

MARCH 20, 2013
WAYNESBORO, PA 17268
REGULAR MEETING

Council President Jason 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, Jason Stains, Wayne Driscoll and Michael Cermak (Darrel Potts was absent; Michael Cermak became ill and left immediately after the executive session)

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, Inc.)
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.

EXECUTIVE SESSION: Council adjourned to executive session at 7:31 p.m., for the purpose of discussing potential litigation. They returned to regular session at 8:06 p.m.

COMMITTEE REPORTS

PERSONNEL COMMITTEE: In Councilman Cermak's absence, Councilman Newcomer noted he will present several items during the "voting section" of the meeting.

PROPERTY AND PUBLIC SAFETY COMMITTEE: No report.

STREET COMMITTEE: In Councilman Potts' absence, Councilman Newcomer reported on several items which were discussed at the last Street Committee meeting --

- Alleys and Recycling Cans – Harry Morningstar presented concerns regarding the location of recycling cans on the sidewalk at some of his rental units and the need for tree trimming in order for Waste Management to service the containers from the alley. He also discussed the possibility of the Borough opening two (2) private alleys, and requested the Borough

- replace the rolled curbing at an alley off of Mt. Airy Avenue.
- Lighting Issues in Alleys – the Committee is looking at some streets and alleys where lighting is an issue, and will be taking suggestions on areas in need of improvement.
- Neighborhood Watch Meeting – the first meeting was held last month.
- Trimming Trees and Bushes in Alleys - Dan Sheffler will be looking at the need for trees/bushes in alleys to be trimmed.
- Rotary Park – Denny Benschhoff will look at damages to the park benches and tables at Rotary Park.
- No Parking Signs on S. Church Street – the “No Parking Here to Corner” signs were installed in front of the Human Services Office on S. Church Street.

Mr. Newcomer noted that one (1) item will be presented during the “voting section” of the meeting.

INTERGOVERNMENTAL COMMITTEE: President Stains noted that Council members received a copy of Comcast’s proposed franchise agreement, which will be discussed later in the meeting.

DOWNTOWN REVITALIZATION COMMITTEE: Councilman Newcomer announced that the Committee’s next meeting will be held on Tuesday (03/26) at 8:30 a.m. Tom Moore will give a briefing on the plaza project later in the meeting.

FINANCE COMMITTEE: Councilman Greenawalt reported that tax notices have been mailed out, and monies have started coming in.

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

“On February 26th, I attended the ribbon-cutting of Representative Todd Rock’s new office and the Open House of Landis Complex. Later on, along with Manager Hamberger and Assistant Manager Cohen, I attended the CFCBA meeting in Mercersburg. PSAB’s Executive Vice-President Chris Cap and Michael Polak were the speakers.

On the 27th, Chief Sourbier arranged for PA State Troopers Asbury and Garcia to present an informative program on Neighborhood Watch. The attendance was not what was expected. Future meetings should be better.

I hope that you had the opportunity to attend the Franklin County Builders Show this year held on March 8-10.

On March 12th, along with the Police Administrative Secretary Kim Green, I attended the Community That Cares Building Asset 2013 Luncheon.

On March 19th, I traveled to Harrisburg and met with lawmakers and PSAB officials in reference to items of importance to Boroughs and the State.

On March 20th, I attended the Open House for retiring Chamber Executive Director Carlene Willhide. We wish her well.”

SOLICITOR'S REPORT: Solicitor Wisner noted that Council had asked for his opinion regarding a “ticket” as opposed to a “citation” being issued for snow shoveling violations. He advised that the Borough Code was recently amended to include new enforcement provisions, and it gives some flexibility as to what types of enforcement remedies can be effectuated for violation of an ordinance. It is his opinion that a ticket, prior to the issuance of a citation, is not a violation of due-process and is specifically allowed for traffic citations related to parking. There is no specific authorization for the issuance of a ticket for violation of a municipal ordinance, but the Borough Code allows for other types of remedies to be built into ordinances. Accordingly, he feels that the Borough could adopt such a provision (not as an enforcement provision, but as an alternative remedy provision prior to enforcement action), and allow for the issuance of a ticket that could be administratively settled. If the ticket is not settled, then a citation could be issued and sent to the District Justice (much like for a parking violation). This would require an amendment to the ordinance to set up the appropriate procedure.

PUBLIC COMMENT - ITEMS ON AGENDA:

Tom Moore (co-owner of Craig Friedly Potter & Moore Insurance), Economic Development Director for Mainstreet Waynesboro, Inc. - Mr. Moore advised that Council members were given an opportunity to view a Powerpoint presentation with regard to the proposed parking plaza project. He commented that this project was taken from the Downtown Master Plan. Two (2) years ago, the concept was presented to Council; and it has been reviewed “on and off” several times since with the Downtown Revitalization Committee, members of Council, and Borough staff. Three (3) separate committees have been established – those being for construction (Jim Rock, Herb Sandifer, Paul Gunder, Kevin Grubbs and Dick Rose), grant writing (Tom Moore, John Cook, Stephanie Powers, Dave Mackley, Karen Parish and Jason Cohen) and marketing (Pat Fleagle, Greg Duffey and Denny Shockey). The total cost of the project is estimated at \$900,000; and they have already received the purchase of a building by WIDC and in-kind contributions for asbestos inspection and demolition.

Mr. Moore noted that grant applications will be submitted to DCED and DCNR for funding for the project. In order to proceed, he requested that Borough Council hold a public hearing on the matter and prepare a resolution requesting grants from those two (2) organizations.

Councilman Newcomer made a motion to schedule a public hearing and move forward with MSI's request for a resolution regarding obtaining funding for the project, pending receipt of a letter from MSI formalizing their request. Councilman Driscoll seconded; the motion passed unanimously.

Bill Hofman, 10696 Rinehart Drive - Mr. Hofman, President of the Chamber of Commerce Board of Directors, was present to request Council's support of the LERTA Initiative being considered.

VOTING ON ITEMS FROM COMMITTEE REPORTS: Councilman Newcomer made a motion to approve the following -

- Step increase for Tom Simmers to salary level 11D
- Step increase for Scott Crum to salary level 12E
- Step increase for Tom Brennan to salary level 13E
- Appointment of Charles Beeler to Fire Police roster

Councilman Greenawalt seconded; the motion passed unanimously.

Councilman Newcomer made a motion to approve a request for a handicapped parking space at 116 Harrison Avenue. Councilman Driscoll seconded; the motion passed unanimously.

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

RESOLUTION FOR
COUNCIL MEETING OF March 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 - 02/06/2013 (regular meeting) and 02/20/2013 (regular meeting)
2. Accept reports of the Code Enforcement Officer, Police Chief and Fire Chief - February, 2013.
3. Pay Bills - Voucher Lists dated 02/22, 02/28, 02/28 and 03/08 (and any others following preparation of this agenda)

4. Request to hold Easter Egg Hunt on 03/23 at Northside Park (Faith United Methodist Church)
5. Request to hold "Race for Education" on 05/10 at Memorial Park (St. Andrew School)
5. Request to hold "Picnic in the Park" on 08/10 at Memorial Park (Waynesboro Church of the Brethren)

Previously Discussed: N/A.

Councilman Greenawalt seconded; the motion passed unanimously.

REPRESENTATIVE FROM FIRST ENERGY/WEST PENN POWER): Dave Kline, First Energy/West Penn Power, was present to discuss Council's concern regarding excessive estimated meter readings. He explained that approximately two (2) years ago, Allegheny Energy was bought by First Energy. When the merger happened, nothing much changed right away. Over time, however, the company began to implement First Energy's computer systems and structure, etc.; and approximately a year ago, the meter reading structure changed. This entailed a re-structuring of the meter readers' positions; and as a result, there was a shortage of individuals who actually read the meters. Those positions are now filled, but the reading rate at this time is only approximately 61%. Their normal process is to read meters every other month, which means that they are estimated in-between. If a reading is missed, however, the customer has gone three (3) months between actual readings. Other situations can happen also ... for example, when there is a storm and power outages occur, all company personnel work on storm restoration in various capacities. First Energy is also in the process of renumbering meters and routes to improve efficiency, and their ultimate goal is to have the meter reading rate at approximately 96% by the summer of this year.

Mr. Kline acknowledged that there is a problem, and they are doing what they can to fix it. He has provided his direct contact information to Mr. Hamberger, in case there are continued constituent problems. He added that, given the size and scope of the two (2) companies that merged, problems could have been worse.

There was additional discussion, and Councilman Newcomer commented that he would hope they will reach a reading rate of 100%. He knows they are working on the issues, but constituents want action - they can't call First Energy and say they are "working on" paying their bill. If they can't pay it, it will be shut-off. He noted he would expect more from a company providing such services.

UNFINISHED BUSINESS

GARAGE ROOF BIDS: Jason Cohen advised that bids were received for the garage roof project; and the staff is recommending that Council reject them and authorize re-bidding the project. Minor changes will be made to the specifications in an attempt to obtain more cost-effective bids. Councilman Newcomer made a motion to reject the

bids and authorize the project to be re-bid. Councilman Greenawalt seconded; the motion passed unanimously.

LERTA MAP: Mr. Hamberger reviewed the staff's recommendations regarding LERTA areas, as well as the additional areas requested to be included by Pat Fleagle, and reiterated the parameters of the proposed LERTA program. The School District and Washington Township have agreed with the proposal, including a 10/10/10 abatement for improvements made to a property within the LERTA area(s). Following Council's approval of the LERTA map, a public hearing will be held, and an ordinance prepared/advertised for Council's adoption.

Councilman Newcomer made a motion to authorize the Solicitor to draft an ordinance for Council's review (along with the map) at the next Council meeting. A public hearing can be scheduled for the first meeting in May (05/01 at 7:00 p.m.), and Council can consider the ordinance/map for adoption at its meeting immediately following the hearing. Councilman Driscoll seconded; the motion passed unanimously.

PENNVEST ACTIONS: Sam Wisner reported that there are still several documents that need to be finalized for the PENNVEST loan closing. Once they are uploaded to PENNVEST, the next closing date will be scheduled (hopefully by the end of May)..

SCHEDULE PUBLIC MEETING RE: RENTAL INSPECTION PROGRAM: Mr. Hamberger noted that the staff is working on an RFP to determine what it will cost to enforce the Rental Inspection Ordinance; and then Council will need to decide if they wish to proceed, modify or forget it. He will forward a rough draft of the RFP to Council by the following Wednesday, and proposals will be due before May 1st. The public input session regarding the Rental Inspection Program will be scheduled for May 8th. Council concurred.

FINES/PROCEDURES FOR SNOW SHOVELING: Mr. Hamberger contacted several neighboring municipalities to determine their fines/procedures for snow shoveling, and a list of his findings was presented and explained to Council. The possibility of issuing a ticket was discussed – if the ticket is not paid within ten (10) days, a citation would be issued (which would be a summary offense and subject to additional costs).

After more discussion, Councilman Driscoll made a motion to set a fee of \$75 for a ticket and \$100, plus court costs, for a citation (summary offense). Councilman Newcomer seconded; the motion passed unanimously. Solicitor Wisner will prepare an ordinance as such for Council's review.

RESOLUTION FOR DOWNTOWN GRANT: Mr. Hamberger explained that Mainstreet Waynesboro, Inc. is applying for an Exit Grant in the amount of \$60,000. Matching funds are required (which Pat Fleagle noted they have) and he presented proposed Resolution No. 2013-02, authorizing filing of the grant application.

Councilman Greenawalt made a motion to approve Resolution No. 2013-02, as

presented. Councilman Newcomer seconded; the motion passed unanimously.

RESOLUTION NO. 2013-02

RESOLUTION OF THE BOROUGH OF WAYNESBORO AUTHORIZING THE FILING OF A PROPOSAL FOR FUNDS WITH THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT (DCED), COMMONWEALTH OF PENNSYLVANIA

WHEREAS, the Borough of Waynesboro is desirous of obtaining funds from the Department in the amount of \$60,000 for Main Street Exit Grant (to continue the funding of the Waynesboro Main Street Program).

Complete copy on file at Borough Hall.

SUB-RECIPIENT AGREEMENT FOR DOWNTOWN: The aforementioned Exit Grant will be issued by the State subject to the development of a sub-recipient agreement acceptable to the Borough. Council members received a rough draft version of the proposed sub-recipient agreement for review.

DISCUSSION TO ESTABLISH FEE FOR CONDITIONAL USE: Solicitor Wisner noted there is currently a conditional use provision in the Zoning Ordinance, however there is no established fee for a conditional use application. It is very similar to the Zoning Hearing Board's fee for a variance (\$375) in that there would be expenses to the Borough for the proceedings such as the legal advertisement, stenographer, solicitor's fees and administrative time involved.

Dan Sheffler called several municipalities to determine what their fees are (Shippensburg - \$250, Carlisle - \$500, and Chambersburg has no conditional uses). It was suggested that \$250 would be fair; and Mr. Wisner noted the fee could be amended by resolution from time to time as needed. A resolution will be presented for Council's approval at the next meeting.

2013 NORTHSIDE POOL DAILY ADMISSION RATES: Jason Cohen reported that the Recreation Board was approached by the Pool Manager about several issues at the pool ... one of which is the fact that getting/keeping change in the cash register is difficult, particularly on evenings and weekends. Their solution was to increase the daily fee from \$4.50 to \$5.00 for those under age 17, and \$5.50 to \$6.00 for those 18 years and older. Councilman Greenawalt made a motion to approve the recommended increase in daily fees. Councilman Newcomer seconded; the motion passed unanimously.

REQUEST FOR WAIVER TO BURN BRUSH: A request was presented by Hometown Homes to burn brush on their property at S. Church Street, Ninth Street and Old Mill Road. Fire Chief Martin noted that he has reviewed the plan and viewed the site, and doesn't see a risk involved. Councilman Newcomer made a motion to approve Resolution 2013-03. Councilman Greenawalt seconded; the motion passed

unanimously.

RESOLUTION 2013-03

WHEREAS, Section V, Subsection 9 of Borough Ordinance No. 956, known as the "Air Pollution Control Ordinance of 1994", provides that Borough Council may from time to time adopt exceptions to the open burning prohibition in the Borough of Waynesboro by resolution, and

WHEREAS, the Borough of Waynesboro has determined that it is in the public interest to permit open burning by Hometown Homes (at their property located at S. Church Street, Ninth Street, and Old Mill Road), and

Complete copy on file at Borough Hall.

REQUEST FROM PA HOUSING FINANCE AGENCY FOR COMMENTS RE: AFFORDABLE HOUSING DEVELOPMENTS IN BOROUGH: Mr. Hamberger noted that the PA Housing Finance Agency has requested comments from the Borough on applications they received to fund projects for Mt. Vernon Terrace, Waynesboro Trinity House Apartments and Wayne Gardens. Councilman Greenawalt made a motion to authorize the Borough Manager to respond favorably. Councilman Newcomer seconded; the motion passed unanimously.

APPROVE HIRING OF ASSISTANT POOL MANAGERS FOR 2013 SEASON: Jason Cohen advised that the Recreation Board is recommending the hiring of Andrew Dinterman and Adam Heebner (both of whom are returning employees) as Assistant Pool Managers. Councilman Greenawalt made a motion as such. Councilman Driscoll seconded; the motion passed unanimously.

OPERATION OF MEMORIAL PARK CONCESSION STAND: Jason Cohen reported that he was approached by the Waynesboro Youth League about the possibility of operating the concession stand at Memorial Park. He has determined that the facility and equipment are in a "usable condition", and requested approval from Council to solicit bids. He noted that the lease agreement would be similar to that for the pool concession stand, with a caveat that the monthly fee for electricity would be \$50, and the base fee for operation of the concession would have to be no less than \$50/month. Councilman Greenawalt made a motion to approve the recommendations of the Assistant Borough Manager with respect to operation of the Memorial Park concession stand. Councilman Newcomer seconded; the motion passed unanimously.

COMCAST FRANCHISE AGREEMENT: Jason Cohen noted that Council members received a copy of the proposed renewal franchise agreement from Comcast, as the existing contract expires the end of 2013. The staff and Solicitor have reviewed the proposed agreement and will recommend counter-proposing several changes, including a 5-year term (Comcast proposed a 20-year term), the franchise fee remain at 3%, and that high-speed internet and basic cable services be provided at all municipal facilities.

Councilman Greenawalt made a motion to approve the counter-proposal to Comcast, as recommended by the Assistant Borough Manager. Councilman Newcomer seconded; the motion passed unanimously.

PUBLIC COMMENT - NON-AGENDA ITEMS:

Michael Carter, 359 Strickler Avenue - Representing Cal-Quin Baseball League, Mr. Carter was present to discuss the method used by the Recreation Board to decide which organizations will be granted permission to use the fields at Memorial Park. He commented that Cal-Quin submitted their request in adequate time, but their request was not granted. Mr. Carter noted that they serve many children in the Waynesboro community, just as the other leagues do. He feels that the decision was not done in an open or established process. Mr. Cohen advised that Mr. Carter, along with representatives of the various leagues, has been invited to attend the Recreation Board meeting on 03/27 to determine if there are any available dates/times that Cal-Quin could utilize the fields.

FOR INFORMATION ONLY

JOINT PERMIT TO WORK IN FLOODPLAIN AREA (COLD SPRING BUILDERS, LLC): Kevin Grubbs stated that Cold Spring Estates has applied to DEP for a joint permit to work in the floodplain area (putting in an off-site vehicle storage area and storing materials for constructing the building units in the development). Their initial plan has been submitted to the Planning Commission, and will need to be reviewed by the State and County.

INTERNAL SURVEILLANCE EQUIPMENT IN BOROUGH HALL: Police Chief Sourbier provided a memo to Council regarding internal surveillance equipment in Borough Hall. Mr. Hamberger agreed that the existing system needs to be upgraded, and he will find the money to pay for the upgrade. Councilman Newcomer made a motion to move forward with the Chief's request. Councilman Greenawalt seconded; the motion passed unanimously.

COUNCIL AND STAFF COMMENTS: Pat Fleagle introduced Scott Hershberger, who will be taking over his position at Mainstreet Waynesboro, Inc. in the near future.

Chief Sourbier noted that a Neighborhood Watch Program meeting was held on 02/27, but only a small group of people attended. It was decided at that time to give the people an opportunity to consider the information that was presented before delving into it much deeper. Accordingly, Trooper Asbury will be back for a second meeting on 04/09 at 7:00 p.m. to discuss the logistics of formally organizing a Neighborhood Watch Program. Chief Sourbier emphasized strongly that this is a community-driven endeavor ... and without committed and dedicated individuals within the neighborhood, the program "won't fly". He encouraged individuals to attend the meeting to learn what the program is about. He added that if there are insufficient people to get the program "off the ground" at this time, he is not willing to let go of the concept as it is imperative for the

safety of our community to continue to pursue it.

Chief Sourbier also announced that the Police Department will participate in a Drug Take-Back Program on 04/27 from 10:00 a.m. to 2:00 p.m. Individuals can bring their expired and/or unused prescription medications to the rear of the Police Department, who will turn them in to the Drug Task Force for proper disposal. Needles and syringes *will not* be accepted.

Councilman Newcomer reminded the Borough Manager to utilize the Consent Agenda as much as possible, as it is meant to save time during the meetings. He clarified that items can be removed from the Consent Agenda for further discussion, at Council's request.

Mayor Starliper reported that House Bill 790, regarding the privatization of liquor, is getting a lot of attention/comments. There are people in the community who are very much opposed to it ... and they are encouraged to contact Representative Todd Rock to voice their opinions. He and the Police Chief have already expressed their opinions on the matter. They can provide additional information to anyone who requests it.

Having no further business to discuss, the meeting adjourned at 9:48 p.m. on a Newcomer/Greenawalt seconded; the motion passed unanimously.

Respectfully Submitted,

Melinda S. Knott
Administrative Assistant