

OCTOBER 16, 2013
WAYNESBORO, PA 17268
REGULAR MEETING

Council President Wayne Driscoll called the regular meeting of the Waynesboro Borough Council to order at 7:30 p.m. with the following in attendance:

Borough Council Members – Benjamin Greenawalt, Darrel Potts, Wayne Driscoll, C. Harold Mumma 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 Stains, Assistant Borough Manager
Jim Sourbier, Police Chief

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

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: No report. It was noted that work has not yet begun on the fence at Memorial Park.

STREET COMMITTEE: No report. Councilman Potts noted that the next Street Committee meeting will be held on 10/23 at 9:00 a.m.

INTERGOVERNMENTAL COMMITTEE: Jason Stains reported that they are attempting to schedule a meeting with Quincy Township representatives to begin negotiations for the fire services agreement, as the current agreement expires on 12/31. In addition, Comcast’s franchise agreement is in the final stages of completion.

Council President Driscoll appointed Councilman Mumma as Jason Stains’ replacement on the Intergovernmental Committee.

DOWNTOWN REVITALIZATION COMMITTEE: No report.

FINANCE COMMITTEE: No report. Councilman Greenawalt noted that Council and the staff are currently working on the 2014 budget.

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

“On October 3rd, I met with Greg Chandler at the WASHS. Information on that meeting will follow.

On October 4th, I had the privilege of uniting in marriage Judy Bartholow and Walt Nuschke. Wish the Nuschkes the very best. Also, I had a re-affirmation of Mr. and Mrs. David Nuschke's marriage of 27 years.

On October 5th, along with Chief Sourbier and Chief Martin and others, I had the privilege of judging the scarecrows and chili at Market Days. Thanks to all who helped in any way to make it a success.

On October 10th, along with Assistant Manager Stains and Councilmen Driscoll and Mumma, I attended the Chamber's Annual Dinner Meeting.

On October 12th, I attended D. L. George's 50th Anniversary Celebration. Our congratulations to them.”

SOLICITOR'S REPORT: No report.

PUBLIC COMMENT - ITEMS ON AGENDA: None.

VOTING ON ITEMS FROM COMMITTEE REPORTS: Councilman Cermak made a motion to approve a step increase for John Baumgardner to salary level 10C. Councilman Greenawalt seconded; the motion passed unanimously.

Councilman Cermak noted a favorable evaluation was also received for Larry Freeman, however no action was required at this time.

Councilman Cermak made a motion to remove Shane Rouzer from the Waynesboro Fire Police roster. Councilman Greenawalt seconded; the motion passed unanimously. Further, he made a motion to add Clifford Campbell. 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 Potts seconded; the motion passed unanimously.

**RESOLUTION FOR
COUNCIL MEETING OF October 16, 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. Accept reports of the Code Enforcement Officer, Police Chief and Fire Chief - September, 2013
2. Pay Bills - Voucher List dated 10/16 (and any others following preparation of this agenda)

Previously Discussed: N/A.

PRESENTATION TO FIRE DEPARTMENT: Betty Hayes, President of the Pen-Mar Association of Realtors, was in attendance to present five (5) boxes of new First Alert 10-year smoke/fire alarms to the Fire Chief for distribution. Council noted their appreciation for the donation.

UNFINISHED BUSINESS

SIDEWALK SNOW REMOVAL: Mr. Hamberger noted that this matter was discussed last year, because it was felt that the fines in the original ordinance were too low. The staff recommended a fine of \$150 (plus costs), but Council felt that was too high. Solicitor Wisner looked into the possibility of issuing a ticket (vs. a citation). He noted that it would be much like a traffic ticket or ticket in lieu of a citation – if they failed to pay the ticket, a citation would be issued. Mr. Wisner also recommended that the ticket amount should be established at an amount that is “somewhat painful”, but the citation amount should be “much more painful” as an incentive to comply. The staff and Street Committee were instructed to work together on a recommendation for the next meeting.

SCHEDULE MEETING (RENTAL INSPECTION PROGRAM): Jason Stains reported that the staff continues to receive calls from individuals wanting to know the status of the proposed Rental Inspection Program. Council held a workshop several months ago, but no action has been taken to date on the matter; and they are looking for direction. President Driscoll noted that a meeting date/time will be announced at the next Council meeting.

UPDATE (BRIMINGTON FARMS DEVELOPMENT): Kevin Grubbs reported that work has been progressing smoothly at the Brimington Farms Development. Change-order approvals were received from Lexon for D. L. George to proceed with the installation of conduit for the street lights. Green Arbor removed the old evergreens along the stormwater basin and planted new as a buffer strip. The fence has also been installed around the basin for protection. The sidewalk contractor will begin work next week to put in 1200' of sidewalk, which should be completed by the end of next week. They are

awaiting an estimate on clear-cutting of the remaining lots in the back, on the hillsides and around the basin. The main contractor (D. L. George) still anticipates being done the first week of November. Valley Quarries will begin work on the base repair tomorrow. Once the sidewalks and conduit have been completed, they will lay the top coat.

NEW BUSINESS

PROCLAMATION (NATIONAL TEEN DRIVER SAFETY WEEK): Mayor Starliper issued a Proclamation in regards to National Teen Driver Safety Week, which will be observed from October 18-26, 2013. It calls upon all residents, businesses, schools, churches and other organizations to join with Waynesboro to participate in "Celebrate My Drive" (a promotion offered by State Farm Insurance Company), and initiate other activities and programs to promote teen driver safety. A complete copy of the Proclamation is available at Borough Hall.

LEAF DISPOSAL PERMIT: Mr. Hamberger noted that the Borough collects residents' leaves and disposes of them at a nearby farmer's property for his use. He was contacted by DEP, however, and advised that the Borough must secure a permit to take the leaves to the farmer and the farmer must secure a waste management permit for accepting/using the leaves. Kevin Grubbs reported that he and Denny Benshoff met with the farmer last week ... he is aware of the permit requirement ... and they have begun compiling the required information. Solicitor Wisner added that DEP seems to be keen on this issue in this area, and has been citing many municipalities for non-compliance with the solid waste management requirements for green waste facilities. He suggested looking to some of the Borough's neighbors (i.e. Washington Township) who may have a permitted facility to see if we could cooperate with them to deposit our green waste as an alternative to permitting our own site. Mr. Hamberger mentioned that State representatives are looking into the matter.

BENCHES AT NORTHSIDE DOG PARK: Jason Stains noted that the purpose of the last Dog Swim was to raise money to add benches at the Dog Park. To purchase benches similar to the new ones at Memorial Park would cost approximately \$400 each, but they are pursuing other cost-saving options. It was noted that approximately six (6) are needed. Council was receptive of proceeding, as the biggest complaint is that there is no place to sit.

MEMORANDUM OF UNDERSTANDING WITH WAYNESBORO AREA SCHOOL DISTRICT: Police Chief Sourbier noted that one of the facets of the Public School Code (or Safe Schools Act) requires the local school district to have a written Memorandum of Understanding with local law enforcement on respective responsibilities of the municipality's police agency and the school district with regard to crimes and criminal activity in the schools. A proposed MOA was presented for the Chief's execution, but he wanted to make Council aware of its existence. He noted it is similar to prior agreements, but the format has changed. Representatives from the School District were present to answer any questions Council or the Solicitor may have. Mr. Wisner

noted he has reviewed the document and has no problems with it. Councilman Greenawalt made a motion to authorize Chief Sourbier to execute the proposed MOA with the Waynesboro Area School District. Councilman Newcomer seconded; the motion passed unanimously.

PROPOSED AMENDMENT TO CURB AND SIDEWALK ORDINANCE RE: BRICK PAVERS: Kevin Grubbs presented a draft of revisions to the Borough's existing Curb and Sidewalk Ordinance, in response to Harry Morningstar's request at the last meeting. Solicitor Wiser has reviewed the proposal, and the staff is recommending it be advertised for Council's consideration at the November 6th meeting. Councilman Potts commented that the request was discussed at the Street Committee's last meeting and they are in favor of it. He made a motion to authorize advertisement of the proposed ordinance amendment to allow brick paver sidewalks throughout town. Councilman Cermak seconded; the motion passed unanimously.

PLANNING COMMISSION ITEMS: Mr. Grubbs noted that the Waynesboro Planning Commission held their meeting on 10/14 and the following was discussed –

ROBERT & MARGARET FRYE SUBDIVISION PLAN – This is a minor subdivision at the end of W. Sixth, Seventh and Eighth Streets (west of Fairview Avenue). Part of the parcel is in Washington Township and part is in the Borough. The Township Planning Commission is reviewing the plans; and the Waynesboro Planning Commission reviewed and recommended approval of the plans as submitted. Councilman Greenawalt made a motion to approve the Frye Subdivision Plan, as presented. Councilman Mumma seconded; the motion passed unanimously.

HOMETOWNE HOMES (SOUTH END VILLAS) LAND DEVELOPMENT PLAN – This is located at the triangular portion of Ninth Street, Old Mill Road and S. Church Street. The first tract was finished with townhouses along Ninth Street, and the preliminary plan was presented at Council's last meeting for the remaining tract to be built with duplexes along S. Church Street and Old Mill Road. Phase I of the plan includes six (6) duplex units along Old Mill Road. The plans were reviewed and several minor revisions were made (he reviewed the revisions, which included notes regarding the stormwater easement to the rear of the lots and a 4' temporary fence to be placed around the sedimentation basin). A bonding estimate has been obtained and was presented to Solicitor Wiser for review.

Mr. Wiser stated that, given the nature of the development (phased over a matter of time), it would be appropriate for Council to require a developer's agreement to set forth responsibilities of the developer as it progresses. Mr. Grubbs added that once the Planning Commission's recommendation has been made, Council has 45 days to act upon the plans (which would be 11/28). Mr. Wiser noted it is customary to have a developer's agreement in place prior to approval, but Council could approve the plan subject to approval of a developer's agreement being entered into (to the satisfaction of Council). Councilman Cermak made a motion to approve the Land Development Plan for South End Villas, subject to approval of a developer's agreement as recommended

by Mr. Wisner. Councilman Mumma seconded; the motion passed unanimously.

WAYNESBORO HOSPITAL (MEDICAL OFFICE FACILITY) LAND DEVELOPMENT PLAN – Kevin Grubbs reported that he has received the preliminary Land Development Plans for Waynesboro Hospital's proposed medical office facility to be (basically) situated over Prospect Avenue between Enterprise and Sunnyside Avenues. The Waynesboro Planning Commission conducted an initial review of the plans at their meeting on 10/14, and several revisions were required. In addition, they are awaiting comments on revisions made to the stormwater management plan.

Mr. Grubbs stated that Borough Council may, if they so desire, require that a traffic impact study be done in this area. He recommended that the traffic study be done, as the proposed medical facility/office building will have 270 parking spaces on the site, there is a residential development directly across the street (on Sunnyside Avenue), and because of the proposed development at Waynesboro Mall (for which a traffic study was conducted in order to install a traffic signal at Sunnyside Avenue/E. Main Street).

He added that the Hospital is also requesting the Borough abandon Prospect Avenue between Enterprise and Sunnyside Avenues, as well as two (2) alleys (one north and one south of Prospect Avenue). Discussion ensued regarding reimbursement for the loss of utilities due to the abandonments, and Mr. Hamberger commented that the Hospital was informed in the past that such compensation would be requested.

As this project is of a larger scale, Solicitor Wisner suggested that Council may wish to consider requiring a developer's agreement to address these issues. Hospital representatives were present to answer any questions. Melissa Dubrow, Vice-President and COO of Waynesboro Hospital, noted that they appreciate the Borough's support and are willing to collaborate with the Borough in any way necessary. She added that they feel this project is essential to the community, as it will help to retain and attract physicians to the area. Ms. Dubrow also explained that the northernmost house at Sunnyside Avenue/Main Street will be retained and remodeled for use by traveling physicians and medical students.

Mr. Grubbs noted that he and Mr. Wisner will begin drafting a developer's agreement, should Council decide to require one be done.

PUBLIC COMMENT - NON-AGENDA ITEMS: None.

FOR INFORMATION ONLY

EQUIPMENT NEED AT MEMORIAL PARK: Mr. Hamberger advised that the equipment at Memorial Park is 20+ years old and is starting to show its age. He reported at the last budget meeting that several pieces were broken ... they have already purchased some, and an organization has indicated they are considering making a donation toward the additional pieces that are needed. On a larger scale, however, the equipment is reaching the end of its usable life. The Recreation Board and Memorial Park Board,

along with the Borough's Certified Playground Safety Inspector, will be reviewing the equipment and making replacement recommendations. He made a plea to any volunteer organization who might be willing to make a donation, and noted he will pursue all avenues for funding (grants, etc.).

COUNCIL AND STAFF COMMENTS: Mr. Hamberger noted that a budget meeting will be held immediately after this Council meeting.

Councilman Mumma thanked Scott Hershberger for his efforts and participation in creating a promotional advertisement for the Waynesboro area.

Councilman Cermak thanked for the public for their attendance.

Scott Hershberger reported that the Market Day event was successful ... in fact, it is estimated that between 5,000-6,000 people were in attendance. As alluded to by Councilman Mumma, he noted that he spent the previous day with a production crew from the PA Cable Network. They walked through the downtown, talked with business owners and got a lot of video (stores, restaurants, Memorial Park, Appalachian Trail, Renfrew) to be utilized in a segment regarding the Waynesboro area which will air statewide on 11/17.

Police Chief Sourbier asked for Council's thoughts on a previous conversation regarding changing the speed limit to 25 mph on Main Street, as he feels this is very important. Kevin Grubbs stated he has spoken with PENNDOT's Traffic Department regarding the matter (they indicated they would be willing to cooperate with the Borough), but has not yet heard back from them. Several Council members noted agreement with the change, and Mayor Starliper commented that any state road within the Borough should be 25 mph. Chief Sourbier stated he realizes it won't eliminate or change anything with regard to pedestrian accidents, but it will be another enforcement tool to combat the Borough's traffic issues.

Discussion arose regarding the flashing crosswalk lights and how to get pedestrians to push the button to activate them. Kevin Grubbs noted there are signs on the posts, but he is looking into the possibility of installing some type of automatic sensors. That option would cost approximately \$4,000 per crosswalk, and the permit with PENNDOT would also have to be amended. Discussion continued regarding the crosswalk in front of the hospital, as there have been several "close calls" at that location. Mr. Grubbs noted he provided information to the hospital regarding the flashing lights, and will continue to pursue the matter with them.

Councilman Potts asked Kevin Grubbs about the status of the street light approved for the rear of Gus and Ted's. He noted that there is a work order with West Penn Power for the light and he will follow-up on it the next day.

Mayor Starliper noted that the Fire Police will be assisting with delivery of the Christmas Tree on 11/8, with the Tree Lighting Ceremony on 11/22 (from 5:00 to 8:15 p.m.), and

with the Holiday Parade on 11/23 at 2:00 p.m.

President Driscoll opened discussion regarding Trick-or-Treat night in the Borough – he asked if there was a reason it was being held on 10/24 vs. 10/31 (which is actually Halloween). Mayor Starliper noted he has a safety concern with having it on 10/31, and has heard from other municipalities and organizations who are holding their events on 10/24.

Having no further business to discuss, the meeting adjourned at 8:30 p.m. on a Greenawalt/Cermak motion which passed unanimously.

Respectfully Submitted,

Melinda S. Knott
Administrative Assistant