

MAY 1, 2013  
WAYNESBORO, PA 17268  
REGULAR MEETING

Council President Jason Stains called the regularly scheduled meeting of the Waynesboro Borough Council to order at 7:26 p.m. with the following in attendance:

Borough Council Members – Benjamin Greenawalt, Darrel Potts, Jason Stains, Wayne Driscoll and Michael Cermak (Craig Newcomer was absent)

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

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

**COMMITTEE REPORTS**

**PERSONNEL COMMITTEE:** Councilman Cermak noted that he will present three (3) items during the “voting section” of the meeting.

**PROPERTY AND PUBLIC SAFETY COMMITTEE:** No report.

**STREET COMMITTEE:** No report. Council members received minutes from the last Street Committee meeting, and Councilman Potts asked for their review and comments on Kevin Grubbs’ recommendations for “no parking zones” included therein. No action will be taken on the matter at this meeting, but another item will be presented during the “voting”.

**INTERGOVERNMENTAL COMMITTEE:** No report.

**DOWNTOWN REVITALIZATION COMMITTEE:** No report.

**FINANCE COMMITTEE:** Pursuant to discussion with the Tax Collector, Councilman Greenawalt reported that approximately 80% of residents have paid their taxes for 2013.

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

“On April 25<sup>th</sup>, I attended the Chamber’s mixer at Elite Windows.

On April 30<sup>th</sup>, along with Manager Hamberger and Assistant Manager Cohen, I attended the CFCBA meeting in Shippensburg. The speakers were Shelley Houk, Director of Research from PSAB, and George Pomeroy, Professor of Geography-Earth Science and Director of the Center for Land Use at Shippensburg University.

On May 1<sup>st</sup>, I attended the VFW’s presentation of a \$10,000 check for the 9-11 Memorial.”

**SOLICITOR’S REPORT:** No report.

**PUBLIC COMMENT - ITEMS ON AGENDA:** None.

**VOTING ON ITEMS FROM COMMITTEE REPORTS:** Councilman Cermak noted that he received a letter of resignation from Stan Pawlus from the Waynesboro Fire Police, and he made a motion to accept his resignation. Councilman Greenawalt seconded; the motion passed unanimously.

Upon request of the WBA, Councilman Cermak made a motion to approve the transfer of Kerry Smith from the Borough’s Maintenance Department to the Sewer Treatment Plant, at his current salary level of 5B. Standard stipulations for a lateral transfer to a position requiring certifications will apply.

Councilman Cermak noted that there was a clerical error regarding a previous step increase for Lynn Goetz; and he made a motion to place him at the appropriate salary level of 4E, with retroactive pay to correct the error. Councilman Greenawalt seconded; the motion passed unanimously.

Councilman Potts reminded Council that a request was received several months ago for a street light in the north/south alley (behind Gus & Ted’s) from Cleveland Avenue to Second Street. Upon recommendation of the Street Committee, Councilman Potts made a motion to approve the request (the exact location of the street light will be determined by the staff and West Penn Power). The cost of the light, which will be de minimous, will be covered by the Street Light Fund. Councilman Driscoll seconded; the motion passed unanimously.

**CONSIDER APPROVAL OF CONSENT AGENDA:** Councilman Greenawalt made a motion to approve the Consent Agenda. Councilman Potts seconded; the motion passed 4-0 (Councilman Cermak abstained).

**RESOLUTION FOR**  
**COUNCIL MEETING OF May 1, 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 - April 3, 2013 and April 17, 2013 (regular meetings)
2. Pay Bills - Voucher Lists dated 04/26, 04/29 and 05/01 (and any others following preparation of this agenda)
3. Resolution No. 2013-08 and Salary Reduction Agreement re: Premium Only Plan
4. Approve hiring of summer golf course staff
5. Approve modification in policy for Daytime Pool Rentals

**Previously Discussed:** N/A.

**UNFINISHED BUSINESS**

**CONSIDER ADOPTION OF ORDINANCE RE: LERTA PROGRAM:** Mr. Hamberger noted that Council will need to decide if they wish to modify the map to include Mr. Gsell's request, as presented at the public hearing. Councilman Cermak made a motion to approve the LERTA Ordinance, as well as the map discussed by Council (including the modification requested by Mr. Gsell). Councilman Driscoll seconded. Councilman Potts asked for clarification of the 10/10/10 concept. Mr. Hamberger explained that the tax abatement is for 10% per year (starting at 100% and going down to 0) for 10 years. A vote was called and the motion passed unanimously.

**ORDINANCE NO.**

AN ORDINANCE OF THE BOROUGH OF WAYNESBORO, FRANKLIN COUNTY, PENNSYLVANIA, ADOPTING THE LOCAL ECONOMIC REVITALIZATION TAX ASSISTANCE ("LERTA") PROGRAM, PURSUANT TO PENNSYLVANIA ACT 76 OF 1977, 72 P.S. §4722 ET. SEQ., PROVIDING FOR A CERTAIN LEVEL OF TAX EXEMPTION FOR CERTAIN DETERIORATED AREAS WITHIN THE BOROUGH, PROVIDING FOR AN EXEMPTION PERIOD, ESTABLISHING A SCHEDULE OF PERCENTAGE EXEMPTION FOR THAT TIME PERIOD, AND ESTABLISHING STANDARDS AND QUALIFICATIONS FOR PARTICIPANTS.

Complete copy on file at Borough Hall.

**SUB-RECIPIENT AGREEMENT WITH MAINSTREET WAYNESBORO, INC. FOR**

**CLOSE-OUT GRANT:** Mr. Hamberger noted that the Solicitor has reviewed the sub-recipient agreement with Mainstreet Waynesboro, Inc. and is recommending the addition of a clause to indicate that if MSW errs and causes the Borough to lose the money, they must reimburse any out-of-pocket expenses to the Borough. Councilman Greenawalt made a motion to authorize the Council President to execute the agreement, upon preparation of the final document. Councilman Driscoll seconded; the motion passed unanimously.

**NEW BUSINESS**

**RESOLUTION NO. 2013-07 (FAIR HOUSING RESOLUTION):** Mr. Hamberger presented proposed Resolution No. 2013-07 for Fair Housing, which was mentioned during the CDBG hearing held earlier. Councilman Greenawalt made a motion to approve the Resolution, as presented. Councilman Cermak seconded; the motion passed unanimously.

**RESOLUTION NO. 2013-07**

**FAIR HOUSING RESOLUTION**

LET IT BE KNOWN TO ALL PERSONS of the Borough of Waynesboro that discrimination in the sale, rental, leasing, financing of housing or land to be used for construction of housing, or in the provision of brokerage services because of race, color, religion, ancestry, sex, national origin, handicap or disability is prohibited by Title VIII of the Civil Rights Act of 1968 (Federal Fair Housing Law) and the Pennsylvania Human Relations Act. It is the policy of the Borough of Waynesboro to implement programs to ensure equal opportunity in housing for all persons regardless of race, color, religion, ancestry, sex, national origin, handicap or disability, or familial status (families with children). Therefore, the Borough of Waynesboro does hereby pass the following Resolution.

Complete copy on file at Borough Hall.

**PUBLIC INPUT MEETING RE: DOWNTOWN PARKLET GRANT:**

Mr. Hamberger noted that, last summer, Council had authorized funding for Karen Parish (Mullin and Lonergan Associates) to assist Mainstreet Waynesboro, Inc. in seeking grants for the proposed parklet project. The process is now beginning, and the grant applications require that a public input session be held. He proposed holding such a session during Council's regularly scheduled meeting on 05/15. Council concurred.

**ADDITIONAL ITEMS:** Mr. Hamberger noted that two (2) additional items will be discussed later in the meeting – one is a request from Renfrew to use a truck and the

other is a request from the Police Chief to apply for a COPS grant.

**SCHEDULE PROPOSED USE HEARING FOR 2013 CDBG PROGRAM:** Councilman Greenawalt made a motion to authorize the Borough Manager to schedule a proposed use hearing for the 2013 CDBG program in July or August, depending when the State provides a final allocation amount. Councilman Cermak seconded; the motion passed unanimously.

**REQUEST FROM CHAMBER OF COMMERCE TO HOLD COMMUNITY EVENT AT MEMORIAL PARK (AUGUST 3, 2013):** In addition to the explanation provided to Council in their meeting packet, Mr. Cohen noted that he spoke with Jackie Mowen from the Chamber of Commerce about additional details for this request. The Recreation Board is recommending approval of the event in Memorial Park on 08/03, however there is a conflict with the 08/10 raindate requested. They *do not* recommend allowing the use of the tennis courts, as they are not designed for activities other than their intended purpose. The Recreation Board left approval of the request to close Memorial Park Drive (from Fifth to Broad Streets) up to Borough Council, in addition to approval of the request to place emergency and construction vehicles on display on Memorial Park Drive. Councilman Greenawalt made a motion to approve holding the event on 08/03, with the exception of the use of the tennis courts. Councilman Driscoll seconded; the motion passed unanimously.

Councilman Cermak then made a motion to deny the request to close Memorial Park Drive. Councilman Greenawalt seconded. Discussion ensued regarding the request and various options, and it was suggested that the Chamber be asked to submit a modified request for the street closure. The motion and second were withdrawn, and Council took no action on the street closure at this time.

**RECOMMENDED RATES FOR PART-TIME POOL PERSONNEL:** Councilman Driscoll made a motion to increase the maximum hourly rate (salary cap) for Assistant Pool Managers from \$10.00 to \$11.00 per hour. Councilman Cermak seconded. Mr. Driscoll explained that the Recreation Board has recommended an increase in the salary cap so returning employees can continue to receive an annual rate increase. Councilman Cermak seconded; the motion passed unanimously.

President Stains asked if the Recreation Board has considered and/or discussed any type of “premium salary” in order to keep lifeguards on-staff toward the end of summer? Mr. Cohen noted that there is currently a bonus for working a certain number of hours, but that didn’t necessarily require an individual to stay until the end of the season. There is also a bonus for working the entire Labor Day weekend. That said, though, the staffing level was adequate at the end of the last season (with some “re-arranging” in management). Mr. Hamberger added that they also try to recruit part-time guards in order to build staff for the future.

**MUNICIPAL POLICE COOPERATIVE AGREEMENT:** Solicitor Wisner noted that this agreement was circulated among several municipalities, but upon review there were

some legal insufficiencies in the agreement that needed to be corrected in order for it to be enforceable. He worked with Officer Schmidt (Washington Township) in making some necessary corrections, and it is before Council for action at this time. Councilman Greenawalt made a motion to approve the agreement. Councilman Potts seconded; the motion passed unanimously.

**REQUEST FOR USE OF TRUCK (RENFREW MUSEUM & PARK):** Mr. Hamberger noted that Renfrew is doing work on the slate roof of their barn and are planning to recycle the roofing materials. They have requested to use a dump truck to haul the slate from the barn to another site on the property. A similar request was made earlier this year, and Council authorized the use of a truck and driver. Councilman Greenawalt made a motion to approve their request, however the Borough will again supply a driver. Councilman Cermak seconded; the motion passed unanimously.

**REQUEST TO APPLY FOR COPS GRANT:** Police Chief Sourbier noted that the federal government has resurrected its Community Oriented Policing Grant (COPS) package. Under the previous package, the life of the grant was three (3) years – the first year the federal government would pay 75% of the newly-hired officer's salary and benefits, the second year they paid 50%, the third year they paid 25%; and the municipality had to pay the difference and agree to retain the employee. In its resurrected form, the COPS grant is still a three (3) year program, but they now pay 75% for each of the three (3) years and we pay 25% of the salary and benefits. He noted that grant applications must be submitted no later than 05/22.

Accordingly, Chief Sourbier requested permission to proceed with the COPS grant application. He noted that the emphasis in this iteration is on the hiring of veterans, School Resource Officers and laid-off employees; but they will consider any new-hire for the program. The Borough's commitment would be \$58,778, which is the total cost of the program over a period of three (3) years. The other commitment, after the funds have been matched and used for the three-year period, is to retain the employee as part of the staff.

Councilman Cermak made a motion to approve the Chief's request to apply for a grant through the COPS program. The motion died for lack of a second. Mr. Cermak commented that if the grant is approved, the Borough can decide if they wish to make the three-year commitment at that point; and he asked for clarification from the Chief that he is only requesting authorization to apply for the grant and not assuming that Council will accept the grant (if approved). Chief Sourbier noted that he must be able to promise the federal government that if the Borough accepts and receives the grant, they will live by its conditions ... there is nothing that says it must be accepted if it is offered. Councilman Driscoll then seconded Mr. Cermak's earlier motion. Solicitor Wisner stated that, if the grant is awarded, Council will need to enter into a grant agreement; and that would be the time to make (or not make) the commitment. However, he cautioned that if the grant is awarded and refused, any future grant opportunities will be gone. Mr. Hamberger added that the probability of receiving the grant is slim, but it would be a substantial savings on an officer's salary/benefits.

President Stains commented that he feels Waynesboro needs more officers, and he is willing to do whatever it takes to get them ... he would be in favor of guaranteeing that the officer would be retained.

A vote was called - the motion passed 3-2 (Councilmen Potts and Greenawalt opposed).

**PUBLIC COMMENT - NON-AGENDA ITEMS:** None.

**RESOLUTION NO. 2013-09:** Mr. Hamberger noted that the Sub-recipient Agreement with Mainstreet Waynesboro, Inc. was authorized earlier in the meeting, and the appropriate contract documents were recently received. However, DCED is requesting that the Council President be authorized to execute all certifications and documentation required in connection with the grant agreement by resolution. He presented proposed Resolution No. 2013-09 for that purpose. Councilman Cermak made a motion to approve Resolution No. 2013-09, as presented. Councilman Potts seconded; the motion passed unanimously.

**RESOLUTION NO. 2013-09**

A RESOLUTION OF THE BOROUGH OF WAYNESBORO  
TO AUTHORIZE THE KEYSTONE COMMUNITIES PROGRAM GRANT  
CONTRACT FROM THE PENNSYLVANIA DEPARTMENT OF COMMUNITY AND  
ECONOMIC DEVELOPMENT

Complete copy on file at Borough Hall.

**FOR INFORMATION ONLY**

**REMINDER OF CONDITIONAL USE HEARING (MAY 8, 2013 AT 6:00 P.M.):** A public hearing will be held on 05/08 at 6:00 p.m. to consider Harry Morningstar, Jr.'s request for a conditional use for an outdoor dining area at 100 W. Main Street.

**REMINDER OF PUBLIC INPUT SESSION RE: RENTAL INSPECTION PROGRAM (MAY 8, 2013 AT 6:15 P.M.):** The final public input session regarding the proposed Rental Inspection Program will be held on 05/08 at 6:15 p.m. Individuals will be given five (5) minutes to present their comments.

**COUNCIL AND STAFF COMMENTS:** Councilman Cermak noted that a question arose at the last meeting concerning action taken on an item not listed on the agenda. He is of the opinion that it would be impossible to get anything done if you waited for everything to be listed on an agenda, but he understands the concern that an individual may want to attend the meeting if they are aware that a certain situation will be discussed. Mr. Cermak stated that, even if an item is discussed but not listed on the agenda, he doesn't have a problem if a member of the public wishes to comment on the

matter at that time. The particular item in question that was discussed at the 04/17 meeting (the condition of a W. North Street property) has been a blight for a long-time; and the owner had many, many, many opportunities to correct the situation. When someone is not interested in cooperating and there is a public safety matter which needs to be addressed, he sees no problem with Council taking action at that particular time.

Assistant Manager Jason Cohen noted that Council members received a final listing of Lifeguards proposed by the Pool Manager for hiring for the upcoming season. Discussion arose again regarding staffing, and Mr. Cohen stated he is very confident and impressed with the Manager's scheduling plan. To preclude confusion, he clarified that the pool will again be closed during the week after the Memorial Day weekend, until the following weekend. Councilman Cermak made a motion to hire the final listing of pool staff, as presented. Councilman Driscoll seconded; the motion passed unanimously.

Police Chief Sourbier thanked Council for the opportunity to apply for the COPS grant. Secondly, he noted that he was recently in Harrisburg with the PA Coalition on Domestic Violence; and advised that the Borough's Police Department will engage in this program with a number of other municipalities throughout the Commonwealth (Chambersburg is one of them who have already done this for about a year). The entire scope of the program is designed to do everything that is legally and humanly possible to encourage individuals who have been victimized by domestic violence to seek domestic violence victims' services. Only 4% across the country of domestic violence homicide victims ever made use of services that were previously offered to them in other events; and Maryland, who has successfully done this program for a number of years, has seen a 58% increase in the number of victims reaching out to the victims' services that are provided. He feels it will be well worth the effort to engage in this project with the Coalition. Their commitment as an agency to follow through with the paperwork is only three (3) months, and there is no cost to the Borough. The program can be continued at the completion of the three-month time period; and it is his understanding that every department that has ever initiated participation in this project has never dropped it after the three-month period. Statistical information will be provided by the Department to the Coalition, who then generates a statistical report to indicate whether or not the program is effective in the community.

Councilman Greenawalt reported that he visited the Borough's Wastewater Treatment Plant recently to view the progress being made on their expansion project. He noted that the construction work has "taken its toll" on Cemetery Avenue and the parking lot at the golf course, and he hopes that the Waynesboro Borough Authority plans to repair the damages when the construction is complete. He added that the trucks delivering supplies to the plant should also be instructed to take care not to block the road to the golf course. Mr. Hamberger stated that the WBA has agreed to repair Cemetery Avenue, and a contribution toward repairs to the parking lot will be requested.

Councilman Potts commented positively to the individuals who were involved in planting the new trees along Eighth Street.

President Stains announced that Mayor Starliper was recently elected to the Board of Directors of Horizon-Goodwill Industries of Hagerstown, MD. He will be serving in that capacity for a three-year term of office.

Mr. Hamberger commended Chief Sourbier and Sergeant Bock (and the other officers) for their participation in the Prescription Drug Take-Back Program held recently. This is an excellent way for people to dispose properly of their expired/unused prescription drugs without sending them to a landfill or through the sewer system (which can sometimes affect the treatment process), or in the hands of a child. Chief Sourbier reported that they received 280 pounds of pills.

Having no further business to discuss, the meeting adjourned at 8:20 p.m. on a Greenawalt/Driscoll motion which passed unanimously.

Respectfully Submitted,

Melinda S. Knott  
Administrative Assistant