

DECEMBER 11, 2013  
WAYNESBORO, PA 17268  
REGULAR MEETING

Council President 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, Darrel Potts, Craig Newcomer, 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 Wisner, Borough Solicitor (Salzmann Hughes, PC)  
Jason Stains, Assistant Borough Manager  
Jim Sourbier, Police Chief  
Dave Martin, Fire Chief

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

**EXECUTIVE SESSION:** Council adjourned to executive session at 7:31 p.m. for the purpose of discussing personnel and possible litigation issues. They reconvened at 8:01 p.m. Mr. Driscoll reminded those in attendance to turn off their cell phones and Council members to speak clearly so the public can hear.

**COMMITTEE REPORTS**

**PERSONNEL COMMITTEE:** Councilman Cermak noted that he received a favorable performance evaluation for Assistant Manager Jason Stains, however no action was necessary. He will present several items during the “voting section” of the meeting. Councilman Newcomer added that he will present several items also at that time.

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

**STREET COMMITTEE:** Councilman Potts reported that the Street Committee met on 11/27, however there were no items for Council’s consideration. Due to the holidays, there will be no Street Committee meeting during December. Mr. Hamberger noted that Kevin Grubbs will give an update on progress at the Brimington Development later in the meeting.

**INTERGOVERNMENTAL COMMITTEE:** No report.

**DOWNTOWN REVITALIZATION COMMITTEE:** No report. Councilman Newcomer requested that the Council President (whomever is elected during Council's re-organization) put a representative in place on this committee as soon as possible.

**FINANCE COMMITTEE:** No report.

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

“On November 22<sup>nd</sup> and 23<sup>rd</sup>, I had the privilege of helping with the tree-lighting on the Square and also participating in the Holiday parade. Many thanks to Mainstreet Waynesboro for organizing the holiday tradition and also to all of the volunteers who helped. A special thanks to the Police Department and Maintenance Department.

On December 4<sup>th</sup>, I attended the Horizon Goodwill, Inc. gathering in Hagerstown.

On December 5<sup>th</sup>, I attended the Chamber's mixer at Renfrew.”

**SOLICITOR'S REPORT:** Solicitor Wisner reported that the Transportation Bill was recently signed by the Governor, which will provide transportation funds to revitalize streets and bridges and relief for municipalities with regard to prevailing wages. He noted that this will be helpful, but it needs to be incorporated to all other municipal projects as well. In addition, the Small Games of Chance Bill was passed. This Bill will allow small games of chance to take place in taverns (provided that the municipality allows for such within their limits) and provide for 5% of those gaming revenues to be returned to the municipality. He suggested that this may be a way of realizing some additional funds.

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

**VOTING ON ITEMS FROM COMMITTEE REPORTS:** Councilman Cermak made a motion to appoint Joel Oyler as a relief driver for the Fire Department. Councilman Greenawalt seconded; the motion passed unanimously.

Councilman Cermak made a motion to reappoint Debbie Beck to a full term on the Recreation Board (said term to expire on 12/31/2018). Councilman Greenawalt seconded; the motion passed unanimously.

Councilman Cermak made a motion to reappoint Deborah Hoff to a full term on the Zoning Hearing Board (said term to expire on 01/01/2019). Councilman Potts seconded; the motion passed unanimously.

Councilman Cermak made a motion a reappoint Craig Koons to a full term on the

Recreation Board (said term to expire on 12/31/2018). Councilman Greenawalt seconded; the motion passed unanimously.

Councilman Cermak noted that he received a favorable performance evaluation for S. Leiter Pryor, and made a motion to approve a step increase for him to salary level 21D. Councilman Greenawalt seconded; the motion passed unanimously.

Councilman Cermak noted that he also received a favorable performance evaluation for Mike Pryor, and made a motion to approve a step increase for him to salary level 13E. Councilman Greenawalt seconded; the motion passed unanimously.

Councilman Cermak also received a favorable performance evaluation for Stacie Noll, and made a motion to approve a step increase for her to salary level 10C. Councilman Greenawalt seconded; the motion passed unanimously.

Councilman Cermak made a motion to appoint Shawn Adolini to the position of Fire Chief for the year 2014, subject to a meeting to discuss terms and conditions of the appointment. Councilman Mumma seconded; the motion passed unanimously.

Councilman Newcomer made a motion to appoint Sandra Cermak to the Zoning Hearing Board. Councilman Mumma seconded; the motion passed 5-0 (Councilman Cermak abstained). Mr. Hamberger commented that this position is one of the vacancies which was never filled. The term will expire on 01/01/2017.

**CONSIDER APPROVAL OF CONSENT AGENDA:** Mr. Hamberger noted that award of the CDBG consulting services contract is included on the proposed Consent Agenda, and it is the staff's recommendation that the contract be awarded to Mullin & Lonergan Associates. Councilman Newcomer made a motion to approve the Consent Agenda, as presented. Councilman Greenawalt seconded; the motion passed 5-0 (Councilman Cermak abstained).

**RESOLUTION FOR**  
**COUNCIL MEETING OF November 6, 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:**

1. CDBG Consulting Services (proposals to be submitted by 12/04)

**Routine:**

1. Approval of minutes - November 6, 2013 (regular meeting) and November 20, 2013 (regular meeting)

2. Accept reports of the Code Enforcement Officer, Police Chief and Fire Chief - November, 2013
3. Pay Bills - Voucher List dated 11/26 (and any others following preparation of this agenda)

**Previously Discussed:** N/A.

### **UNFINISHED BUSINESS**

**ADOPT 2014 FINAL BUDGET:** Mr. Hamberger noted that several budget meetings have been held, and Council adopted the tentative 2014 budget in late-November. The tentative budget has been advertised and on public display in accordance with Commonwealth of PA rules and regulations. Councilman Mumma made a motion to adopt the 2014 budget and continue all Act 511 taxes (per capita, wage, etc.) in their current forms and rates. Councilman Cermak seconded; the motion passed unanimously.

**CONSIDER 2014 TAX ORDINANCE FOR ADOPTION:** Mr. Hamberger noted that the proposed 2014 Tax Ordinance has been advertised for consideration and includes the same rates as the previous year. Councilman Mumma made a motion to adopt the ordinance, as presented. Councilman Cermak seconded; the motion passed unanimously.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE BOROUGH OF WAYNESBORO, COMMONWEALTH  
OF PENNSYLVANIA, fixing the tax rate for the fiscal year 2014.

Complete copy on file at Borough Hall.

**CONSIDER SNOW SHOVELING ORDINANCE FOR ADOPTION:** Mr. Hamberger presented the proposed Snow Shoveling Ordinance, which was discussed at the last Council meeting and advertised for Council's consideration. Councilman Greenawalt made a motion to adopt the proposed Snow Shoveling Ordinance, as presented. Councilman Cermak seconded; the motion passed unanimously.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING ORDINANCE NO. 972 OF THE BOROUGH OF  
WAYNESBORO, SECTION IV, AS AMENDED, WHICH AMENDED ORDINANCE 895  
OF THE BOROUGH OF WAYNESBORO, AS AMENDED, REGULATING THE  
REMOVAL OF SNOW, ICE, SLEET, MUD, OR OTHER SUBSTANCE FROM THE  
SIDEWALKS AND WALKWAYS IN THE BOROUGH OF WAYNESBORO: PROVIDING  
FOR THE ENFORCEMENT OF THE ORDINANCE AND PENALTIES FOR THE  
VIOLATION THEREOF AND REPEALER.

Complete copy on file at Borough Hall.

Mr. Hamberger explained that this ordinance allows for snow shoveling violations to be treated similar to parking violations, thereby reducing the complexity of administration of the fines and providing an incentive for property owners to pay the ticket rather than go before a District Justice and pay a significant additional amount for fees. Mr. Stains suggested to Mr. Hamberger that this type of procedure should be considered for several other types of ordinances (such as for weeds, junk, etc.) The staff will review the matter and provide recommendations to Council in January.

**ARTS IN THE PARK:** Jason Stains noted that Paul Gunder was present at Council's last meeting on behalf of the Arts Alliance, and provided information on their request for permission to hold an "Arts in the Park" event on 09/13 and 09/14 in Memorial Park. He also attended the Recreation Board meeting prior to the Council meeting this evening to discuss the event. Mr. Stains reported that the Recreation Board was unanimously in favor of the event, with the addition of offering Friday (09/12) to allow time for vendors to set-up for the event. They are recommending Council's approval to hold the event at Memorial Park and authorization to allow the security agency hired by the Arts Alliance to be in the park after the posted closed hours on those dates. Councilman Newcomer made a motion as such. Councilman Cermak seconded. Mr. Stains further noted that the Arts Alliance will supply a \$1,000,000 insurance rider for the event (which is standard for events held on Main Street). Mayor Starliper also requested that a list of the individuals hired to provide security be provided to the Police Department prior to the event. A vote was called and the motion passed 5-0 (Councilman Cermak abstained).

## **NEW BUSINESS**

**2014 HOLIDAY SCHEDULE:** Council members were presented with a proposed 2014 Holiday Schedule for non-uniformed employees. He noted that employees have requested to trade Columbus Day for the day after Christmas (as Christmas falls on a Thursday in 2014). Councilman Cermak made a motion to approve the proposed Holiday Schedule, as presented. Councilman Mumma seconded; the motion passed unanimously.

**2014 MEETING SCHEDULE:** Mr. Hamberger noted that a Legal Notice is published annually to report on regularly scheduled meetings for the upcoming year. The ad will include notification that Council will hold their re-organizational meeting on Monday, January 6<sup>th</sup>, and will meet again on January 22<sup>nd</sup>. Thereafter, Council meetings will be held on the first and third Wednesday of each month. Council concurred.

Kevin Grubbs confirmed that if Council doesn't meet on 01/22, a time extension would be required for the 45-day review period for the Martin's Food Market plan (which expires on 01/23).

Councilman Cermak made a motion to approve the proposed 2014 Meeting Schedule, as presented. Councilman Mumma seconded; the motion passed unanimously.

**FORMER CARETAKER'S HOUSE AT GOLF COURSE:** Mr. Stains reported that Council authorized demolition of the former caretaker's house at the golf course on 09/07/11 and approved a proposal for its removal (at a cost of \$11,375) on 02/15/2012. The matter was then tabled for further discussion in June of 2012, however no action has been taken since that time. Denny Benschhoff noted that the Maintenance Department doesn't have a trackhoe large enough, but he obtained a price quote of \$1,200 to demolish the structure and the Borough's maintenance crew will then remove the materials. Councilman Mumma made a motion to proceed. Councilman Greenawalt seconded; the motion passed unanimously.

On a related matter, Mr. Hamberger noted that he spoke with WBA members regarding Council's desire to lease the golf course (as the WBA is technically the owner of record of the land on which the golf course is located). They noted no problems, but an agreement will need to be drafted between the two entities to ensure that everything is legal.

**MAINSTREET WAYNESBORO, INC.'S 2014 ACTIVITIES:** Mr. Stains presented a request from Mainstreet Waynesboro, Inc. regarding their upcoming 2014 activities, four (4) of which will require road closings. Mr. Hershberger (MSW) is aware that he will need to complete the new activity packet (and Mr. Stains noted that a meeting will be held with all organizations who submit similar yearly requests shortly after January 1<sup>st</sup> to discuss the updated requirements). Councilman Newcomer made a motion to approve MSW's 2014 activities, subject to final approval by the appropriate staff. Councilman Greenawalt seconded; the motion passed unanimously.

**STREET LIGHTS:** Mr. Stains reported that he met with a representative from West Penn Power recently to discuss the effectiveness of the street lights throughout downtown. They will be researching options for these specialty lights and will present recommendations to the Borough by the beginning of February. It is the staff's hope that the type of decorative lighting will not be changed, but that added pedestrian safety throughout the downtown be achieved. Additional information will be forthcoming.

Mr. Hamberger added that the Borough's electric supply contract is due to expire soon, and Mr. Stains is researching the matter in an effort to obtain better rates.

Discussion followed regarding the difference in lighting at the west end of town. It was noted that the lights are the same throughout Main Street, however those are newer than the lights downtown. In addition, there is more open space on the west end (and Turkey Hill has overflow lighting) which gives an illusion that the street lighting is brighter. Mr. Stains added that comments have been made about the downtown trees blocking the lighting. DCNR reviewed the area and recommended that one (1) tree be trimmed to allow for better lighting from the street fixtures.

#### **PLANNING COMMISSION ITEMS:**

Waynesboro Hospital - Consolidation Plan - Mr. Grubbs presented a Consolidation Plan

for Waynesboro Hospital, which will consolidate individual lots on the project site into one lot. The Waynesboro Planning Commission reviewed the plan on 12/09 and determined that it meets all requirements of the Zoning Ordinance and Subdivision/Land Development Ordinance. They recommended approval to Borough Council, contingent on acceptance of the Developer's Agreement as well as the Borough Authority's approval of a water/sewer agreement (to be finalized at the WBA meeting on 12/17). Solicitor Wisner added that he received three (3) executed agreements from the Hospital, which are ready for the Borough's action, as well as the initial check due under the Developer's Agreement (the contents of which were discussed at Council's last meeting).

Councilman Newcomer made a motion to approve the Hospital's Consolidation Plan, contingent on the Engineering Department's concerns being addressed, the Hospital's completion of an agreement with the Municipal Authority, adoption of the proposed ordinance regarding the vacation of streets and alleys, and execution of the Developer's Agreement. Councilman Greenawalt seconded; the motion passed 5-0 (Councilman Cermak abstained).

Waynesboro Hospital - Land Development Plan - Mr. Grubbs presented a Land Development Plan for the Waynesboro Hospital, which was recommended for approval by the Waynesboro Planning Commission at their meeting on 12/09. The plan meets all requirements of the Zoning Ordinance, the Subdivision/Land Development Ordinance and the Stormwater Management Ordinance. Councilman Newcomer made a motion to approve the Hospital's Land Development Plan, contingent on the Engineering Department's concerns being addressed, the Hospital's completion of an agreement with the Municipal Authority, adoption of the proposed ordinance regarding the vacation of streets and alleys, and execution of the Developer's Agreement. Councilman Greenawalt seconded; the motion passed 5-0 (Councilman Cermak abstained).

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

### **FOR INFORMATION ONLY**

**UPDATE ON S. POTOMAC STREET AND CDBG CURB PROJECTS:** Kevin Grubbs reported that everything was smoothly until several fuel tanks were uncovered last week in front of the Herman Chiropractic Center (a former gas station). As the tanks are in the path of the pipe being installed, they will have to be removed. DEP has been contacted and gave approval for D. L. George & Sons (a certified tank removal contractor) to remove them. A \$50.00/tank fee will be charged to certify the tanks, and the cost to remove them will be \$6,500 each. The property owner will be requested to provide reimbursement for these costs.

**UPDATE ON GOLF COURSE LEASE:** Mr. Stains noted that the drafted Request for Proposals for the golf course lease was received back from Salzmann Hughes today, and will be mailed out to individuals/organizations who have expressed interest by Friday of this week. He will keep Council apprised of the responses received.

**UPDATE ON TREE CITY USA:** Mr. Stains advised that the Borough has “cleared the first hurdle” in the Tree City USA designation process, and the application is now being reviewed by the State. It will then be sent to the National Arbor Day Foundation in the near future, and a response should be received by early-February.

**COUNCIL AND STAFF COMMENTS:** Wishes for “Happy Holidays” were voiced from several councilmen.

Kevin Grubbs noted that he has contacted the only residence to be affected by the proposed name change of Alley #1 and Mulberry Avenue, as directed by Council. Mr. and Mrs. Mort are opposed to the name change on their portion of the alley, because of the inconvenience and expense of changing their address on necessary paperwork. Since that initial conversation, however, they have placed their property for sale; and called to request that any change be made after the property is sold. Mr. Grubbs noted that the two (2) property owners on Alley #1 North (the portion west of Grant Street) have not yet responded. Discussion ensued, and it was noted that Mr. Grubbs is still awaiting responses from the County and U.S.P.S., Solicitor Wisner suggested that Mr. Grubbs report back at the 01/06 meeting; and if Council so authorizes, the ordinance could be prepared and advertised for their consideration during the 01/22 meeting. Council concurred.

Fire Chief Martin reminded residents to be cautious with the use of live Christmas trees and additional lighting during the holiday season.

Scott Hershberger thanked Councilman Newcomer for his support of the downtown over the years, and Council for their approval of the proposed 2014 events. He reported that Pat Fleagle will be retiring from MSW at the end of December.

Councilman Greenawalt noted that the Waynesboro area will be losing more jobs and industry when Frick Company (and possibly Machine Company) closes their facility.

Councilman Newcomer thanked everyone for their efforts and assistance during his eight (8) year tenure. He hopes he has made a positive impact in Waynesboro while on Council.

Mayor Starliper noted the Police Department is in the process of installing a drop box for prescription medications. He reminded motorists of the PA law requiring that headlights must be on when using windshield wipers at any time. He also reminded residents that fresh snow cannot be blown or thrown into a plowed street in the Borough. In addition, he suggested that the Snow Emergency Plan needs to be revised or better publicized. Mr. Starliper also advised that the alley beside the Library will be closed from time to time, as GRC Contractors has begun work on the Library’s addition.

President Driscoll thanked Councilman Newcomer for his years of service to the community, and to him personally when he was first elected to Council.



Having no further business to discuss, the meeting adjourned at 9:00 p.m. on a Greenawalt/Cermak motion which passed unanimously.

Respectfully Submitted,

Melinda S. Knott  
Administrative Assistant