

AUGUST 21, 2013
WAYNESBORO, PA 17268
REGULAR MEETING

Council President Wayne Driscoll 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, Wayne Driscoll, C. Harold Mumma and Michael Cermak

Mayor Richard Starliper

Borough Staff – Lloyd R. Hamberger, II, Borough Manager
Denny Benshoff, Maintenance Superintendent
Dan Sheffler, Zoning-Code Enforcement Officer
Kevin Grubbs, Head of Engineering Services
Sam Wiser, Borough Solicitor (Salzmann Hughes, PC)
Jason Stains, Assistant Borough Manager
Dave Martin, Fire Chief
Jim Sourbier, Police Chief

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

PROCLAMATION TO FAMILY OF LOUIS M. BARLUP, JR.: Mayor Starliper presented a proclamation to the family of Louis M. Barlup, Jr., in recognition of his dedication as a community member in the educational field and Borough government. Jacquelyn, his wife, and Tracy, his daughter, were present. Mrs. Barlup noted that her family accepts the resolution with deep gratitude.

EXECUTIVE SESSION: Council adjourned to an executive session at 7:36 p.m. for the purpose of discussing personnel matters and potential litigation. They returned to regular session at 8:25 p.m.

COMMITTEE REPORTS

PERSONNEL COMMITTEE: Councilman Cermak noted that he will present several items during the “voting” section of the meeting.

PROPERTY AND PUBLIC SAFETY COMMITTEE: Councilman Driscoll reported that the third movie of the summer series was very successful, adding that the attendance increased with each showing. He is pursuing the possibility that his “fellow Rotarians” will underwrite the movies next year.

STREET COMMITTEE: No report. Councilman Potts announced that the next Street Committee meeting will be held on Wednesday (08/28) at 9:00 a.m. in the second floor conference room of Borough Hall.

INTERGOVERNMENTAL COMMITTEE: Jason Stains reported that he received correspondence from Comcast indicating that, effective 10/22, they will begin encrypting limited basic service in our area. Customers currently receiving Comcast limited basic service on any televisions without equipment supplied by Comcast will lose signal that day. Additional information will be provided in the monthly statements.

Mr. Stains also noted that the Borough continues to discuss the franchise agreement with Comcast. A report will be forthcoming in the near future.

DOWNTOWN REVITALIZATION COMMITTEE: Councilman Newcomer announced that the Downtown Revitalization Committee will meet on Tuesday (08/27) at 9:30 a.m. in the second floor conference room of Borough Hall.

FINANCE COMMITTEE: No report. Mr. Hamberger mentioned that the budget process has begun for department heads. Staff meetings will be held during the month of September, and a proposed budget schedule will be presented to Council at the 09/18 Council meeting.

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

“On July 18-21, I attended the 42nd annual conference of the PA State Mayors' Association in Pittsburgh. Speakers from the state and national scene were present and presented very good topics.

On July 24th, as a member of the 9-11 Tribute Committee, we are in the final stages of the only tribute that has something from all three (3) sites. There will be a program at the site on September 11th. Time is either at 6:30 or 7:00 p.m.

On August 2nd, as a member of the PSAB's board, I attended the board meeting in Bedford Springs, PA.

On August 6th, along with other Council members, Chief Sourbier and members of the Waynesboro Fire Department, I attended the National Night Out at Memorial Park. Kim Green deserves all of the credit for pulling this together again. Thanks to the Waynesboro Fire Department for the hot dogs and rolls.

On August 8th, I met with the new high school principal and Chief Sourbier will also be meeting with him.

On August 13th, the Chief and I attended the Fire Police meeting.”

SOLICITOR'S REPORT: No report.

PUBLIC COMMENT - ITEMS ON AGENDA: None.

VOTING ON ITEMS FROM COMMITTEE REPORTS: Councilman Cermak noted that Kevin Nicholas received a favorable evaluation, and he made a motion to remove him from probationary status (no salary increase is due). Councilman Greenawalt seconded; the motion passed unanimously.

Councilman Cermak made a motion to approve a step increase for Bryan Chappell to Police Officer grade IV. Councilman Greenawalt seconded; the motion passed unanimously.

Councilman Cermak made a motion to approve a step increase for Mike Benshoff to salary level 15E. Councilman Mumma seconded; the motion passed unanimously.

Councilman Cermak made a motion to approve a step increase for Bobby Cole to salary level 7C. Councilman Greenawalt seconded; the motion passed unanimously.

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

RESOLUTION FOR
COUNCIL MEETING OF AUGUST 21, 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 - July 17, 2013
2. Accept reports of the Code Enforcement Officer, Police Chief and Fire Chief - July, 2013.
3. Pay Bills - Voucher List dated 07/25 (and any others following preparation of this agenda)

Previously Discussed: N/A.

UNFINISHED BUSINESS

ADDITIONAL REQUESTS RE: MARKET DAY (10/05): Jason Stains presented correspondence received from Scott Hershberger (Mainstreet Waynesboro) regarding additional requests for Market Day, which will be held on 10/05 from 9:00 a.m. to 4:00 p.m., as follows --

- Hang 25 banners on the light posts along Main Street (banners to remain on display through 10/01)
- Hang entries in the annual "Scarecrow Contest" from light posts
- Close Main Street to vehicular traffic on 10/05 from 7:00 a.m. to 4:45 p.m., from the intersections of Potomac/Main Street to Broad/Main Street
- Provide hayrides again this year, to follow the same route as last year (permission has been granted from property owners involved)

Councilman Cermak made a motion to approve the requests as outlined. Councilman Mumma seconded. The following items were noted during discussion: the Civil War banners will be removed temporarily to be replaced by the Market Day banners, the Police Chief will request lighted "event" signs from PENNDOT, and the event director is to coordinate traffic control with the Police Chief and Fire Police. The motion then passed unanimously.

REQUEST FROM ST. ANDREW CATHOLIC SCHOOL RE: OKTOBERFEST: Jason Stains presented a request from the St. Andrew Catholic School to hold their annual Oktoberfest Family Fun Day in conjunction with MSW's Market Day on 10/05, from 9:00 a.m. to 4:00 p.m. This request would require closing Main Street from Broad Street to Clayton Avenue, from 7:30 a.m. to 4:45 p.m., as has been done in the past. Councilman Greenawalt made a motion to approve the request. Councilman Potts seconded. Discussion ensued regarding traffic considerations when Main Street is closed, but it was noted that there is a lot of activity in front of the church during this event and it would provide additional safety for participants. The motion passed unanimously.

REQUEST FROM ST. ANDREW CATHOLIC CHURCH RE: LIFE CHAIN (10/06): Jason Stains noted that he received correspondence from the St. Andrew Catholic Church regarding their intention to hold a Life Chain on 10/06, from 9:30 to 10:30 a.m. on the sidewalk in front of their church, and from 2:00 to 3:00 p.m. in Center Square. The participants will silently hold pro-life signs during those hours, and they will remain on the sidewalks and maintain a clear path for all pedestrians at all times. Traffic will not be disrupted and no disturbance of any kind will be caused. Council acknowledged their plans as described.

REQUEST FOR ROAD CLOSURES FOR "RUN FOR GOD" ON 10/12: Jason Stains presented correspondence from the Presbyterian Church, noting they are planning to hold a "Run for God" 5K on 10/12 (a kids' one-mile fun run will take place at 10:30 a.m., followed by the 5K at 11:00 a.m.) and are requesting the following road closures from

10:00 a.m. to 12:00 noon to allow for the race:

- Route 16 from Mickley Avenue/E. Second Street to Cumberland Valley Avenue
- S. Franklin Street
- Cleveland Avenue from Main Street to W. Second Street
- W. Second Street from Cleveland Avenue to S. Franklin Street
- N. East Avenue at Mt. View Road to Roadside Avenue
- Roadside Avenue
- Cottage Street from the alley behind the church to Main Street

They have discussed the route with Police Chief Sourbier, Fire Police Captain Daryl Burns, Police Chief Keller (of Washington Township), Denny Benshoff and Kevin Grubbs. It was noted that the event will raise funds for Waynesboro Human Services, New Hope Shelter, Pregnancy Ministries, YMCA children's programs and Young Life Waynesboro Chapter. Councilman Mumma made a motion to approve the request, as presented. Councilman Newcomer seconded.

Discussion arose regarding PENNDOT permitting requirements for temporary street closures for these types of events. Kevin Grubbs noted that he has spoken with Sam Wisner regarding modifications required to the Parade (event) Ordinance; and once those are done, he will provide information to the various individuals/organizations who normally hold parades, races and other events of this nature. The information and application will also be posted on the Borough's website for the public's use. He noted that PENNDOT's approval process takes approximately 6-8 weeks, and he would request that information be submitted to Council regarding upcoming events ninety (90) days in advance.

A vote was called on the motion to approve the requests in regard to the "Run for God" and the motion passed unanimously.

Solicitor Wisner then requested Council's authorization to proceed with drafting an amendment to the Parade Ordinance to make it more applicable to the current PENNDOT specifications. Councilman Mumma made a motion to authorize the Solicitor and staff to proceed with the required amendment. Councilman Cermak seconded; the motion passed unanimously.

PLAN/PROJECT EXTENSION REQUESTS: Having distributed information regarding these requests to Council previously via email, Mr. Grubbs presented the following:

- **COLD SPRING ESTATES STORAGE AREA EXTENSION** – Request for a 175-day extension for the Land Development Plan review for the proposed storage area at the end of W. Third Street. They are still waiting on DEP approval, because construction will be within a wetland and flood zone. Councilman Greenawalt made a motion to approve the extension from 09/11/2013 to 03/05/2014. Councilman Cermak

seconded; the motion passed unanimously.

- SOUTH END VILLAS EXTENSION – Request for a 60-day extension for the Land Development Plan review for South End Villas (the triangular area at E. Ninth/S. Church/Old Mill). They have completed the first phase (townhomes along E. Ninth Street), and will be constructing duplexes along S. Church Street and Old Mill Road. Their original plan had expired over a five-year period, which they had agreed to. They now have the appropriate permitting from DEP, and are requesting an extension in order to address several stormwater management issues for the Planning Commission. Councilman Cermak made a motion to approve the extension from 08/21/2013 to 10/20/2013. Councilman Potts seconded; the motion passed unanimously.
- FAYETTEVILLE CONTRACTORS EXTENSION (S. POTOMAC STREET STORM SEWER UPGRADE/S. GRANT STREET BYPASS PROJECT) – Due to the sewer line issues on W. Third Street at the beginning of the project, the work is approximately 2-3 weeks behind. The project is moving along well, but they are requesting a 30-day time extension for its completion. Councilman Greenawalt made a motion to approve the 30-day time extension, as requested. Councilman Potts seconded; the motion passed unanimously.

NEW BUSINESS

SHADE TREE COMMISSION (TREE CITY, USA): Mr. Hamberger noted that representatives of the Shade Tree Commission were not able to be present, so the matter will be deferred until the next Council meeting. He explained that they are attempting to obtain designation for Waynesboro as a Tree City USA Community, which would provide good publicity and the potential for grants. Councilman Newcomer made a motion to authorize them to move forward with the endeavor. Councilman Mumma seconded; the motion passed unanimously.

REVISION OF 2011 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS (RESOLUTION NO. 2013-14): Mr. Hamberger noted that new state requirements mandate CDBG monies to be spent in a more timely manner, and monies remaining in the FY 2011 program will need to be under contract this year. As the engineering staff is currently working on other major projects, there will not be sufficient time to do streets this year; so they are proposing to allocate \$82,551.87 in Street Improvements to Curb Cuts. It is estimated that 42 handicapped ramps will be able to be completed; and much of the money from the 2012 and 2013 grants will then be used for Street Improvements. He presented Resolution No. 2013-14 for Council's consideration. Councilman Greenawalt made a motion to approve Resolution No. 2013-14, as presented. Councilman Cermak seconded; the motion passed unanimously.

RESOLUTION NO. 2013-14

RESOLUTION OF THE COUNCIL OF THE BOROUGH OF WAYNESBORO REVISING THE FISCAL YEAR 2011 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

Complete copy on file at Borough Hall.

SCHEDULE CDBG HEARING ON PROPOSED USE OF FUNDS (2013 CDBG PROGRAM): Mr. Hamberger added that new state regulations require that proposed street improvements be “named” in advance. Accordingly, he provided a list of proposed street improvements for the 2013 CDBG program; and he recommended holding a public hearing on the matter at the next Council meeting (which he requested be rescheduled from 09/04 to 09/10, as he needs to be out-of-town that day). He clarified that the streets can be changed at a later date, if necessary. Councilman Greenawalt made a motion to authorize that the regular Council meeting of 09/04 be rescheduled for 09/10, and that the CDBG public hearing be held that evening at 7:15 p.m. Councilman Mumma seconded; the motion passed unanimously.

CDBG POLICIES: Also, Mr. Hamberger noted he provided Council members with various updated policies with regard to the CDBG program. These have been reviewed by Karen Parish, the Borough’s CDBG consultant from Mullin & Lonergan Associates, and several more will be presented for approval at the meeting on 09/10. Councilman Mumma made a motion to approve the following policies, as presented – Section 3 Plan, Standard of Conduct, Residential Anti-Displacement and Relocation Assistance Plan, and the Citizen Participation Plan. Councilman Greenawalt seconded; the motion passed unanimously.

REQUEST FROM FAYETTEVILLE VOLUNTEER FIRE DEPARTMENT FOR FIRE POLICE ASSISTANCE: Mr. Hamberger presented a request for the Waynesboro Fire Police to assist the Fayetteville Volunteer Fire Department during their fireman’s carnival and parade September 11-14, 2013. He explained that prior approval is needed from Council in order for the Fire Police to be covered by workers’ compensation. Councilman Greenawalt made a motion to approve the request for assistance from the Waynesboro Fire Police. Councilman Mumma seconded; the motion passed 5-1 (Councilman Cermak opposed).

EMERGENCY TELEPHONE PROPOSAL: Police Chief Sourbier presented a request for permission to install an emergency telephone on the exterior of the Waynesboro Police Department, adjacent to the main entrance. The telephone is intended to provide the public a readily-accessible and highly visible means to contact the Department during non-business hours. He explained that, currently, individuals seeking after-hours police service are greeted by a locked door and a sign stating that they should call a telephone number for assistance. The emergency telephone would be a push-to-talk phone with a direct line to the 9-1-1 Center. Flashing lights would actuate when the telephone is in use, and audio/video recording would be included.

The cost would be approximately \$6,000, but Chief Sourbier noted he intends to solicit funding from various social organizations and clubs if Council permits him to proceed. He added that, ultimately, he would like to see a number of these telephones installed throughout the Borough. Councilman Cermak made a motion to authorize the Police Chief to solicit funds from organizations for an emergency telephone to be installed on the front of Borough Hall. Councilman Mumma seconded; the motion passed unanimously.

PLANNING COMMISSION ITEMS: Kevin Grubbs noted that the Haven Hill Subdivision Plan was presented to Council for approval at the 07/17 Council meeting. The Waynesboro Planning Commission had recommended that the subdivision plan be approved with the contingency that if the property is sold after the subdivision approval, the free water agreement in existence since 1851 would cease at that time. Solicitor Wiser has reviewed the agreement and advised that this would be a private matter between the Waynesboro Borough Authority and the property owner which needs to be handled outside of the subdivision and land development process. It is his understanding that the parties have reached an arrangement that they find to be acceptable and the plan can now proceed. Councilman Newcomer made a motion to approve the Haven Hill Subdivision Plan, as presented. Councilman Cermak seconded; the motion passed unanimously.

FACEBOOK/TWITTER ACCOUNTS: Councilman Cermak reported that Assistant Manager Stains has offered to set up Facebook and Twitter accounts for the Borough, and he made a motion to authorize him to do so. Councilman Greenawalt seconded. Discussion followed regarding the benefits in providing information to the public regarding road closings, weather occurrences, etc. The motion passed 5-1 (Councilman Potts opposed).

INTERGOVERNMENTAL RADIO AGREEMENT: Solicitor Wiser reported there has been ongoing discussion between municipalities (end users) and the County for the past several years regarding the 800 megahertz (MHz) radio system. The end user groups (Police Chiefs' Association, Fire Chiefs' Association, EMS organizations, as well as local government officials) have been meeting with the County to resolve some of the issues which have occurred since the system originally went on-line; and progress is being made.

The County is requesting that the municipalities and end user organizations enter into an agreement to clarify the duties of each party. (Mr. Wiser noted that is a "somewhat common scenario" when emergency service radio transmission is provided by the County.) Essentially, the agreement places an obligation on the County to operate the radio system and promulgate rules and regulations for the use of the radio system that are consistent with FCC requirements. The FCC requires the County to have such rules and regulations, and the end users are required to comply with those rules and regulations. Ultimately, if an end user does not comply, the County (as the FCC's licensee) could be fined for an infraction. Often (and it has been included in this agreement), there is a procedure by which the County would have to notify an end user

(and his employer or volunteer organization) as to the nature of the infraction, give the employee/employer an opportunity to respond to that notification, and open the dialogue as to what type of discipline may be fitting (with the ultimate discipline being that that employee's access to the radio system could be terminated if the non-compliance continues). The agreement also establishes a Joint Advisory Committee of the end users that would give the County advice as to how they feel the system is functioning and if there are any operational changes they feel need to be made.

Mr. Wiser reiterated that there are still some concerns that need to be worked out, but he feels they are at a point where this agreement could be entered into in good faith. Councilman Cermak made a motion to enter into the agreement, as recommended by Solicitor Wiser. Councilman Mumma seconded.

Discussion followed. Fire Chief Martin mentioned concern regarding some operational issues which may jeopardize the safety of personnel. Mr. Wiser acknowledged these concerns, but stated that a lot of progress has been made. Police Chief Sourbier also noted that there are some very disconcerting communication issues (both safety and administrative) which need to be addressed. He added that there have been notable improvements with the 800 MHz system, but some safety risks still exist which are unacceptable.

Councilman Cermak then amended his motion to include that these concerns be outlined in correspondence to the County accompanying the signed agreement. Councilman Mumma seconded the amended motion. A vote was called and the motion passed unanimously.

UPDATE ON BRIMINGTON DEVELOPMENT: Kevin Grubbs reported that staff members met last week with representatives of the surety company (Lexon), the contractor (D. L. George) and the subcontractor (Valley Quarries) to discuss their "plan of action". Major clean-up will begin with mowing, brush-hogging, trimming, etc. in the settling basin. Perimeter fencing and landscaping will also be done in that area. Work on the street base repair will begin, as well as remaining items on the punch-list, Sidewalks will be installed and curbs that have been damaged will be replaced. They are also working with West Penn Power on street lights – they will be of similar design to those at Cold Spring Estates.

FOR INFORMATION ONLY

DOG SWIM AT NORTHSIDE POOL (SEPTEMBER 7, 2013): Jason Stains advised Council of the modified pool hours through the remainder of the season. Those have been posted at the pool and Borough Hall, and placed on the Borough's website. He also gave a reminder that the 4th Annual Dog Swim will be held at Northside Pool on 09/07 from 1-4 p.m. The cost is \$5.00 (same as last year).

COUNCIL AND STAFF COMMENTS: Mr. Hamberger welcomed Jason Stains to the Borough staff, noting he will spend several days with each department head to get

acclimated. He reminded Council and the public that the next Council meeting will be held on 09/10.

Councilman Mumma thanked the public for their attendance and comments. He stated he is pleased to know that the Brimington Development is moving along.

Councilman Cermak also thanked the public for their attendance.

Denny Benshoff reported that they began priming/painting the street light posts downtown. The work is quite time-consuming, but they have one (1) done and it looks good.

Jason Stains reminded Council of the Library's groundbreaking ceremony the next day at 3:00 p.m., as well as the Waynesboro Arts Alliance's open meeting tomorrow evening from 5-7 p.m. at Memorial Park. He also announced that the Recreation Board will meet next Wednesday (08/28) at 7:00 p.m. at Northside Pool.

Mr. Hamberger forgot to mention earlier that a fair housing training/discussion session will be held on 09/10 at 3:30 or 4:00 p.m. Karen Parish (Mullin & Lonergan Associates) will conduct the training, and the County will partner on the costs involved. Real estate agents, landlords, organizations who provide public housing, officials from other communities who receive CDBG funding, and the general public will be invited to attend.

Fire Chief Martin noted that the Fire Department had made application for a federal grant to replace some fire hose, however they were eliminated in the last round. The volunteers have since voted to spend \$30,000 to replace the hose.

Police Chief Sourbier noted that Waynesboro Police Officer William Daywalt was shot and killed in the line-of-duty in February of 1914. A memorial celebration is being planned for the 100th anniversary of that event (in February of 2014), in conjunction with several of his heirs and survivors. The event is in the preliminary planning stages, and additional information will be forthcoming..

Councilman Greenawalt suggested that Council receive an update on the construction project at the Wastewater Treatment Plant. Mr. Hamberger noted he will request that Director of Utilities Leiter Pryor attend the next meeting for this purpose. Mr. Stains advised that the plant is being operated manually at this point in time, and the contractor will man the facility during weekends to preclude paying the staff overtime. Things are coming along well.

Mayor Starliper reported that the Waynesboro Fire Police will be assisting with the upcoming events: 09/07 - event at Renfrew, 09/14 - Waynesboro Running's half-marathon, 09/11 to 09/14 - Fayetteville Volunteer Fire Company, and 09/28 to 09/29 - Fairfield's Pippinfest.

President Driscoll also welcomed Jason Stains to the staff.

Having no further business to discuss, the meeting adjourned at 9:57 p.m. on a Greenawalt/Cermak motion which passed unanimously.

Respectfully Submitted,

Melinda S. Knott
Administrative Assistant