

AUGUST 22, 2012  
WAYNESBORO, PA 17268  
REGULAR MEETING

Council President Jason Stains called the regular meeting of the Waynesboro Borough Council to order at 7:25 p.m. with the following in attendance:

Council Members – Benjamin Greenawalt, Craig Newcomer, Jason Stains, Wayne Driscoll and Michael Cermak (Darrel Potts 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 Wiser, Borough Solicitor (Salzmann Hughes, PC)  
Jason Cohen, Assistant Borough Manager  
Mike Bock, Police Sergeant

**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:** Councilman Driscoll reported that, aside from the inclement weather, the Community Movie Nights were quite successful. He is hoping to continue the events again next year. Mr. Driscoll noted his appreciation to Denny Martin of Star Electric, who installed new lights in the restrooms at Memorial Park prior to the movie held at that location. He also announced that the third annual Dog Swim will be held on 09/08 from 1:00-4:00 p.m. at Northside Pool.

**STREET COMMITTEE:** In Councilman Potts’ absence, Councilman Driscoll reported for the Street Committee –

- The proposed joint paving project (N. Potomac Street) with Washington Township is moving ahead. Some minor paperwork still needs to be completed for PENNDOT.
- A request by Dorothy McCauley to remove the handicapped parking signs at 245 S. Church Street was approved.
- The directional street sign at Grant/North Streets is blocked by a speed limit sign – the Engineering/Maintenance Departments were asked to remedy the situation as soon as possible..

The next Street Committee meeting will be held on 09/26 at 9:00 a.m.

**INTERGOVERNMENTAL COMMITTEE:** No report.

**DOWNTOWN REVITALIZATION COMMITTEE:** Councilman Newcomer stated that the next Committee meeting will be held on 08/28 at 9:00 a.m.

**FINANCE COMMITTEE:** No report.

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

“On July 19-21, I attended the 41<sup>st</sup> annual conference of the Pennsylvania State Mayors' Association in Lancaster, PA. Some of the speakers were Mayor Richard Gray of Lancaster; Les Neri, President of the Fraternal Order of Police in PA; Senator John Eichelberger of the 30<sup>th</sup> District; and Mayor Michael Nutter of Philadelphia.

On July 28<sup>th</sup>, I attended the PSAB's executive meeting at State College.

August 7<sup>th</sup> was the Police Department's 'National Night Out'. He gave credit to Kim Green, who coordinated the event; and read the following thank-you letter for those who assisted –

*“The Waynesboro Police Department would like to thank everyone that contributed to our National Night Out Event on Tuesday, August 7, 2012. For the second year in a row the event was held at Northside Pool and a special thank you goes to the community for joining us once again for another successful pool party. National Night Out would not be possible without the support of local individuals, businesses and organizations. We were able to provide Antietam Dairy ice cream, bottled water, Domino's pizza and LL Dee Jay thanks to our sponsors: Rutters, Dominos and the Franklin County District Attorney's Office/Franklin County Drug Task Force. A big thank you also goes to the Waynesboro Fire Department for providing and grilling the hotdogs. Thank you to the following individuals and agencies for your participation: the Waynesboro Ambulance Squad, the American Red Cross, Girl Scouts in the Heart of PA, Antietam Service Unit and last but not least, our very own, Officer Storey, Officer Rowe and Corporal Adolini. Again, thanks to each and every one of you. We look forward to working with all of you again at next year's event scheduled for Tuesday, August 6, 2013. See you there!*

*Mike Bock, Sergeant  
Kim Green, Event Coordinator”*

On August 15<sup>th</sup>, there was a meeting in reference to local communities being a part of the Appalachian Trail Community. I have a copy of the Township's support letter and I would strongly encourage Waynesboro to do the same. There is no cost to give support for the Appalachian Trail.

On August 16<sup>th</sup>, I attended a luncheon at the Old Anthony Wayne for the purpose of a discussion by Laurel Run personnel for a proposal to acquire same to use as a personal care facility. If all goes well, October will be when they open. Any community support I'm sure would be appreciated.”

Pursuant to the new Borough Code, Section 1005-A(B) of Act 43 of 2012 amending the Borough Code), Mayor Starliper provided the following notification to Council --

“Please be advised that it is my intention to perform marriage ceremonies and that this notification shall remain in effect during my term of office as Mayor including any re-elections or until it is rescinded by me in writing. If I receive a fee for performing a marriage ceremony, I acknowledge that I must keep an account of such fee and provide Council with a report on a quarterly basis. If I do not submit a report, Council may

assume that I either did not perform any marriage ceremony or if I did, no monies were exchanged.”

**SOLICITOR'S REPORT:** No report.

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

**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 AUGUST 22, 2012**  
**“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 18, 2012 (regular meeting) and August 8, 2012 (special meeting).
2. Accept reports of the Code Enforcement Officer, Police Chief and Fire Chief - July, 2012.
3. Pay Bills - Voucher Lists dated 07/26, 07/31, 08/01, 08/13 and 08/14 (and any others following preparation of this agenda).

**Previously Discussed:** N/A.

**VOTING ON ITEMS FROM COMMITTEE REPORTS:** Councilman Cermak presented a letter of resignation from Peggy Green from the Waynesboro Fire Police. Councilman Greenawalt made a motion to approve her resignation. Councilman Driscoll seconded; the motion passed unanimously.

Councilman Cermak made a motion to hire Kylie House as a Pro Shop Attendant at the Golf Course, and Jerry Blentlinger as a Driver/Operator-Laborer with the Maintenance Department. Councilman Greenawalt seconded; the motion passed unanimously. Mr. Hamberger clarified that a vacancy existed in the Maintenance Department (for which Mr. Blentlinger was hired), because one of the two individuals hired at a previous meeting did not accept the position.

**UNFINISHED BUSINESS:** None.

**NEW BUSINESS**

**RESOLUTION NO. 2012-11 RE: HIRING OF NEW POLICE CHIEF:** Solicitor Wisner noted it is his understanding that Council will be hiring a new Police Chief; and he recommended that his salary and benefits be set by resolution. Accordingly, Councilman Driscoll made a motion to approve Resolution No. 2012-11. Councilman Newcomer seconded; the motion passed unanimously.

## RESOLUTION NO. 2012-11

WHEREAS, pursuant to the resignation of former Police Chief Mark C. King in April of 2012, a vacancy was created for the Chief's position in the Waynesboro Police Department, and

WHEREAS, the vacancy was duly advertised, applications were received, and the Mayor and Borough Council conducted interviews with several qualified applicants, and

WHEREAS, Waynesboro Borough Council voted unanimously at its August 8<sup>th</sup> special meeting to hire James H. Sourbier, IV for the position of Police Chief, based on the following terms and conditions of employment:

Complete copy on file at Borough Hall.

**SWEARING-IN OF NEW POLICE CHIEF:** Mayor Starliper administered the Loyalty Oath and Oath of Office to James Sourbier.

**MODIFY BOROUGH WEBSITE:** Mr. Hamberger noted that the Borough's current website is "archaic"; and the staff has obtained quotations for its modification. Two (2) quotes were received, the lowest of which was from Cermak Technologies – a one-time cost of \$2,190 for the re-design and \$150/year for web hosting. Councilman Drisoll made a motion to proceed with the work. Councilman Greenawalt seconded; the motion passed (Councilman Cermak abstained).

**ACTION REQUIRED RE: DOWNTOWN GRANT:** Having heard testimony at the public meeting prior to this meeting, Mr. Hamberger recommended that Council approve submission of the grant application on the condition that, prior to acceptance/execution of the grant contract with DCED, Mainstreet Waynesboro sign a subrecipient agreement with the Borough. Councilman Newcomer made a motion as such. Councilman Cermak seconded; the motion passed unanimously.

**ZONING HEARING BOARD SOLICITOR AND MEMBERS:** Assistant Manager Jason Cohen noted that Council members received correspondence from a member of the Zoning Hearing Board with respect to filling the vacancy created by Amos Miller's resignation (which was to be effective after the recent ZHB issue). They are requesting that the vacancy be advertised, along with a request for additional alternate members. It is the staff's recommendation that Mr. Miller's resignation first be accepted. Councilman Newcomer made a motion to accept Mr. Miller's resignation from the Zoning Hearing Board. Councilman Driscoll seconded; the motion passed unanimously.

Mr. Cohen stated further that, in an effort to avoid future quorum issues, it is Council's prerogative to increase the number of ZHB members from three (3) to five (5). The staff recommends that if Council desires to do so, the proposed amendment could be advertised along with a proposal to permit outdoor dining in the downtown (which was included in the meeting packets), as both would be amendments to the Zoning Ordinance. In the meantime, a press release will be prepared for publication soliciting individuals interested in serving on the ZHB (as well as any other Boards with vacancies).

Councilman Newcomer noted that the ZHB also requested permission to utilize Council's seats in Council Chambers to "discuss any issue among ourselves and be out of hearing distance of members of the public". Mr. Newcomer stated his opinion that if they are going to be in public office, they don't need to be out of the public's hearing distance.

**LETTER OF SUPPORT – APPALACHIAN TRAIL COMMUNITY:** Pat Fleagle noted that the South Mountain and Appalachian Trail Conservancies have suggested the pursuit of making the Waynesboro area an Appalachian Trail community. As many people come off the Trail to patronize

area Bed & Breakfasts, motels, restaurants, etc. (it is estimated that their annual salaries are over \$60,000 and they spend an average of \$200), it was felt that this would be an economic generator.

Mr. Hamberger read the following proposed letter of support: "The Borough of Waynesboro, at their meeting of August 22, 2012, voted to support the local steering committee initiative to designate the Borough of Waynesboro (along with other municipalities in the Greater Waynesboro School District) as Appalachian Trail Communities. As an Appalachian Trail Community, we can continue our strong support for the Trail while at the same time encouraging our residents, businesses and school system to do the same. The Borough of Waynesboro stands ready to help with this process where we can."

Councilman Newcomer made a motion to approve the proposed letter. Councilman Greenawalt seconded; the motion passed unanimously.

**MAINSTREET WAYNESBORO, INC. - REQUEST FOR MARKET DAY:** Mr. Hamberger presented correspondence from MSW regarding their standard requests for Market Day (which is scheduled for 10/06), as follows –

- Hang 25 banners from light posts along Main Street
- Close Main Street to vehicular traffic from 7:00 a.m. to 4:45 p.m.
- Use the public restrooms outside Borough Hall during the event
- Hayrides – same route as last year

Councilman Cermak made a motion to approve the requests, subject to final review by the Police Department and staff. Councilman Greenawalt seconded. Mayor Starliper stressed the importance of these organizations discussing requests of this nature with the Police Department and Fire Police prior to requesting approval from Council, to ensure that adequate personnel is available to assist. The motion then passed unanimously.

**OUTDOOR DINING:** Pursuant to Council's request, Mr. Hamberger noted that the Solicitor has prepared a proposed ordinance allowing outdoor dining for their review and discussion. He outlined the procedure for amending the Zoning Ordinance, which includes approval by the Waynesboro Planning Commission, Franklin County Planning Commission, holding a public hearing and receiving public comments.

Discussion followed regarding the requirement for any items associated with the outdoor dining area located within the public right-of-way to be removed from the sidewalk when the restaurant is closed. Clarification was given by Kevin Grubbs that the public right-of-way along Main Street in the Downtown Business District is 12'. Because the actual sidewalk area (from curb to building) varies, some business owners will have 2' (while others have 3' or 0). He stated that anyone who wants to put a table and chairs out will most likely be encroaching in the public right-of-way. Mr. Grubbs added that each business downtown has its own specific conditions which must be taken into consideration (i.e. tree openings, etc. in front of their building), to ensure that there is an open pathway of 5'.

Councilmen Driscoll and Cermak commented that the inconvenience of moving the tables/chairs each evening may outweigh the benefit, and it was their intention to encourage/support outdoor dining in the downtown. Councilman Newcomer noted that other communities allow outdoor dining, and business owners are not required to move the tables/chairs each evening. Solicitor Wisner advised that the ordinance he provided is simply an example to get discussion on the matter started.

#### **PUBLIC COMMENT - NON-AGENDA ITEMS:**

Jason Bartholow, 132 W. North Street - Mr. Bartholow was present to discuss issues at a vacant property (144 W. North Street) in his neighborhood. His complaints were in regard to weeds and an open window (where an air conditioning unit was removed). Dan Sheffler reported that he has been in

contact with the property owner, who advised he has contracted with Farm Boys to have the property mowed. Councilman Newcomer made a motion that Farm Boys be contracted to do the work as soon as possible. Councilman Greenawalt seconded. Solicitor Wisner commented that the property owner must be notified and given a reasonable amount of time to correct the situation prior to the Borough taking action. As this is not the type of health issue that would require immediate action, he advised that five (5) days would be appropriate. Jason Cohen commented that the property owner was provided with a notice of violation because Borough representatives were in contact with him in an effort to get him to take care of the issue. It was noted that, either way, the property would be mowed as soon as possible. The motion and second were withdrawn. Regarding the open window, Darwyn Benedict (a local realtor) offered to contact the appropriate realtor to ensure that the window gets closed.

Councilman Cermak clarified his understanding that the Borough must give a property owner sufficient notice and time to correct a violation; and if he/she doesn't respond within that time period, the Borough can contract for the work to be done and place a lien upon the property. Mr. Cermak added that the Borough's ordinance says that the weeds must be cut ... it doesn't state that the yard must be "manicured".

### **FOR INFORMATION ONLY**

**INVITATION TO FRANKLIN COUNTY AREA DEVELOPMENT CORPORATION'S INDUSTRY APPRECIATION DINNER (SEPTEMBER 6, 2012):** Council members received an invitation to attend the FCADC's 26<sup>th</sup> Annual Industry Appreciation Dinner on 09/06 at Green Grove Gardens.

**INVITATION TO FRANKLIN COUNTY ASSOCIATION OF TOWNSHIP OFFICIAL'S ANNUAL FALL CONVENTION (SEPTEMBER 27, 2012):** Council members also received an invitation to the Franklin County Association of Township Officials' 100<sup>th</sup> Annual Fall Convention to be held on 09/26 in Mont Alto.

**REMINDER OF PUBLIC MEETING RE: RENTAL INSPECTION ORDINANCE:** Mr. Hamberger reminded Council that a special meeting has been scheduled for 08/29, beginning at 7:00 p.m., for normal Borough business. At that meeting, the Solicitor will brief Council on the recycling center situation – no public comments will be accepted at that time. Then, at 7:10 p.m., a public input session regarding the Rental Inspection Ordinance will be held. After that meeting, Council will consider the input received, make any necessary changes and then consider the final draft for adoption. Mr. Hamberger added that the proposed Rental Inspection Ordinance is available for view at the Library and Borough Hall's front desk, as well as on the Borough's website.

**COUNCIL AND STAFF COMMENTS:** Councilman Driscoll noted that he is looking forward to working with Chief Sourbier. He reminded the public to attend the Dog Swim at Northside Pool on 09/08. All proceeds will go toward adding a second drinking fountain and benches at the Dog Park.

Councilman Cermak thanked the public for their attendance.

Kevin Grubbs commented that Council's approval is needed for removal of the handicapped parking space at 245 S. Church Street (mentioned by Councilman Driscoll earlier in the meeting). Councilman Driscoll made a motion to approve its removal. Councilman Newcomer seconded; the motion passed unanimously.

Solicitor Wisner requested an executive session for quasi-judicial deliberations and pending litigation (with possible action afterwards).

Jason Cohen welcomed Chief Sourbier, as did Councilman Greenawalt.

Councilman Newcomer welcomed the new Chief and thanked Sergeant Mike Bock for “filling in” during the interim.

Mayor Starliper also thanked Sergeant Bock for his efforts. He commended the police force for several arrests made during the last week. He noted that he will meet with Chief Sourbier in the near future. He mentioned changes/eliminations made in PENNDOT’s traffic sign regulations, which should save the Borough money in the future.

President Stains also thanked Sergeant Bock for his efforts during the Chief’s vacancy, and offered congratulations to Chief Sourbier on his appointment. He asked the status of the new police cruiser – Sergeant Bock reported that VASCAR still needs to be installed, and it should be in-service by the middle of next week.

Council then adjourned to executive session at 8:30 p.m. and reconvened to regular session at 9:21 p.m.

Councilman Newcomer made a motion to approve the Trinity House tax settlement in the amount of \$24,484.76 (to be paid in equal installments over the next three (3) years). Councilman Greenawalt seconded; the motion passed unanimously.

Councilman Driscoll made a motion to authorize the Borough Solicitor to pursue additional litigations against Lexon. Councilman Newcomer seconded; the motion passed unanimously.

Having no further business to discuss, the meeting adjourned at 9:23 p.m. on a Greenawalt/Driscoll motion which passed unanimously.

Respectfully Submitted,

Melinda S. Knott  
Administrative Assistant