lt. Col. Ret. Dave Grossman. Our thanks to District Attorney Matt Fogal for providing this meeting.”

SOLICITOR'S REPORT: Solicitor Wisner reported that prevailing wages were discussed last year; and he advised that there are currently three (3) Bills before the Senate and house regarding prevailing wages. He described the details of each for Council's information.

PUBLIC COMMENT - ITEMS ON AGENDA: None.

VOTING ON ITEMS FROM COMMITTEE REPORTS: Councilman Cermak made a motion to approve the following Board appointments/re-appointments –

- Dennis Cordell - Recreation Board - re-appoint to a term expiring on 12/31/2017
- Harry Morningstar, Jr. - Shade Tree Commission - re-appoint to a term expiring on 03/04/2018
- Andrea Bowersox - Library Board - re-appoint to a term expiring on 02/01/2016
- Lucinda Potter - Library Board - appoint to a term expiring on 02/01/2016
- Timothy Misner - Library Board - appoint to a term expiring on 02/01/2016
- David Mackley - Civil Service Commission - appoint to a term expiring on 08/01/2017

Councilman Driscoll seconded; the motion passed unanimously.

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

RESOLUTION FOR
COUNCIL MEETING OF February 20, 2013
"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 - February 14, 2013 (special meeting)
2. Accept reports of the Code Enforcement Officer, Police Chief and Fire Chief - January, 2013.
3. Pay Bills - Voucher Lists dated 02/08, 02/12 and 02/12 (and any others following preparation of this agenda)

Previously Discussed: N/A.

REPRESENTATIVE FROM WASTE MANAGEMENT: Pat Heraty, Waste Management, was present to provide Council with an update on the customer service concerns discussed at the last meeting (particularly with residents attempting to rent toters). Following that meeting, he traveled to Pittsburgh and met with the Call Center's Manager regarding the problems encountered. She addressed the team of representatives and spent much of the day coaching them on the proper procedures for handling these calls. Over the following week, as many as eight (8) more "secret shopper" calls were made; and in every one of those instances, success was achieved in setting up (and scheduling delivery of) the fictitious residents' rentals.

Another "secret shopper" call was made early this week ... and during that call something was discovered that might cause confusion. Customers are prompted to dial either 1 (new customer) or 2 (current customer) – the confusion being that the Borough of Waynesboro is the current customer; and the resident would be a new customer for the toter lease. On the next recycling week, information will be placed on the toters as to this clarification. Mr. Hamberger noted that more people are recycling, but they are confused on the weeks. Mr. Heraty noted they can provide a recycling and yard waste calendar on the back as well. He will include information on the recycling report to Mr. Hamberger regarding the increase in recycling participation since the larger totes have been provided. He clarified that electronic items are "tagged" if they are placed out –

the tag refers them to the DEP website for disposal instructions/locations. Council members thanked Mr. Heraty for his efforts.

CONCERNS RE: ELECTRIC METER READINGS: Mr. Hamberger noted that discussion was also held at the last Council meeting regarding the issue of electric meters not being consistently read. He has since sent a letter to the President of FirstEnergy (with a copy being forwarded to the PUC). A local area representative responded quickly; and information was provided to him regarding some of the Borough's accounts which have been read only 2-3 times in the last 8-9 months. He was "taken aback" about this situation; and has agreed to investigate and report back at Council's second meeting in March.

UNFINISHED BUSINESS

SNOW SHOVELING FINES: Mr. Hamberger noted that, in Councilman Driscoll's absence at the last meeting, the matter was deferred. Mr. Driscoll reported that he received several calls regarding the increase in fines; and after further consideration, he feels the concerns may be valid. Council initially discussed treating the snow shoveling ordinance like the weed ordinance – but weeds grow gradually; and if a property is neglected over time, residents are sent a notice (and eventually a fine is assessed). After a snowstorm, however, residents are required to clear their sidewalks within 24 hours. He also suggested that the ordinance could perhaps list some exceptions (for special situations) which would not be as strict. Councilman Newcomer cautioned Council to be careful with listing exceptions; and Mr. Hamberger noted the ordinance must be enforced with common sense.

President Stains agreed that fines of \$150.00 may be excessive. Mr. Hamberger suggested that neighboring municipalities be contacted to see what they are charging, and further discussion followed. Some residents have commented that they would rather be fined (when the fines were \$10.00 for the first notice and \$25.00 for the second) than shovel or pay someone to shovel. Councilman Cermak stated that, regardless of the amount of the fine assessed, sidewalks must be cleared. Mayor Starliper stated that 48 hours after the snow stops, instead of 24 hours, might be more reasonable. Dan Sheffler commented that the Borough has had a snow shoveling ordinance since 1860 – originally snow had to be cleared within 3 hours, then it was amended to 14 hours, and now it is 24 hours. He added that most municipalities state 24 hours.

Discussion followed that, once the state adds on their costs, a \$10.00 fine costs approximately \$100.00. It was suggested that the ordinance could be restructured to allow for a local citation to be issued, and if it hasn't been paid within a certain amount of time, it could be "run" through the state (as is done with the parking meter violations). Solicitor Wisner noted this is an option the Borough could look into. President Stains instructed that this suggestion be pursued (with the Solicitor's assistance) and fines from other municipalities be obtained for further discussion at a later date.

SLEDDING AT MEMORIAL PARK: Assistant Manager Jason Cohen noted that this

matter was discussed previously by Council and the Recreation Board, and it was deferred from the last meeting because Councilman Driscoll was absent. Councilman Driscoll reminded Council that the idea was not to address sledding in parks as a whole, but to remedy the situation at Memorial Park (which is that a new fence is being damaged by sledders). He spoke with a representative from Perry Fence (who installed the new fence), and he noted that it would be quite difficult to alter the new fence into a temporary manner. He suggested sectioning it off and rolling it up, which is what was being done in the past with the old fence. If the fencing is removed, however, the poles are still there. Mr. Driscoll noted they will continue to pursue the matter ... he doesn't want to see the new fence damaged or a child injured, but doesn't want to tell children that they can't sled in the park either. A member of the public suggested installing gates; and Mr. Driscoll will discuss the matter further with Denny Benshoff.

LERTA: Mr. Hamberger noted that the proposed LERTA map was discussed at Council's last meeting; and he has met with representatives of Waynesboro Area School District, who found it to be acceptable. He had indicated that there are four (4) additional areas that may be considered – those being the Waynesboro Mall, the area on Cleveland Avenue (Ice & Cold Storage and Agway), the area on Hamilton Avenue (in the vicinity of Waynesboro Construction) and the area known as Johnson Controls (Frick Company). He noted that he doesn't have a problem with Cleveland or Hamilton Avenues, but would not recommend Johnson Controls or Waynesboro Mall. When the map was developed, they were looking at areas where there are buildings in distress; and he doesn't feel that these two (2) areas are in distress.

Mr. Hamberger noted that he would like to get this matter finalized as soon as possible. He reviewed details and specifics of the LERTA program. Following application, if a property owner increases a building's assessment by \$100,00.00 (for example), forgiveness is given on the marginal increase in assessment based on a 10/10/10 system. The LERTA program is adopted for 10 years, tax breaks are given for 10 years, and are reduced by 10% each year for that 10 years. (For example, 100% is forgiven the first year, 90% is forgiven the second year, 80% is forgiven the third year, etc.)

Discussion followed and it was suggested that Council members view the areas in question prior to making a final decision. Councilman Cermak made a motion to table the matter until the next Council meeting. Councilman Newcomer seconded; the motion passed unanimously.

2013 PER CAPITA FOR PUBLIC SAFETY TRAINING CENTER: Fire Chief Martin explained that the Franklin County Fire Chiefs' Association is seeking funding from municipalities for repairs/upgrades to the Public Safety Training Center in the amount of 10¢ per capita. He noted it has been approximately 10-12 years since a donation was given, and he recommended Council's approval. He also recommended that Council voice their concerns that police departments are not encouraged to use this facility, and they should be. Council members commented on the fact that an "invoice" was mailed with no letter of request or explanation. Discussion followed regarding Borough representation on the Emergency Services Alliance; and Chief Martin suggested that

they should attend the meetings to make Council aware of items such as this. Councilman Cermak made a motion to pay the per capita; and further, to include a letter encouraging police use and concern about the way this request was handled. Councilman Greenawalt seconded; the motion passed unanimously.

CONSIDER TRAFFIC & PARKING REGULATION ORDINANCE FOR ADOPTION:

Kevin Grubbs noted that Council members received copies of a proposed amendment to the Traffic and Parking Regulations Ordinance, which includes all additions and deletions made to the ordinance to date. It has been duly advertised in *The Record Herald* for Council's consideration at this time. Councilman Greenawalt made a motion to adopt the ordinance, as presented. Councilman Newcomer seconded; the motion passed unanimously.

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 688 OF THE BOROUGH OF WAYNESBORO, AS AMENDED, PRESCRIBING TRAFFIC AND PARKING REGULATIONS IN THE BOROUGH OF WAYNESBORO, PRESCRIBING PENALTIES FOR VIOLATION AND REPEALING CERTAIN PRIOR ORDINANCES.

Complete copy on file at Borough Hall.

NEW BUSINESS

PA URBAN & COMMUNITY FORESTRY COUNCIL CHALLENGE GRANT (TREES IN

EIGHTH STREET MEDIAN): Jason Cohen reminded Council of discussion held last fall with respect to the need to replace street trees in the median strip on Eighth Street. The Borough, in conjunction with the Shade Tree Commission, Mainstreet Waynesboro, and Ed Miller of the Lions Club (with pledges from the Rotary and Lions Clubs), has received a \$3,500 matching grant from the PA Urban & Community Forestry Council. To date, \$2,690 in cash has been received, and the Borough will be responsible for \$810 in in-kind services (labor and equipment). Planting is anticipated to take place in April. Mr. Cohen recommended that Council authorize the President to execute the necessary documents to finalize the grant. Councilman Newcomer made the appropriate motion. Councilman Greenawalt seconded; the motion passed unanimously.

HOFFMAN ESTATE SUBDIVISION PLAN: Kevin Grubbs presented a proposed Subdivision Plan for the Rachel J. Hoffman Estate (consisting of 3 lots) on W. Main Street. The Waynesboro Planning Commission recommended approval of the plan, as submitted, on 02/11. Councilman Greenawalt made a motion to approve the Hoffman Subdivision Plan. Councilman Cermak seconded; the motion passed 5-0 (Councilman Potts abstained).

E. MAIN STREET PLAZA: Pat Fleagle reported that one of the options/grants they are considering for the proposed plaza would require that a government entity be the grantee. Accordingly, WIDC has discussed the possibility of giving the plaza to the Borough ... but the question is, would the Borough accept it? He would like to meet

with Mr. Hamberger and Sam Wiser to discuss the matter, and to review any conditions under which it could be accepted. Councilman Cermak made a motion to authorize the Borough Manager and Borough Solicitor to meet with Pat Fleagle (and a member or 2 of Council) to discuss the matter. It was clarified that this will be strictly an informational meeting, and no decisions will be made. Councilman Driscoll seconded; the motion passed unanimously.

LETTER OF SUPPORT (TRINITY HOUSE APARTMENTS REDEVELOPMENT PROJECT): Mr. Hamberger noted that Trinity House Apartments is pursuing funding for improvements to their property on N. Potomac Street through the PA Housing Finance Agency, and is requesting that the Borough send a letter of support for the project. Councilman Cermak made a motion to authorize the appropriate correspondence be prepared. Councilman Driscoll seconded; the motion passed unanimously.

NORTHSIDE POOL MANAGER FOR 2013 SEASON: Jason Cohen advised that Jared Mummert is willing and able to return for a fourth year as Manager at Northside Pool. The Recreation Board has unanimously recommended he be re-hired, with a salary recommendation of \$8,500. Councilman Driscoll made a motion to approve the Recreation Board's recommendation and re-hire Jared Mummert as Pool Manager. Discussion ensued regarding the salary increase, and Mr. Cohen noted that \$8,500 was budgeted. Councilman Driscoll commented that this issue was discussed at length by the Recreation Board. Jared has been with the Borough for several years and "has been doing a super job". He didn't receive a salary increase in 2012; and the Recreation Board felt it would be a shame to lose him. Councilman Newcomer stated that he has moved the pool in a more positive direction – there have been several rescues under his management, the number of complaints have decreased significantly, and revenues have increased significantly. Councilman Cermak then seconded the motion which passed unanimously.

ROOF FOR STORAGE BUILDING/GARAGE: Jason Cohen recommended that action on the bids for the storage building/garage roof be deferred until the next Council meeting. Council concurred.

REQUEST FROM TAX COLLECTOR TO PAY FOR "TAX TRACKER" SOFTWARE LEASE: Mr. Hamberger noted that Delmos Oldham has requested that the Borough pay an invoice for the yearly lease of his "Tax Tracker" software. He added that they paid the fee the previous year. Councilman Newcomer commented that items such as this should be presented during budget deliberations; and Mr. Hamberger noted they budgeted for envelopes which will not be needed this year. Councilman Greenawalt made a motion to pay the lease fee of \$800. Councilman Potts seconded; the motion passed 5-1 (Councilman Newcomer opposed). Mayor Starliper suggested that the School District and County should be asked to assist in the cost, as he also collects taxes for them.

REQUEST FROM WAYNESBORO VOLUNTEER FIRE DEPARTMENT TO HOLD EASTER EGG HUNT AT MEMORIAL PARK: Councilman Greenawalt made a motion to approve the request from the WVFD to hold an Easter Egg Hunt at Memorial Park on

03/23 from 9-11 a.m. Councilman Cermak seconded; the motion passed unanimously.

REQUEST FROM COMBINED VETERANS COUNCIL TO HOLD MEMORIAL DAY PARADE AND SERVICES: Councilman Greenawalt made a motion to approve the request from the CVC to hold the Memorial Day Parade and Services at Memorial Park on 05/27, beginning at 9 a.m. Councilman Cermak seconded; the motion passed unanimously.

PUBLIC COMMENT - NON-AGENDA ITEMS:

Paul McCarney. W. Fifth Street - Mr. McCarney noted that he read an article in the newspaper in which Pat Fleagle stated the buildings (where the proposed plaza will be located) would not have been in such disrepair if there had been a Rental Inspection Program at that time. Mr. McCarney disagreed, and noted that the BOCA Code and National Code were both in effect at that time; but for months, individuals hauled dirt out of the basement in buckets before the wall caved in. He pointed out that the Rental Ordinance wouldn't have helped in that instance. Councilman Newcomer asked Dan Sheffler if he had any calls to enter that building. Dan Sheffler responded negatively; and Mr. Newcomer countered that the Rental Inspection Program *would* have prevented that. He added that that building is one of the reasons why the Rental Inspection Program was pursued. He reiterated that Dan Sheffler (Code Enforcement Officer) cannot enter/inspect a building unless there is a call from a landlord or tenant about an issue inside. A member of the audience noted that it would have depended when the individual(s) started to dig, as they may have done it between inspections.

Mr. Newcomer discussed an instance when a landlord ran an extension cord from one unit to another to provide electricity. Without this inspection program, it is possible that the building could burn down and possibly damage neighboring properties. Mr. McCarney commented that many owner-occupied homes are in greater disrepair than rentals; and he suggested that the Borough might want to inspect *all* properties in Waynesboro. He noted that his biggest complaint with the proposed ordinance is the 20-some pages regarding fines. He asked who will fine the tenants for the damages they cause to the landlords' properties (for which the landlords can be fined when the damage is discovered during an inspection).

Darwyn Benedict - Mr. Benedict noted that much input has been received; but there is still a lot that needs to be considered, and he suggested that the ordinance is not ready for a vote.

Councilman Newcomer agreed, but commented that this ordinance/program has been discussed for approximately four (4) years now. Nothing was hidden ... the matter was discussed publicly numerous times. A notice was placed in the newspaper asking for volunteers to serve on the committee; and in fact, the majority of the committee was owners and landlords. .

Mr. Hamberger stated that the Borough will not be able to go beyond the Landlord/Tenant Act, as they don't have the power (authority) to deal with what the

tenants do to the landlords. This ordinance is based upon the Property Maintenance Code, and the system is designed to hold the owner of the property responsible. If a tenant destroys your property, that is not a municipal problem but a civil matter. However, if a property is uninhabitable, that is a municipal issue. .

Pat Crouse - Ms. Crouse was a member of the Rental Inspection Committee. She noted that District Magistrate Larry Pentz had attended one of their meetings. He advised that the International Property Maintenance Code applies to all properties; and with certain paperwork, Mr. Sheffler can enter a owner-occupied property if it is in a total state of disrepair. Solicitor Wisner clarified that the entry issue Mr. Sheffler faces on a consistent basis is that he can enter a property and enforce the IPMC if he has reasonable suspicions. But if no one calls him about it, he doesn't get any complaints about it, and there is not a systematic inspection system, he can't just enter a property without having reasonable suspicion. Then, if the owner says he can't enter the property, an administrative search warrant would be required.

After more discussion, President Stains noted that there are still a lot of questions about the proposed ordinance (one of which is the administrative/enforcement issue). Several public comment sessions have been held on this matter, and he suggested that perhaps a specific meeting be held for this purpose. Council agreed.

Frank Bittner, 842 Anthony Avenue - Mr. Bittner noted that many positive things are happening in Waynesboro and should be noted.

- A six-unit apartment house on Philadelphia Avenue is being repainted and some railing installed
- Drillers testing for bedrock to replace the memorial bridge in the west end of town – look forward to a new three-lane bridge in approximately 2 years.
- Millions of dollars are being spent on the stormwater drainage issues experienced for many years
- Repointing and renovating an old house on E. Main Street to put it back in-service
- New canopy at the Landis Complex – Representative Todd Rock's office is now housed there
- Millions of dollars being spent at Waynesboro's Wastewater Treatment Plant for upgrades

Mr. Bittner did note some bad news, however. Skateboarders have caused damage to the benches at the Rotary Park, and the edges are now very, very rough. Mr. Bittner also noted that the Borough's sound system in Council Chambers is insufficient – in fact, he mentioned this several years ago and nothing has improved since then.

FOR INFORMATION ONLY

GOVERNOR'S PLAN TO REDUCE LIQUID FUELS TAX: Mr. Hamberger reported that he received information on the Governor's proposed budget; and he noted concern of the prospect that Liquid Fuels funding may be decreased. He has met recently with

Representative Todd Rock to stress the importance of this funding. The matter will also be discussed at next week's CFCBA meeting.

RECYCLING GRANT: Mr. Hamberger also advised Council that the Borough's 2012 recycling grant has been approved. He assumes that it will be significantly higher next year, because residents are recycling more items since larger recycling totes have been provided.

COUNCIL AND STAFF COMMENTS:

Councilman Driscoll thanked Council members for tabling several issues until he was present to discuss them.

Councilman Cermak commented that the Police Chief's Report lists more activities (arrests, etc.) this year than last. He asked if there is more crime ... or are they doing a better job? Chief Sourbier reported that some of the difference may be due to an increased emphasis on accountability to the community; and some may be due to a different way of tabulating statistics to get a more accurate reflection of what is being done. Councilman Cermak added his appreciation for the police vehicles parked near the crosswalks downtown. Chief Sourbier noted that is one of his officers' specific directed enforcements (among other things), and that is evident in the number of citations issued for crosswalk violations. Councilman Cermak requested that Fire Chief Martin pass on Council's comments and concerns regarding the Public Safety Training Center.

COUNCIL AND STAFF COMMENTS: Denny Benshoff reported that the Maintenance Department has removed and cleaned the Victorian-style light covers downtown, and he is hoping that the downtown will be brighter as a result.

Pat Fleagle asked when the street sweeper is expected to be back in-service. Denny Benshoff responded that the new engine was installed last week; and they are hoping it will be "up and running" by next week.

Police Chief Sourbier reminded Council and the public of the informational meeting to be held on 02/27 at 7 p.m. regarding an attempt to organize some Neighborhood Watch groups in the Borough.

Fire Chief Martin reported that the new truck is almost finished – radios were installed yesterday and it is going back to the shop to have some additional equipment mounted. New drivers' training will then be completed, and the vehicle should be in-service within two (2) weeks.

Councilman Greenawalt mentioned the growing number of abandoned and foreclosed houses in Waynesboro. Mr. Cohen noted that he recently received a request from someone representing a bank (regarding one of those foreclosed properties) to restore water service so that they can begin showing the property. Management decided not to do that because they weren't going to provide verification that the bank was actually the

owner of the property. Issues such as this occur frequently with snow removal and/or weed violations – no one claims responsibility. Accordingly, they are working toward a process where the bank must claim responsibility for ownership of the property in order for water service to be restored. This is a small step ... but one in the right direction. As a side note, Mr. Hamberger noted that his son has volunteered to work with Kevin Grubbs in locating and mapping all distressed, abandoned and foreclosed properties in the Borough. Once the map is prepared, it can then be maintained over time.

Councilman Newcomer thanked the public for their comments. .

Having no further business to discuss, the meeting adjourned at 9:38 p.m. on a Driscoll/Cermak motion which passed unanimously.

Respectfully Submitted,

Melinda S. Knott
Administrative Assistant