

SEPTEMBER 10, 2013  
WAYNESBORO, PA 17268  
REGULAR MEETING

Council President Wayne Driscoll called the regular meeting of the Waynesboro Borough Council to order at 7:24 p.m. with the following in attendance:

Borough Council Members – Benjamin Greenawalt, Craig Newcomer, Wayne Driscoll and C. Harold Mumma (Darrel Potts and Michael Cermak were absent)

Mayor Richard Starliper

Borough Staff – Lloyd R. Hamberger, II, Borough Manager  
Denny Benshoff, Maintenance Superintendent  
Dan Sheffler, Zoning-Code Enforcement Officer  
Sam Wisner, Borough Solicitor (Salzmann Hughes, PC)  
Jason Stains, Assistant Borough Manager  
S. Leiter Pryor, Director of Borough Utilities  
Mike Bock, Police Sergeant

Others – Jon Fleagle, Waynesboro Borough Authority Chairman

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

### **COMMITTEE REPORTS**

**PERSONNEL COMMITTEE:** Councilman Newcomer noted that favorable performance evaluations were received for Mike Ely and Ray Wagaman, however no action was necessary. He will present an item during the “voting” section of the meeting.

**PROPERTY AND PUBLIC SAFETY COMMITTEE:** Councilman Driscoll reported that the Property Committee met this morning with representatives from Perry Fence Company regarding the fence at the Memorial Park baseball field. They are hoping for a solution to the problem discussed last winter before this year’s sledding season. Assistant Manager Jason Stains will give a report on the Dog Swim later in the meeting, but Mr. Driscoll noted it was the most successful one yet. He thanked the staff for their efforts and assistance in conducting the event. The Committee also visited the Brimington Development and witnessed that progress is being made. They were advised that the work will be done before the end of the paving season this year.

**STREET COMMITTEE:** No report.

**INTERGOVERNMENTAL COMMITTEE:** No report.

**DOWNTOWN REVITALIZATION COMMITTEE:** Councilman Newcomer noted the next Downtown Revitalization Committee meeting will be held on Tuesday (09/17) at 8:00 a.m.

**FINANCE COMMITTEE:** Councilman Greenawalt reported that Council's budget meetings will begin next month, and the majority of the property taxes have already been collected.

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

“On August 24<sup>th</sup>, I had the privilege of presenting two awards to Eagle Scout Stuart K. Yorty. First I represented Representative Todd Rock and also the Mayor's Award. Congratulations to Eagle Scout Yorty.

On August 28<sup>th</sup>, as a Board member of Horizon Goodwill and Waynesboro Beneficial Fund Association, I attended their Board of Directors' meeting.

On September 5<sup>th</sup>, along with Manager Hamberger and Assistant Manager Stains, I attended the ribbon cutting for Neighbors First Credit Union's relocation to N. Grant Street.

Also on the 5<sup>th</sup>, along with Assistant Manager Stains and Council President Driscoll, I attended the 27<sup>th</sup> Annual FCADC Appreciation Dinner. Our congratulations to the winners.

On September 7<sup>th</sup>, I had the privilege of uniting in marriage, Britney Miller and Bryan Kirkpatrick. The very best to the Kirkpatricks.”

**SOLICITOR'S REPORT:** Regarding a personnel matter, Solicitor Wisner requested a motion for Council to approve the memorialization of a disciplinary matter regarding a uniformed employee. Councilman Mumma made a motion as such. Councilman Newcomer seconded; the motion passed unanimously.

Secondly, Mr. Wisner stated that a nuisance property issue was brought to his attention by the Assistant Manager. The home at 34 N. Franklin Street appears to be unsecure at some of the entrances (doors and windows) and clearly constitutes a nuisance that needs to be remedied as soon as possible. He requested that Council authorize the staff to give the property owner until the close of business on September 16<sup>th</sup> to secure all entrances to the property, or authorize Borough staff (at that time) to secure the property and bill the property owner for costs plus 10% administrative fee. Mr. Hamberger also noted that the Borough's Building Code Official has been asked to review the property and submit a recommendation. Councilman Newcomer made a motion in accordance with the Solicitor's request. Councilman Mumma seconded; the motion passed unanimously. Mr. Hamberger added that Dan Sheffler has issued

several notices regarding this matter; and Councilman Greenawalt asked if a list of the foreclosed properties in Waynesboro is available. Mr. Hamberger noted that a list was created last year, and he will attempt to have the list updated again in the near future.

Mr. Stains provided an update on the progress at 118-120 W. North Street. He spoke to the construction crew today – they plan to have the property down to ground level by Friday and completed by next week. Mr. Driscoll questioned why nothing was done about a property on Grant Street, which he complained about being in “equal” disrepair a year ago. Mr. Sheffler noted that that property was secured and the Borough doesn’t control aesthetics. He added that it is in the hands of a bank now and they have cleaned it out.

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

**VOTING ON ITEMS FROM COMMITTEE REPORTS:** Councilman Newcomer made a motion to approve a step increase for Jamie Shindlecker to salary level 5C. Councilman Greenawalt seconded; the motion passed unanimously. Based on a request by Denny Benschhoff, the Personnel Committee directed the staff to review the job descriptions (and additional duties) for both Mr. Shindlecker and Mike Ely, and make a recommendation on possible job reclassifications.

**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 September 10, 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 - August 21, 2013
2. Pay Bills - Voucher Lists dated 08/28, 08/28, 08/29, 08/29 and 08/30 (and any others following preparation of this agenda)

**Previously Discussed:** N/A.

## UNFINISHED BUSINESS

**UPDATE ON WWTP CONSTRUCTION PROJECT:** Director of Utilities Leiter Pryor and WBA Chairman Jon Fleagle were present to provide an update of the progress being made on the Wastewater Treatment Plant Rehabilitation. They provided a handout to Council and explained the project, as follows –

### Purpose of Project

- To achieve compliance with the EPA and DEP mandated Chesapeake Bay nutrient reduction requirements
- The project is separated into two phases
- Phase-1 is the construction of additional treatment processes to remove total nitrogen and total phosphorus from the effluent leaving the facility
- Phase-2 is the rehabilitation and replacement of aging existing equipment and facilities

### NPDES Permit Requirements

- Reduce total nitrogen leaving the plant from 30mg/l to 6mg/l (80% reduction)
- Reduce total phosphorus leaving the plant from 5mg/l to 0.8mg/l (84% reduction)

### Approved Project Funding (based upon estimated project costs)

- Pennvest \$ 10,704,671
- H2O Grant \$ 570,350
- Total approved funding \$ 11,275,021

### Project Timeline

- December 21, 2011 – Notice-to-Proceed was issued to the contractors
- June 1, 2013 – Phase-1 contract substantial completion date
- August 1, 2013 – WBA projected Phase-1 substantial completion date
- August 6, 2013 – Actual de-nitrification process startup
- October 1, 2013 – DEP compliance date
- October 21, 2013 – Substantial completion date for Phase-2

### Project Payment Status

- Total actual project cost including engineering – \$10,219,874
- Payments made to date – \$7,890,280
- 77% of total project expended
- 10% retainage held until owner acceptance of completed project

Mr. Fleagle added that the Phase-2 contract will probably be extended until Spring, 2014, as the digester will be emptied/painted and it would be best for this work to be done during warmer weather.

He extended an invitation to Council members to schedule a tour of any of their facilities (Wastewater Treatment Plant, Water Treatment Plant or well site) with he or Mr. Pryor; and to attend their next regular meeting on Tuesday, 09/17, at the Water Treatment Plant (the meeting will begin at 3:00 p.m. and a picnic will be held following the meeting). Mr. Fleagle commented that the staff does an excellent job of maintaining the grounds and facilities.

## **NEW BUSINESS**

**SPONSORSHIP AGREEMENTS WITH J.C. BAR PROPERTIES, INC. (TRAFFIC SIGNAL AT E. MAIN STREET AND SUNNYSIDE AVENUE):** Solicitor Wisner noted that the owner of the property at Waynesboro Mall (J.C. Bar Properties, Inc.) approached the Borough about their intention to further develop the property, which will result in the need for a traffic signal at the intersection of Main Street and Sunnyside Avenue. PENNDOT requires that the applicant for the permit necessary to install a new signal must be the municipality; and therefore, an agreement with the developer was drafted to remove any liability for the installation costs or the ongoing maintenance of the signal from the Borough to the developer.

He reviewed highlights of the proposed agreement, as follows:

- The Borough agrees to act as the applicant for the Highway Occupancy Permit and Signal Permit.
- The developer will indemnify the Borough for any costs, expense or liability associated with the installation and design of the signals.
- The developer will provide the Borough with a cash escrow of \$5,000 for any legal, engineering and administrative expenses that the Borough incurs in relation to the agreement, and for the inspection and further administration of the permit.
- The developer agrees to be responsible for all maintenance costs for a period of seventy-five (75) years; and the Borough will hold a cash escrow for that time period from which they will debit the ongoing maintenance costs of that signal.

Councilman Greenawalt made a motion to authorize the Council President to execute the agreement and send a fully executed copy to the developer. Councilman Newcomer seconded; the motion passed unanimously.

**ADDITIONAL CDBG POLICIES:** Subsequent to adoption of several CDBG policies at the last meeting, Mr. Hamberger presented two (2) more for Council's consideration. Councilman Greenawalt made a motion to adopt the Minority Business & Women Business Enterprise Plan and the Procurement Policy, as presented. Councilman Newcomer seconded; the motion passed unanimously.

**CDBG RESOLUTION (NO. 2013-15) AND AUTHORIZATION TO SUBMIT APPLICATION:** Councilman Greenawalt made a motion to approve Resolution No.

2013-15, as presented. Councilman Newcomer seconded; the motion passed unanimously.

RESOLUTION NO. 2013-15

RESOLUTION OF THE COUNCIL OF THE BOROUGH OF  
WAYNESBORO AUTHORIZING SUBMITTAL OF AN APPLICATION  
FOR STATE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)  
FUNDS FOR FISCAL YEAR 2013

Complete copy on file at Borough Hall.

**LAND USE LETTER (D. L. GEORGE & SONS - NINTH STREET NORTH):** Mr. Stains noted that correspondence was received from R. Lee Royer on behalf of D. L. George regarding their Ninth Street North project. They are requesting that Council direct Kevin Grubbs to create a Municipal Land Use Letter to be submitted with their NPDES Permit Application to DEP. Councilman Greenawalt made a motion as such. Councilman Mumma seconded.

Councilman Newcomer expressed concern about the tenor of Mr. Royer's letter. Mr. Hamberger suggested that Council act on the request (which is pro forma), but then send a letter of admonition to Mr. Royer. A vote was called on the motion to approve the request for a Municipal Land Use Letter. The motion passed 3-1 (Councilman Newcomer opposed).

Councilman Newcomer offered to draft a letter to Mr. Royer for Council's perusal. President Driscoll noted that the draft should be approved by Council, and the letter mailed from/by the staff.

**TRANSFER OF PROPERTY OWNERSHIP (309 CLYDE STREET):** Mr. Stains reported that the necessary paperwork has been received from the Power-of-Attorney for Beulah Jones, 309 Clyde Street (the property adjacent to Northside Pool) for transfer of ownership of the property. He requested that Council authorize accepting this property from the Jones family, and direct the management and Solicitor to execute administrative responsibilities going forward on this project. Councilman Newcomer made a motion in accordance with the Assistant Manager's request. Councilman Mumma seconded; the motion passed unanimously.

**FRANKLIN COUNTY COUNCIL OF GOVERNMENTS (MUNICIPAL AUCTION):** Mr. Stains reported that the Franklin County Council of Governments' annual municipal auction will be held on 10/16-17 at the Marion Auction Service. Based on a poll of the department heads, he requested Council's permission to list the following items for sale: two (2) plotters, a blueprint machine, an under-counter refrigerator and an air compressor. Councilman Mumma made a motion to authorize the items to be sold. Councilman Newcomer seconded; the motion passed unanimously.

**TRICK-OR-TREAT:** Mayor Starliper requested Council's authorization for Trick-or-Treat night in the Borough to be held on Thursday, 10/24, from 6-8 p.m. Councilman Greenawalt made a motion to approve the Mayor's request regarding Trick-or-Treat. Councilman Mumma seconded; the motion passed unanimously. Participating residents were requested to turn on their porch lights, and motorists were cautioned to watch for pedestrians.

**REQUEST FROM CALVARY ASSEMBLY OF GOD FOR STREET CLOSING ("LIGHT THE NIGHT") ON TRICK-OR-TREAT NIGHT:** Mr. Stains reported that he received correspondence from the Calvary Assembly of God regarding their plans to hold "Light the Night" at their facility (on 10/24) as an alternative to Halloween, and their request to close Snider Avenue (between S. Potomac Street and the alley) from 5:00 to 8:30 p.m. It was noted that approximately 1,200 people were in attendance at last year's event. Councilman Greenawalt made a motion to approve the request. Councilman Newcomer seconded; the motion passed unanimously.

**FRANKLIN COUNTY AREA TAX BUREAU REPRESENTATIVE:** Council President Driscoll appointed Jason Stains as the Borough's representative for the Franklin County Area Tax Bureau.

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

#### **FOR INFORMATION ONLY**

**REPORT ON DOG SWIM:** Jason Stains agreed with President Driscoll's earlier report that the attendance at this year's Dog Swim was the best ever. A total of \$670 was raised for the Dog Park, many dog food donations were made to the Antietam Humane Society, and positive comments were heard from those in attendance. Mr. Stains also thanked the Borough's Maintenance and Water Department staff for their efforts to get the pool ready for the event; Dr. Dennis McCullough, who was on-site to provide emergency veterinary care (if needed); and Waynesboro Builders' Supply for their donation of waste disposal supplies. Mr. Driscoll added it is his hope to use the majority of the funds raised to install benches at the Dog Park.

**GREATER WAYNESBORO CHAMBER MIXER AT SUSQUEHANNA BANK (SEPTEMBER 12, 2013):** Council members were invited to attend the Greater Waynesboro Chamber Mixer to be held at Susquehanna Bank on 09/12 from 5-7 p.m.

**CUMBERLAND-FRANKLIN COUNTY BOROUGH ASSOCIATION MEETING (SEPTEMBER 24, 2013):** The next CFCBA meeting will be held on 09/24, beginning at 6:00 p.m., at the Copper Kettle Restaurant in Chambersburg. Council members interested in attending were asked to contact Melinda Knott as soon as possible.

**PSAB FALL LEADERSHIP CONFERENCE (OCTOBER 18-20, 2013):** The PSAB Fall Leadership Conference will be held on 10/18-10/20 at the Sheraton Station Square in Pittsburgh.

**ANNUAL BANQUET/MEETING OF FRANKLIN COUNTY CONSERVATION DISTRICT AND FRANKLIN COUNTY EXTENSION BOARD (OCTOBER 25, 2013):**

Council received an invitation to the Annual Banquet and Meeting of the FCCD and the Franklin County Extension Board, which will be held on 10/25, at Solomon's Lutheran Church in Chambersburg, beginning at 7:00 p.m.

**REQUEST FOR OCCUPANCY PERMIT (RECYCLING CENTER):** Solicitor Wisner reported that the Borough received a request for an occupancy permit from the recycling facility on Madison Avenue, as they have prepared an opening plan for 09/16. Code Enforcement Officer Dan Sheffler has noted, however, that the required fence and vegetative screening has not yet been completed. Mr. Wisner stated that, generally, an occupancy permit is not issued until all items required by the process have been completed; however there are circumstances in which a temporary occupancy permit could be issued (if there is a pending due date for the completion, or if it is a relatively minor matter). Mr. Wisner has been advised by Mr. Duty's representative that the fence would be installed within thirty (30) days and the vegetative buffer will be completed a day or two after that.

Accordingly, it would be Council's decision whether or not to direct Mr. Sheffler to issue a temporary occupancy permit that would expire within thirty (30) days. After that time, if the fence isn't completed and the vegetative screening isn't planted, the occupancy permit could be revoked or the financial security (which he suggested be posted to ensure the completion) could be used to complete it. Mr. Wisner also suggested that if Council issues a temporary occupancy permit, there should be a clear understanding with the owner of the property what the terms and conditions are prior to its issuance.

Councilman Mumma made a motion to authorize the issuance of a temporary occupancy permit, with conditions. Councilman Newcomer seconded. Mr. Hamberger recommended that Mr. Duty be asked to bear any administrative costs (writing an agreement, etc.) Council members agreed that they don't want to delay his opening, but (considering the lawsuit) they questioned why this work isn't done.

Darwyn Benedict mentioned it is his understanding that the 09/16 date is a "soft" opening, which will not be advertised. (Mr. Duty would like to ensure that his equipment is working properly.) Mr. Benedict added that blacktop for the fence has been cut, and Mr. Duty was exploring several options (fence, brick wall, etc.) to determine what would be best.

Dan Sheffler advised that the application for an occupancy permit has been completed, as well as all requirements (with the exception of the fence and vegetative screen). He added that the existing fence will remain until the new fence is installed, and then it will be removed and the screening planted – that will allow for the facility to be secured at all times.

A vote was then called and the motion passed unanimously.



**COUNCIL AND STAFF COMMENTS:** Since there was a change in the meeting dates for Council's first meeting in September, and as there is nothing yet for the agenda for the second meeting, Mr. Hamberger recommended that the 09/18 meeting be held at the call of the President. Councilman Greenawalt made a motion as such. Councilman Newcomer seconded; the motion passed unanimously.

Jason Stains reminded Council members of the September 11<sup>th</sup> memorial tribute on 09/11 at Red Run Park. The program will begin at 6:00 p.m. with music by the Wayne Band, and the dedication ceremony will follow at 6:30 p.m.

Pat Fleagle asked Council if individuals who live along Main Street (downtown) are required to move their private trash cans from the sidewalk once they have been emptied, as many leave them on the sidewalk against the buildings. Mr. Hamberger replied that they do not have to remove them completely, provided that they are off the public right-of-way. He noted that Council had previously discussed requiring people along Main Street to have service from the rear, which they will continue to explore; however several of the properties don't abut the alley to the rear. Mr. Fleagle stated that he is concerned about the aesthetics.

Councilman Greenawalt thanked Jon Fleagle and Leiter Pryor for their report on progress of the WWTP Upgrade Project, adding he would like to take a tour of the facility upon completion.

Councilman Newcomer thanked everyone for their thoughts, prayers, cards and calls during his recent hospital stay.

Mayor Starliper mentioned that he has heard comments from constituents about the sidewalks downtown needing swept. He suggested that Mainstreet Waynesboro, Inc. and/or the Chamber of Commerce remind downtown business people of the importance in keeping their sidewalks clean.

President Driscoll thanked the public for their attendance.

Having no further business to discuss, the meeting adjourned at 8:23 p.m. on a Greenawalt/Newcomer motion which passed unanimously.

Respectfully Submitted,

Melinda S. Knott  
Administrative Assistant

