

MAY 15, 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, 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 Wiser, 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 favorable evaluations for Vicky Grubbs and Dan Sheffler, however no action was required. He will present three (3) other evaluations, which require action, during the “voting section” of the meeting.

PROPERTY AND PUBLIC SAFETY COMMITTEE: Councilman Driscoll reported that he received a telephone call from Dorothy Baker, who would like to plant a tree at the Dog Park (outside the fence) as a memorial for her sister. Green Arbor will do the planting. Council concurred, noting the project should be coordinated with Denny Benshoff and the Borough’s Shade Tree Commission.

STREET COMMITTEE: No report. Councilman Potts noted that the next Street Committee meeting will be held on 05/22 at 9:00 a.m.

INTERGOVERNMENTAL COMMITTEE: No report.

DOWNTOWN REVITALIZATION COMMITTEE: No report. Councilman Newcomer noted that the next Downtown Revitalization Committee meeting will be held on 05/21 at 9:30 a.m.

FINANCE COMMITTEE: No report.

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

“On May 2nd, I performed the uniting of Robyn Seekford and Gary Smith in marriage. Our best wishes to them.

On May 2nd, Chief Sourbier and myself attended the annual Franklin County Drug Task Force Breakfast Meeting.

May 4th to May 8th, I attended the PSAB's 102nd Annual Conference in Hershey. The keynote speaker was Sarah Jane Ferguson, one of the original players in the Women's Professional Baseball League in the mid-50's. I attended a number of sessions, including Police Departments and Social Media, Unintended Consequences and Affordable Solutions to Act 46, How to Protect Yourself and the Borough from Computer Crimes, Megan's Law and the Adam Walsh Act, and To Chase or Not to Chase”.

Also on the 8th, I attended the Horizon Goodwill Industries Awards Banquet.

On May 15th, along with Chief Sourbier, I hosted a breakfast for our police officers, current and retired, at The Velvet Café, in recognition of Police Officer Memorial Day.”

Mayor Starliper added that he was recently elected Second Vice-President of the PA Association of Mayors.

SOLICITOR'S REPORT: No report. Mr. Hamberger asked for an update on the PENNVEST settlement – Mr. Wiser advised that tomorrow (05/16) is the last day for revisions, and everything appears to be in order for a settlement date 23 days following.

PUBLIC COMMENT - ITEMS ON AGENDA: None.

VOTING ON ITEMS FROM COMMITTEE REPORTS: Councilman Cermak noted that he received three (3) favorable employee evaluations, and made motions as follows –

- To approve a step increase for Jody Sanders to salary level 12E. Councilman Greenawalt seconded; the motion passed unanimously.
- To approve a step increase for Melinda Knott to salary level 11E. Councilman Greenawalt seconded; the motion passed unanimously.
- To approve a step increase for Kevin Grubbs to salary level 18D. 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 MAY 15, 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 - May 1, 2013 (LERTA Hearing, CDBG Hearing and Regular Meeting) and May 8, 2013 (Conditional Use Hearing and Rental Inspection Program Public Input Session)
2. Accept reports of the Code Enforcement Officer, Police Chief and Fire Chief - April, 2013
3. Pay Bills - Voucher List dated 05/10
4. Approve hiring of Northside Pool staff
5. Approve hiring of two (2) summer workers for Maintenance Department

Previously Discussed: N/A.

PUBLIC INPUT RE: DOWNTOWN PARKLET GRANT (MAINSTREET WAYNESBORO, INC.):

Pat Fleagle, Director of Economic Development for Mainstreet Waynesboro, Inc. (MSW)
- Mr. Fleagle was present to describe what has become known as the "Plaza Project" for the E. Main Street property currently owned by the Waynesboro Industrial Development Corporation (WIDC) and parking lot properties located to the rear of the property.

This proposed project had its beginning as a manifestation of the Waynesboro Downtown Master Plan, which was approved in August of 2008; and specifically, plans that were noted in Appendix J of that plan. MSW expanded on the suggestions made in that section to provide enhanced pedestrian circulation and more efficient parking areas. They contacted the landscape architects involved with the Downtown Master Plan (Derck and Edson); and with the help of former Senator Terry Punt and the Greater Waynesboro Area Chamber of Commerce, contracted with them to make conceptual drawings. Several drawings were on display for the public's information; and Mr. Fleagle noted that other pictures are available by request.

Mr. Fleagle stated that WIDC has been a key player in this plan and purchased the front building to secure it for redevelopment. The common area shown in these plans (in the

back and in the plaza area) lends itself perfectly to the broad strategy of MSW to make the downtown a bustling area of pedestrian-friendly venues and shops. The brick sidewalks and Victorian lights, previously installed by the Borough, were only the beginning of the rejuvenation of the downtown. Recent events initiated by the Arts Alliance of Greater Waynesboro (which has been in existence for about a year) add to the very atmosphere of artistic presentation that this plaza and the corresponding parking improvements would bring.

Mr. Fleagle explained that the purpose of this public input session is to receive input on the Borough being a partner in the grant application for this project. Pledges (many of which were in-kind) have been secured; and MSW has been working with Mullin & Lonergan Associates on preliminary work for the grant application(s).

Tom Moore, previously the Chair of MSW's Economic Development Committee - Mr. Moore was present, along with several MSW Board members. He noted that six (6) meetings were held with the Borough's Downtown Revitalization Committee. One of the suggestions made during those meetings was that the dilapidated building be demolished, and the space be "opened up" to provide a visual perception that there is parking in Waynesboro. Other options for the building were also considered, as they are very concerned about the historic importance of downtown's construction. He noted that the building's structure was examined; and due to the excavation work done by the previous owner in the basement, it was determined that the building was not structurally sound. In addition, the construction done by the previous owner was not "up to code"; and the wiring, metal, etc. had been gutted.

The concept of a parklet was first suggested by the Pennsylvania Downtown Center (the organization that manages all Main Street programs throughout the State of PA). Mr. Moore explained that there are three (3) phases of the proposed project:

- Site purchase and preparation of the site for parklet construction
- Construction of parklet
- Site preparation and construction of parking lot

He noted that bid proposals will be solicited for the first and second phases, however the third phase (site preparation and construction of the parking lot) is not being considered at this time because of the cost factor. The cost estimates are vague, as there is no official design for the project, but the Construction Committee (comprised of three (3) very capable contractors in the area) did the best they could to estimate costs. Those estimates are:

- Phase 1 - \$283,500
- Phase 2 - \$399,531
- Phase 3 - \$317,277

Breakdowns of these amounts were provided in the packets distributed to Council. Pledges and in-kind contributions have been received (which they hope can be used to meet the 50% match required by the DCED grant), but an additional \$112,000 will need

to be raised to complete Phases 1 and 2.

Mr. Moore explained that the Borough of Waynesboro will be recognized by DCED as the funding source, and the Borough will enter into a Subrecipient Agreement with MSW that makes them responsible for finishing the project and complying with the DCED grant.

Jason Piatt, President of WIDC - Mr. Piatt requested Council's support for this opportunity, and explained that WIDC is interested in the downtown because of the potential for recruiting industry to the area. Looking competitively at Waynesboro, he stated that we are "up against" three (3) larger cities that are interstate-facing (Martinsburg, Hagerstown and Chambersburg), as well as Shippensburg, Greencastle and Mercersburg. Every opportunity to recruit industries (and all of the good things that come with them such as thriving retail, professional services and attracting good health care providers) should be pursued. He referred to the legacy of Tool Company, Machine Company and Frick Company ... which are quickly replaced or augmented by new and exciting technologies recruited into the industrial park with the LERTA and other programs. He added that there has been some concern about the treatment of heritage in Waynesboro and how a potential historical building should be handled, but he feels that Waynesboro's heritage should be the foundation on which we build. He feels that this project is probably one of the most important economic development projects that can be undertaken in Waynesboro ... to create an attractive environment for community, industry and all that goes with it. He noted that this proposed open space is a very similar concept to that recently created in Frederick, which has resulted in a dramatic revitalization of their downtown.

Bill Hofmann, President of the Greater Waynesboro Area Chamber of Commerce - Mr. Hofmann noted that the Chamber has provided their financial support for the project by assisting in the creation of the engineering architectural renderings presented; and they continue to support the project, and solicit Council's support also.

Todd Dorsett, Vice-President of the Antietam Historical Association - Mr. Dorsett noted that Council members have received their letter dated 05/12, which was drafted jointly with the Little Antietam Creek, Inc. This type of project is actually transcending the scope of the Antietam Historical Association, but they feel very strongly in this instance that a precedent is being set that they wish to address. Judging from what he has heard at this meeting, he feels that all parties are striving toward the same end, but in different ways. He feels that creating this particular open space will seemingly contradict some of the legislative intent that the Borough has expressed in the past, as well as the apparent objective of MSW. The most important issue at hand is if Council will lend its support to using public (or quasi-public) monies to support something that will not necessarily advance the goals of the Borough and MSW. Mr. Dorsett noted that he lives downtown and fails to see that there is a shortage of parking; and he doesn't feel it is a good argument to say this project will "give the perception" of additional parking. Removal of these buildings to create an open space will remove what is now a commercial and residential property that generates tax, and will ultimately require the Borough to spend public money on policing and maintenance. He also described the

historical argument ... Henry Bonebrake was the only congressional medal of honor winner from Waynesboro, and he lived/worked in the one building for many years. Mr. Dorsett noted that the organizations he represents fear the negative impact this project will have on other properties downtown and the downtown as a whole. In conclusion, they would ask that Council not commit to supporting any requests for grant money for this project.

Mike Logan, Ridge Avenue - Mr. Logan noted his concern about the “hole” this project will put in the streetscape. He asked if any architectural historians have given input or if any “green standards” have been looked at with regard to the proposed plan. Councilman Newcomer commented that engineers worked originally with the Borough on the Downtown Master Plan, which was mentioned by Pat Fleagle earlier as a reason for pursuing this concept.

Stephen Monn, 126 W. Main Street - Mr. Monn noted he is a resident of downtown. He commented that the Downtown Master Plan does not condone tearing down buildings that front Main Street; and it mentions more “in-fill” than destruction. Mr. Monn stated he finds it ironic (in many ways) that MSW wishes to demolish two (2) buildings to eventually create a parklet and upgraded parking lot. He noted that the National Mainstreet Organization is part of the National Trust for Historical Preservation. As a member of MSW’s Design Committee, he helped to create a book of guidelines/requirements to be met before grants were offered for preservation and restoration projects (such as the Facade Improvement Grant Program). One of the guidelines included adhering to the Secretary of Interior’s recommendations for historical preservation. It was mentioned that this project was recommended by the PA Downtown Center (which is the State Mainstreet Organization), but the theme is always to preserve and renovate, not demolish. Mr. Monn noted that these two (2) buildings are not just old and run-down, but pre-Civil War buildings – which is interesting because the banners along Main Street at present are about Waynesboro’s Civil War heritage. In addition, one of the stated goals of the project is to provide additional parking – having worked with MSW, he is aware that much has been done to convince shoppers and potential new business owners that downtown has plenty of parking. Mr. Monn stated that one of downtown Waynesboro’s most valuable assets is its architecture; and mentioned some of the few modern replacement buildings that don’t seem to “fit” (with the exception of Borough Hall and its annex building). Mr. Monn noted that this proposed project is, at best, at step 1 (purchase of the buildings for approximately \$150,000, which could have been better spent on an incentive program to take over and renovate the buildings). Steps ahead are estimated to cost approximately \$500,000, and the parking project is estimated to cost another \$500,000 (which doesn’t include the intent to bury the utilities). As this is a very expensive project, he fears that it will never be finished ... and that isn’t a good thing for an organization that is trying to make a good appearance. He stated that every project that is began should be completed (for example, the brick sidewalks and Victorian street lights); but every project that is started and falters, fails or stops short is a bit of a “black eye”. He noted that his worst fear is that, financially, the project won’t get past the demolition stage; and instead of two “not very nice looking buildings”, there will be a hole in the ground full of old bricks. He suggested looking in another direction, for a different option, or at least pausing to see

what might be available before it is too late.

Councilman Newcomer commented that studies on green space were included in the Downtown Master Plan. Mr. Monn disagreed that this would not be considered green space, as there are no trees shown in its conceptual drawings.

Douglas Claytor, Frederick, MD - Mr. Claytor noted that he is very familiar with the historic preservation efforts of Frederick, MD (which were mentioned earlier), having served on their Historic District Commission for five (5) years. In that time, they dealt with many issues of historic preservation including how buildings are properly attended to in a historic district and with what materials/manner. He stated that these buildings do possess historic integrity – there were some indications in just looking through the front windows. There are lots of very valuable historic materials in there ... flooring, framing system. The earlier of the two buildings (on the left) had a brick wall that had formerly been painted and penciled (which means it was originally exposed to view to the streetscape). He would have liked to go through the buildings with a checklist to list assets (good roof; sound, straight and plumb walls) and liabilities (water in basement), etc. He would then look closer to make a list of historical materials and their importance (such as their age and how they helped to contribute to the story of the building). The other aspect of preservation in this regard concerns workforce development, including vocational educations. He is associated with Little Antietam Creek, Inc., who has been working on the Stoner House east of Waynesboro and restoring 200 year old windows. He stated that these buildings are our inheritance, and people should be trained how to fix them. He invited anyone who would like to see what historic preservation looks like to visit the Stoner House; and asked that Council delay their decision on this project.

Margaret Schmelzer, 128 W. Main Street - Ms. Schmelzer noted that she and her husband came to Waynesboro in 2003 to purchase a building and establish a Bed & Breakfast. According to Waynesboro regulations, Bed & Breakfasts are not allowed in Town-Center and they were required to obtain a zoning exception in order to open that business. With seven (7) rooms to rent out, they rented 688 rooms in 2012 to people from all over the world. Those people come here to spend their money by visiting area restaurants, the movie theater and stores. This would not have been possible if Borough Council had not granted that zoning exception. She noted that they are filled to capacity for the upcoming weekend, and have turned down five (5) others who are still looking for rooms. She noted that, at some point in time, we need to appreciate the past ... she realizes those buildings have a significant historical value, but it is amazing they are still standing (due to the foundation excavation and wall caving in). In order to have a “living city”, a vibrant city, one that people want to come to, one where people want to spend their money and enjoy the architecture when walking downtown, we must put the past in the past and go to the future. Ms. Schmelzer added that they previously lived in Grove City, PA. Grove City is also on the Mainstreet Program ... and there is not a vacant storefront on their Main Street. They have open spaces where the sides of the buildings are painted with beautiful murals (she understands that the Arts Alliance is looking for individuals to do that in Waynesboro) and unique stores. She added that sometimes sacrifices have to be made in order to live and move on.

UNFINISHED BUSINESS

UPDATE TO RECYCLING PROGRAM: Mr. Hamberger reported that recycling efforts have “almost doubled” during the first quarter of 2013, which is when the larger recycling totes were provided to all residents. This means that the Borough has saved 119 tons of trash from being disposed at the landfill.

RENTAL INSPECTION ORDINANCE: Councilman Newcomer made a motion to move forward with the Rental Inspection Ordinance. Councilman Cermak seconded the motion (for discussion).

Mr. Cermak advised that he is associated with a building inspection agency (Accredited Services), but they did not bid on the inspections involved in this proposed program. He commented that the program is “too much at one time” and suggested that it be tabled until a smaller portion (for example, fire safety) could be initiated. Other portions could then be introduced separately in time.

Mr. Newcomer noted that Council originally pursued this program because they have a duty to protect the town and its citizens. Many hearings and discussions have been held; and at the last meeting, the consensus seemed to be that people had not even read the document. The majority of landlords’ complaints were in regard to costs ... but the \$85.00 inspection fee would only amount to \$17.00/year/unit (for those units that are considered “green”), which would be only \$1.41/month/unit. Complaints were also voiced because owner-occupied units would not be included; and he explained that if you live in a unit, you have a vested interest to keep your family safe. It was felt that this program would allow for safety issues to be addressed in rental units, and tenants would not have to file complaints and fear retaliation from their landlord. If the ordinance/program is tabled, Mr. Newcomer stated that a time line must be assigned ... as he firmly believes that Council is not protecting the citizens of Waynesboro if they allow landlords to continue renting properties in poor condition.

It was noted that the motion on the floor at this time was to “move forward” with the Rental Inspection Ordinance, which would mean to authorize advertisement. Mr. Hamberger stated that, because this is a very lengthy ordinance, it would have to be advertised in summary form. Mr. Wiser added that if it is advertised (as it has been on display for the last several months) and a substantial change is made, the ordinance would have to be re-advertised again prior to adoption. Councilman Newcomer noted his willingness to change his motion to move forward, provided that Council agrees to discuss the document during an executive session. Mr. Wiser advised that this type of discussion would not qualify for an executive session; and Mr. Newcomer suggested holding a workshop regarding the matter.

Councilman Driscoll noted he doesn’t doubt there is a need to put something in place to protect certain residents of the community who may be in a less-than-safe environment, but the program seems like a “massive undertaking”. He feels there will be a lot of confusion in the interpretation and details of the program, and a lot of renters will feel

inconvenienced. Mr. Driscoll noted he likes the idea of narrowing it down more specifically and trying to get to where the problems seem to be.

Councilman Potts noted that he has serious reservations about passing anything in this ordinance. He stated his appreciation to the people who were involved in its creation, to the tenants and landlords who have supplied input, and to Council members for taking the time to consider the matter; but he is concerned about the number of comments made against the ordinance compared to those who were in favor of it. He voiced negative feelings about the fact that landlords who live more than 15 miles away will be penalized, the costs involved if a property is not in compliance, who will do the inspections, who will schedule the inspections and deal with all the paperwork, the invasion of tenants' privacy, the extra workload placed on Borough staff, and the fact that Council shouldn't get involved in landlord/tenant relationships.

Councilman Newcomer responded to some of Mr. Potts' concerns: the landlords who live 15+ miles away are a problem because they don't respond to the Borough; it isn't so much tenant privacy as tenant protection; the workload is defined and will be the responsibility of the inspection service company (the cost of which will be \$85.00/inspection); and the people who are against the ordinance were landlords, not tenants.

President Stains commented that Council owes it to Waynesboro's residents to keep them protected at all costs. His concern is that there are already so many regulations in place, and it is difficult to enforce all of them without adding more. He agreed that the landlords who have spoken on this matter would probably have the "green" properties, but the landlords who are "red and yellow" would probably have a lot to "throw into the ballgame". His fear for the tenants in those properties is that they may not be able to afford to live in properties owned by the "better" landlords; and they may not have voiced their opinions because they are afraid of being evicted from their current living situation. Looking ahead, will this increase the Borough's homeless population? Mr. Stains noted he feels that the intent of the document is great, but it is a bit overwhelming to pursue in one piece.

Councilman Newcomer withdrew his motion to move forward, and Councilman Cermak withdrew his second. A workshop will be scheduled within the next few weeks. President Stains commented that, at some point, there needs to be finality in this matter.

UPDATE ON GENERATOR AT FIRE HALL: Fire Chief Martin reported that they have secured an electrician for the project, and hope to have the old generator removed by next week. Existing transfer switches can be utilized, and they are waiting on proposals for the fire-rated doors.

NEW BUSINESS

2014 COUNCIL SALARIES: Mr. Hamberger noted that he was requested to place this item on the agenda for discussion. Currently, Council members' salaries are \$150/month. The new Borough Code, as amended, indicates that Council members

serving boroughs with a population of 10,000 or more (the Borough's population is 10,568, according to the 2010 Census) may be paid up to \$3,250/year. He noted that no sitting councilman can benefit from a pay increase, so only those who are elected for the upcoming year will benefit.

Councilman Newcomer made a motion to increase the Council salaries by \$100/month. Councilman Greenawalt seconded. Councilman Potts noted that he is not in favor of any pay increase, because there are people serving on various Board boards/committees who don't get paid at all. Solicitor Wiser advised that any salary increases for Council would require an ordinance amendment. A vote was called; the motion tied 2-2 (Councilmen Potts and Cermak opposed, and Councilmen Driscoll and Stains abstained).

Mayor Starliper asked for clarification on criteria for the increase. Mr. Hamberger stated that the ordinance would read: "Commencing January 1, 2014, newly-elected Councilmen shall receive the sum of Two Hundred Fifty Dollars (\$250.00) each month", and "Commencing January 1, 2016, all Councilmen shall receive the sum of Two Hundred Fifty Dollars (\$250.00) each month". Mr. Starliper voted in favor; and the motion passed.

Councilman Greenawalt then made a motion to increase the Mayor's salary by \$500/year. Councilman Newcomer seconded. After discussion, Councilman Greenawalt changed his motion to increase the Mayor's salary by \$100/month (the same as Council). Councilman Newcomer seconded the modification. A vote was called; and the motion passed 4-2 (Councilmen Cermak and Potts opposed).

DISCUSSION OF SUMMER MEETING SCHEDULE: Mr. Hamberger noted that, typically, Council holds just one (1) meeting per month during the summer (June, July and August). If Council is agreeable, he suggested holding the meeting on the third Wednesday of those months; and the meeting on the first Wednesday can be held at the call of the President. Councilman Greenawalt made a motion as such. Councilman Driscoll seconded; the motion passed unanimously.

SUMMER JUBILEE'S FIRECRACKER 5K RUN AND CHILDREN'S ONE MILE FUN RUN: Kevin Grubbs reported that Dave Neterer, Race Director, has met all requirements of the Special Event Permit application process required by PENNDOT. Councilman Driscoll made a motion to approve the 5K Run and Children's Fun Run to be held on 07/04. Councilman Cermak seconded; the motion passed unanimously.

KAIMON PROPERTIES - REVISED RECYCLING CENTER PLANS: Solicitor Wiser provided background information on this matter. A conditional use application was submitted by Kaimon Properties last year. Council held a conditional use hearing and the conditional use was granted, subject to certain conditions that the applicant offered and incorporated into a plan. The Land Development Plan was also approved by Council. The applicant, in order to effectuate the conditional use, also required certain variances. The variances went before the Zoning Hearing Board. The Zoning Hearing Board took no action at a certain point, which resulted in a deemed approval of the

variance requests by the applicant. A land use appeal to the deemed approval was filed by Mr. Rose and Mr. Beamer, which resulted in some litigation in the Court of Common Pleas. (The Borough itself was not a party ... the applicant, the objectors and the Zoning Hearing Board were.) Subsequently, a settlement agreement was entered into between the applicant and the objectors; and one of the resolutions resulted in a modification to the Land Development Plan that Council approved.

Mr. Wiser stated that Council has before them a modified Land Development Plan that incorporates an increased setback for the fence that is in excess of the minimum setbacks required, as well as some notes to the plan that don't necessarily impact the variances that have been granted or the conditional use that has been granted, but they will become as forceful as the conditional use conditions that were granted because they will be on a Land Development Plan that Council will take action on, they will be of record, and they will be enforceable.

Mr. Wiser noted that the applicant (Shon Duty of Kaimon Properties), Lee Royer (who prepared the plan) and the applicant's attorney (Mr. Gilroy) were present. The objectors' attorney (Ms. Trinh) was present as well.

Councilman Newcomer made a motion to approve the revised Land Development Plan for Kaimon Properties, as presented. Councilman Greenawalt seconded; the motion passed unanimously.

PUBLIC COMMENT - NON-AGENDA ITEMS:

Greg Wilmsen, 512 Evangeline Drive - Mr. Wilmsen noted his appreciation to Council for their efforts in regard to the Brimington Development, but a safety issue that has not been addressed yet is speeding on Hollengreen Drive. Several suggestions were offered, such as closing off the Welty Road entrance or marking the road as "private property". Solicitor Wiser noted that the property owner (developer) owns the roads at this point in time, so the Borough can't authorize/approve/condone any type of modification to the developer's property ... and whatever the residents do is between them and the developer.

Mr. Wiser provided an update on the status of discussions with the developer. Many of the residents were present when Mr. Luther and his contingent came to a Council meeting to advise that they were ready to complete some of the necessary improvements. Apparently that is not the case, however, and that has fallen through. Accordingly, the Borough is vigorously pursuing the bonding company at this point, with a goal that the improvements are completed by August of 2013.

Mr. Wiser reiterated that the Borough cannot condone or sanction any modifications to the developer's property. In response to Mr. Wilmsen's question regarding a modification to the roadway (during construction) that would make it a less desirable path, Mr. Wiser stated that any modification to the roadway (once the Borough has control of it) has to meet requirements in the Manual for Uniform Traffic Control Devices published by PENNDOT, which requires a traffic study prior to the implementation of any

of those modifications. That is not a simple process ... and generally, speeding is not one of the determinative factors in their review of those applications. Speeding is a problem in many places in the Borough, and Council will look at whatever they can do within their power to try to mitigate that ... but it's not as easy as putting in speed bumps.

Kevin Grubbs added that, once the Borough takes over the roads, a traffic study will be done to implement appropriate traffic control devices.

COUNCIL AND STAFF COMMENTS: Councilman Driscoll thanked members of the public for their attendance.

Councilman Cermak also thanked residents for their attendance. He assured residents of the Brimington Development that Council is sympathetic to their situation and will do whatever they can to help.

Denny Benshoff reported that the flashing crosswalk lights have all been installed. They will be programmed the following day and placed in-service.

Kevin Grubbs noted that Council members received a request for a time extension from Jim Zaiger (Cold Spring Estates) for the storage area they are proposing to install in a flood zone. As the County and DEP approval process is lengthy, they are requesting a 180-day extension (to 09/11/2013). Councilman Cermak made a motion to approve the request. Councilman Potts seconded; the motion passed unanimously.

Jason Cohen reported that the Chamber of Commerce has withdrawn their request to hold a community event at Memorial Park on 08/03.

Councilman Newcomer thanked members of the public for their attendance and input, and noted he looks forward to the upcoming workshop regarding the Rental Inspection Program.

Councilman Potts noted he hopes the individuals who waited until the end of the meeting found it to be interesting. He asked for clarification on the status of the proposed parklet. Mr. Hamberger stated that Council had previously authorized the staff, MSW and Mullin & Loneragan Associates to use \$3,000-\$4,000 of CDBG monies to apply for grants for the project. It is his understanding that some of the previous deadlines for grant applications have been changed – the Keystone Communities Program has a rolling deadline and the Greenway Trails Program deadline is 07/31. In addition, it was discovered that the Borough does not have to be the applicant; but they would still need to be responsible (the application forms usually require a resolution or signature of the enabling municipality). He added that the permission previously granted by Council would allow MSW to proceed unless told otherwise. The matter will be placed on Council's agenda for further discussion at the June meeting.

Mayor Starliper reported that he received a letter from the PA Department of Military and Veterans' Affairs regarding the Waynesboro Armory. They are looking for a buyer for the property – they are considering 20% less than the fair market value (which is currently \$570,000) – and requested that we provide this information to anyone who might be interested. The entire property is 10 acres, the building encompasses 16,400

s.f., and average utility costs over a three-year period were \$27,000/year. It was noted that the property is registered with the National Historic Registry, which means the front must be preserved.

Having no further business to discuss, the meeting adjourned at 9:28 p.m. on a Greenawalt/Potts motion which passed unanimously.

Respectfully Submitted,

Melinda S. Knott
Administrative Assistant