

AUGUST 29, 2012
WAYNESBORO, PA 17268
SPECIAL MEETING

Council President Jason Stains called the special meeting of the Waynesboro Borough Council to order at 7:00 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 was absent

Borough Staff – Lloyd R. Hamberger, II, Borough Manager
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
Dave Martin, Fire Chief

PUBLIC COMMENTS - ITEMS ON AGENDA: None.

PUBLIC COMMENTS - ITEMS NOT ON AGENDA: None.

TOWNSHIP/BOROUGH COOPERATION AGREEMENT: Mr. Hamberger noted that Council previously discussed the proposal by Washington Township to share in the costs for paving N. Potomac Street, which is bisected by the Borough and Township. Council agreed to cooperate with funding the project at that time, but PENNDOT is requiring a cooperation agreement between the two (2) entities. The respective solicitors have drafted/reviewed the proposed agreement, which indicates that the entities will share in the costs (approximately \$16,400 each). Councilman Greenawalt made a motion to authorize execution of the proposed Cooperation Agreement, as presented. Councilman Newcomer seconded; the motion passed unanimously.

NEXT WEEK'S COUNCIL MEETING: Mr. Hamberger advised that, upon review with the staff, it has been determined that there are no items for the agenda for next week's regularly scheduled Council meeting. Accordingly, he recommended that the meeting scheduled for 09/05 be canceled (subject to the call of the President). Council concurred.

RECTANGULAR RAPID FLASHING BEACON LIGHT PROJECT: Kevin Grubbs noted that the bids are due to be opened on 09/30 at 4:00 p.m. In conjunction with the handicapped ramp project, and in order to set the poles for the beacon lights, he requested Council's permission for the staff to proceed with qualifying the lowest bidder. Bid results will be emailed to Council, and they can affirm the award at their upcoming meeting on 09/19. Councilman Newcomer made a motion to authorize the staff to proceed with the RRFB bids in conjunction with the handicapped ramp project. Councilman Greenawalt seconded. Councilman Cermak asked if action needed to be taken in case the bids are higher than anticipated. Kevin Grubbs explained that there is a reimbursement agreement with PENNDOT for a certain amount; and if the bids exceed that amount, the matter will need to be brought back to Council. A vote was called and the motion passed unanimously.

KAIMON PROPERTIES, LLC (CONDITIONAL USES): Solicitor Wiser noted the following that Council has held a conditional use hearing in accordance with requirements of the Municipalities

Planning Code. They have received an application from Kaimon Properties, LLC, for the operation of a recycling center, and have taken testimony and received evidence on that matter. Council has also received information from the Zoning Hearing Board that the variance requests had been granted by deemed approval.

Mr. Wisner advised that, basically, the review status of Borough Council is this – if the applicant meets the specific criteria that is set forth in the Municipalities Planning Code, Council has no choice but to approve the use. The Zoning Hearing Board, in failing to follow the requirements of the Municipalities Planning Code and failing to take action, essentially granted the applicant's request for some of the variances. Due to that fact, Council has no choice but to approve the conditional use if the specific criteria has been met. However, Council can impose reasonable conditions that make the use more compatible with the residential district and for the area in which the use is located.

With that said, Councilman Driscoll then made a motion to approve the conditional use request of Kaimon Properties, LLC, in accordance with the terms of the written decision to be issued by Council, and subject to the following conditions, which are also incorporated into the written decision:

CONDITIONS OFFERED BY THE APPLICANT

1. The Applicant has testified that it will assign an employee to patrol the neighborhood to collect recyclable materials or debris that fall off of vehicles traveling to and from the proposed use. The employee is to patrol the neighborhood at least twice a day. The Applicant shall assign an employee to patrol an area within a two-block radius of the property and collect recyclable materials or debris that fell off of vehicles traveling to or from the property. If, after a 365-day consecutive period there are no recyclable materials or debris for such employee to collect, the Applicant may cease the assignment of an employee to patrol the two-block radius of the property.
2. The Site Plan states that hours of operation of the proposed use will be 7:00 a.m. to 7:00 p.m., six (6) days a week. The Applicant testified that the proposed use will not be open on Sundays. The proposed use shall not be open for business on Sundays, however the Applicant may perform administrative or cleaning functions solely within the building on Sundays.
3. The proposed use shall not accept vehicles for recycling. The proposed use may accept vehicle parts for recycling, provided such parts are no greater than ten (10) cubic feet in size.
4. The Applicant testified that it would like to accept small appliances for recycling. Appliances may be accepted by the proposed use, provided they are not greater than ten (10) cubic feet in size.
5. The Applicant presented Exhibit P10, indicating various potential fencing types for the proposed use. The fence for the proposed use shall be substantially similar to either of the fence types depicted in the portion of Exhibit P10 attached hereto as Exhibit A. The gates shall be substantially similar to the gate type depicted in the portion of Exhibit P10 attached hereto as Exhibit B. The fence and gate shall, at all times that the proposed use remains in operation, be properly maintained; and shall at no time be in a state of disrepair. The fence and gate shall be painted, stained, or otherwise treated in a manner and frequency as necessary to prevent deterioration and dilapidation of the fence and gate.

CONDITIONS IMPOSED BY COUNCIL

1. The Applicant shall comply with all applicable requirements of Ordinance No. 541 (Ch. XIV, Part 3 of the 1970 Code) adopted by the Borough Council of Waynesboro on May 20, 1963, entitled "Junkyards and Salvage Yards" (requirements that were not superseded by the Zoning Ordinance or other ordinance).
2. In the event that the Applicant accepts any type of battery at the proposed facility, the Applicant shall utilize a floor scale and spill-proof pallet that would capture any liquid that may spill and/or seep from any battery in the operation of the proposed use. The battery acid shall not be removed at the proposed use.
3. The Applicant must provide for proper signage along Hamilton Avenue and Madison Avenue that prohibits stopping, standing or parking in the lane of travel.
4. The approval of this conditional use is expressly contingent upon the variances granted by deemed approval to the Applicant becoming final and non-appealable. The Applicant shall not commence operation of the proposed use until such time as said variances become final and non-appealable.

The President of Council is authorized and directed to execute the written decision explaining the findings and conclusions of Borough Council.

Councilman Cermak seconded the motion. Councilman Driscoll commented to Mr. Duty that many people are concerned about the proposed recycling center; and he is hopeful that he operates and maintains it as he said he would. Mr. Duty affirmed that he will. A vote was then called. The motion passed 3-1-1 (Councilman Greenawalt opposed and Councilman Newcomer abstained).

Having no further business to discuss, the meeting adjourned at 7:15 p.m. on a Cermak/Greenawalt motion which passed unanimously.

Respectfully Submitted,

Melinda S. Knott
Administrative Assistant