

JULY 18, 2012
WAYNESBORO, PA 17268
REGULAR MEETING

Council President Jason Stains 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, 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)
Dave Martin, Fire Chief
Mike Bock, Police Sergeant
Kim Green, Police Administrative Assistant

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

EXECUTIVE SESSION: President Stains announced that Council members attended a half-hour executive session prior to this meeting to discuss personnel and legal issues.

COMMITTEE REPORTS

PERSONNEL COMMITTEE: Councilman Cermak noted that he will present an item during the “voting” section of the meeting.

PROPERTY AND PUBLIC SAFETY COMMITTEE: Councilman Driscoll reported that the second Community Movie was held on 07/05 at Northside Pool in conjunction with WaynesboroFest’s free swim. Approximately 400 people were in attendance, and a lot of positive feedback has been heard. Councilman Driscoll also noted that Fire Chief Martin will present information regarding plans for the purchase of new equipment; and the Property Committee will support/assist in their endeavor.

STREET COMMITTEE: Mr. Hamberger noted that Item #8C would normally be handled by the Street Committee, and discussion followed regarding Councilman Driscoll filling in for Councilman Potts (during his recuperation). Councilman Newcomer mentioned traffic entering Turkey Hill from C.V. Avenue, and the fact that he has witnessed “several close calls” there. The installation of signage prohibiting traffic from entering from C.V. Avenue was discussed in the past, but nothing has ever been done. Kevin Grubbs noted that, technically the Borough doesn’t regulate traffic flow on a private parking lot (even though the traffic is entering from a Borough street); and the cost for this signage should be borne by Turkey Hill. He will contact them again regarding the matter.

INTERGOVERNMENTAL COMMITTEE: No report.

DOWNTOWN REVITALIZATION COMMITTEE: Councilman Newcomer noted that the next meeting of the Downtown Revitalization Committee will be held on Tuesday, 07/24, at 9:00 a.m.

FINANCE COMMITTEE: Councilman Greenawalt reported that he and Mr. Hamberger attended the Franklin County Tax Collection Committee meeting in Chambersburg, at which time the TCC decided to extend the contract with the Franklin County Area Tax Bureau for collections through 2016. This matter will be discussed further under Item #8D on the agenda.

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

On June 23rd, I judged one category in the Car Show, the Mayor's Award. Thanks to Bobby Etter and his committee for their organization of this show.

On June 28th, along with Sgt./Chief Bock, I attended the Drug Task Force Breakfast in Chambersburg. Council has copies of some of the highlights of the meeting.

On June 29th, I attended the Chamber's TGIF Breakfast. The 9/11 Committee was one of the presenters.

On July 4th, I participated in the Brothers of the Brush's annual parade. We thank them for their community efforts.

On July 7th, at Renfrew, I performed the marriage of Lynsay Crusey and Logan Coons. Our congratulations to them.

On July 12th, along with Manager Hamberger, I attended the 257th Army Band Concert that performed at the Waynesboro High School. This concert was the beginning of the Waynesboro Community Concert Association's 75th Anniversary.

I hope that you were able to attend some of the WaynesboroFest's events. I attended the Wine Tasting and the Taste of the Town events. Once again, this was a community participation event. Thanks to all who helped with WaynesboroFest."

Mayor Starliper also noted that the Borough's Maintenance, Fire and Police Departments should be commended for their efforts during the storm earlier this day. Mr. Hamberger added it has been reported that the storm left 2,500 people in Franklin County without electricity as of 3:30 p.m.

SOLICITOR'S REPORT: No report.

PUBLIC COMMENT - ITEMS ON AGENDA:

Darwyn Benedict, 47 W. Main Street – Mr. Benedict asked if this would be the time to present comments regarding the proposed Rental Inspection Ordinance. Mr. Hamberger responded that a special meeting will be scheduled in the near future for this purpose.

VOTING ON ITEMS FROM COMMITTEE REPORTS: Councilman Cermak made a motion to accept the resignation of Allen Harne from the Waynesboro Fire Police. Councilman Newcomer seconded; the motion passed unanimously.

CONSIDER APPROVAL OF CONSENT AGENDA: Councilman Newcomer made a motion to approve the Consent Agenda. Councilman Cermak seconded; the motion passed unanimously.

RESOLUTION FOR

COUNCIL MEETING OF JULY 18, 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:

1. Handicapped Curb Ramps (bids opened on 07/16/2012).

Routine:

1. Approval of minutes - June 20, 2012.
2. Accept reports of the Code Enforcement Officer, Police Chief and Fire Chief - June, 2012.
3. Pay Bills - Voucher Lists dated 06/25, 06/2, 06/28, 07/09 and 07/17 (and any others following preparation of this agenda).

Previously Discussed: N/A.

COMMUNITY EVENT - CROSSWALK CHURCH: Mr. Hamberger noted that Council members received a memo from Jason Cohen regarding the request from Crosswalk Church to hold a community event at Memorial Park on 07/22, including the placement of an event tent. Approximately 400 people are expected to attend. As there are currently no regulations prohibiting the tent, it was suggested that their request be approved; but, in the future, the Recreation Board will be tasked to develop an updated list of rules and regulations governing conduct and activities at the Borough parks for consistency purposes. A representative from Crosswalk Church was available to answer any questions. Councilman Greenawalt made a motion to approve the proposed event, including the temporary placement of an event tent. Councilman Cermak seconded; the motion passed unanimously.

UNFINISHED BUSINESS

CONTRACT FOR ZONING ORDINANCE AND SALDO UPDATES: Mr. Hamberger noted that the staff reviewed the proposals received for upgrades/revisions to the Zoning and Subdivision/Land Development Ordinances; and they feel the best proposal was from Spotts, Stevens & McCoy (SSM) for \$28,500. He added that SSM prepared the Joint Comprehensive Plan, and it is only logical for them to continue with this project also. Councilman Greenawalt made a motion to authorize execution of the contract with SSM for upgrades to the Zoning Ordinance and SALDO. Councilman Cermak seconded; the motion passed unanimously.

RENTAL ORDINANCE: Council members were provided with a rough draft copy of the proposed Rental Inspection Ordinance, for review. Mr. Hamberger suggested that a separate meeting be scheduled in late-August or early-September to accept public comments on the proposed program. Council decided on Wednesday, August 29th, at 7:00 p.m. Mr. Hamberger added that the proposed ordinance will be posted on the Borough's website for public viewing.

NEW BUSINESS

CDBG ADMINISTRATIVE FUND REVISION: Mr. Hamberger explained that modifications will need to be made to the 2010 CDBG budget so that funds are available for the Zoning Ordinance and SALDO Ordinance updates. He presented a proposed resolution for Council's authorization. Councilman Greenawalt made a motion to approve Resolution No. 2012-10, as presented. Councilman Cermak seconded; the motion passed unanimously.

RESOLUTION NO. 2012-10

RESOLUTION OF THE COUNCIL OF THE BOROUGH OF WAYNESBORO MODIFYING THE FISCAL YEAR 2010 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

Complete copy on file at Borough Hall.

HEARING FOR DOWNTOWN GRANT: MSI's Director of Economic Development Pat Fleagle explained to Council that their contract with DCED is expiring soon; and they must re-apply for a last round of funding, called an "exit grant". This would be a two-year contract, for which the Borough of Waynesboro is the grantee and MSI is the subrecipient. It would be a matching grant for an amount up to \$60,000 (MSI is confident they will have their match by the time it is needed). A public input session must be held to inform the public of the Borough/MSI's plans in this regard. Mr. Hamberger suggested that the public input session be held at 7:15 p.m. prior to the next Council meeting. Council concurred.

In addition, Mr. Hamberger noted that WIDC had given MSI \$150,000 to secure and remove two (2) buildings downtown. However, the purchase of the buildings cost \$150,000; and there is now no money to tear them down. There are grants available ... and Mr. Hamberger suggested utilizing up to \$6,000 of CDBG monies to pursue grants for MSI for this purpose. Councilman Newcomer made a motion to authorize the use of CDBG funds for the purpose described by Mr. Hamberger. Councilman Driscoll seconded; the motion passed unanimously. Pat Fleagle added that MSI has also been actively looking for in-kind donations for removal of the buildings; as well as "naming opportunities" and private donations for the proposed plaza. He noted that the entire project is anticipated to cost approximately \$575,000, and many people/corporations seem to be responsive to it.

REQUEST FOR CLOSURE OF ALLEY (PRESBYTERIAN CHURCH): *President Stains recused himself from discussion and voting on this matter; and the meeting was temporarily turned over to Vice-President Driscoll.

It was noted that the Presbyterian Church is requesting to close Alley #1 North (from the east side of Cottage Street to N. Broad Street) on Saturday, 08/11, from 3-11 p.m. for the purpose of holding a Missions Fair. Councilman Greenawalt made a motion to approve the request. Councilman Cermak seconded. Mr. Stains explained that proceeds from the event will be donated to Waynesboro Community Human Services, Pregnancy Ministries, Waynesboro Homeless Shelter and the Way Station Ministries. Music, games, snow cones, popcorn, cotton candy, etc. will be included; and the Waynesboro Volunteer Fire Department will sell hamburgers, hotdogs and sodas. Parking for nearby businesses was mentioned, and Mr. Stains noted they will be contacted (and have been very cooperative in the past for similar events). The motion then passed unanimously.

*President Stains then returned to chairing the meeting.

RE-APPOINTMENT OF FRANKLIN COUNTY TAX COLLECTION COMMITTEE (TCC) TAX OFFICER FOR 2013 THRU 2016: Assistant Borough Manager Jason Cohen provided Council with an email regarding re-appointment of the Franklin County Area Tax Bureau for Act 511 tax collections. As there was some misunderstanding regarding the length of their original appointment, the Tax

Collection Committee recommended re-appointment thru 2016, provided their cost of collections does not exceed 2.2% of taxes collected. Councilman Cermak made a motion to authorize the Borough's representative on the Tax Collection Committee to vote in the affirmative manner to reappoint the Franklin County Area Tax Bureau as the TCC's Tax Officer, beginning 01/01/2013 thru 12/31/2016. Councilman Greenawalt seconded; the motion passed unanimously.

POLICE DEPARTMENT'S REQUEST FOR USE OF NORTHSIDE PARK/POOL DURING NATIONAL NIGHT OUT (AUGUST 7, 2012): Kim Green, Administrative Assistant for the Borough's Police Department, was present to request the use of Northside Pool for their third annual National Night Out on 08/07 from 7-9:30 p.m. She noted that Sergeant Bock has been in contact with District Attorney Matt Fogal, who has agreed for them to use drug forfeiture funds to fund the event, as it is an alcohol/drug awareness prevention event. Ms. Green noted the event will include Antietam Dairy ice cream, Waynesboro Ambulance Squad installing and checking car seats, Waynesboro Fire Department providing hot dogs, bottled water and a DJ. Councilman Greenawalt made a motion to approve the request. Councilman Cermak seconded; the motion passed unanimously.

REMOVAL/REPLACEMENT OF FIRE APPARATUS: Fire Chief Dave Martin explained that the volunteers have voted to pursue the purchase of a 2011 Demo Rescue/Engine. In the past, the volunteers have paid for the apparatus and the Borough takes care of insurance and maintenance costs. As this apparatus will be dual-purpose, their plans are to replace the 1991 Peterbilt and the 2001 Mini Pumper. With Council's approval, funds from the sale of the apparatus will go toward the new apparatus. Chief Martin added that there has been some interest from other fire companies in purchasing the older equipment, so he would like to move forward as soon as possible. Mr. Martin noted that they are currently finalizing specifications and financing for the new apparatus; and are looking for Council's blessing for this endeavor. Mr. Martin added that the purchase of this new equipment will also help with the Borough's ISO rating, as the truck will be capable of pumping 1500 gpm, has a Class A foam system, and carries 750 gallons of water. Total cost for the vehicle is approximately \$475,000.

Councilman Driscoll made a motion to grant the request, in its entirety. Councilman Greenawalt seconded; the motion passed unanimously.

Mr. Hamberger commended Chief Martin on his efforts with regard to this purchase. Chief Martin gave credit to the Capital Replacement Committee for their hard work and cooperation.

APPOINTMENT OF ADDITIONAL NORTHSIDE POOL ASSISTANT MANAGER: Mr. Hamberger noted that, toward the end of each summer, it is difficult to maintain staff at Northside Pool (due to students returning to various colleges, etc.) Accordingly, it is the Pool Manager's recommendation to appoint Stephanie Stachmus as a fill-in Assistant Manager (as needed), at the rate of \$9.55/hour. Councilman Newcomer made a motion to approve the appointment, as recommended. Councilman Cermak seconded. Following additional discussion, Councilman Newcomer amended his motion to clarify that Stephanie Stachmus will be paid \$9.55/hour once she assumes the duties of Assistant Manager. Councilman Cermak seconded the amended motion; the motion passed unanimously.

PUBLIC COMMENT - NON-AGENDA ITEMS:

Harry Morningstar, Jr., 205 Clayton Avenue - Mr. Morningstar noted that he owns the property located at 100 W. Main Street, which currently houses The Waynesburger. They received a grant from Mainstreet Waynesboro and have been making improvements to the building. The sidewalk is 15' from the curb to the building, and the setback is 12'. As mentioned in the past, they thought a café area would be nice; and have installed a fenced area with tables and chairs. Mr. Morningstar admitted that the café area is 4', which is 1' into the right-of-way; but he noted this still leaves 10' to the curb. He noted that he received a notice from the Borough's Zoning Officer regarding non-compliance; and he requested an exception or variance be granted. Councilman Newcomer commented that he is in favor

of allowing cafes downtown, but there is a proper process which must be followed. Solicitor Sam Wiser advised that Council cannot grant a variance to the setback requirements ... that is an exclusive right of the Zoning Hearing Board. Council could, however, say they will allow (either by right or as a conditional use) outdoor dining in the downtown with a setback of "X" (it would be up to Council to determine that amount and make the appropriate amendment to the Zoning Ordinance). It was estimated that the entire process would take several months to complete. Mr. Morningstar noted that he has brought this matter to Council several times in the past; and discussion followed regarding the general consensus of Council that café areas would be a nice addition downtown. After further discussion, Solicitor Wiser noted that (if Council is interested in changing the Zoning Ordinance) he can provide sample ordinances from other municipalities who permit outdoor dining, and he will proceed by developing an amendment with Council's direction to do so. Mr. Hamberger reminded Council, however, that the short-term problem regarding the violation has not been resolved. Further discussion ensued regarding the matter, and Mr. Morningstar advised that he will remove the fence and seating area until such time as it can be re-installed legally. Mr. Wiser noted that he will provide information to Council as soon as possible regarding amending the current Zoning Ordinance to permit outdoor dining.

FOR INFORMATION ONLY

UPDATE ON STORM SEWER PROJECT: Kevin Grubbs reported that the design drawings are almost complete; and the project will be ready to bid shortly. They are currently working on required easements on Potomac Street ... to date, 2/3 of the property owners have responded and are in agreement. He will provide Council with an update via email as soon as possible regarding proposed dates for advertisement and bid opening.

In addition, Mr. Grubbs reported that bids were opened bids for the handicapped curb ramp project, which will include 42 ramps on Fairview Avenue (from Main Street to south of W. Fifth Street) and the remainder on S. Potomac Street at the intersections of W. Second and Gay Streets. The staff recommends awarding the bids to Pro's Concrete, based on their price of \$106,800. Councilman Newcomer made a motion to award the bids in accordance with Mr. Grubbs' recommendation. Councilman Greenawalt seconded; the motion passed unanimously. Mr. Wiser noted that the bid award was already approved by Consent Agenda earlier in the meeting.

Kevin Grubbs noted that re-bid of the rectangular rapid flashing beacon crosswalk light project will be advertised next week for bid opening on 08/13. As this is a "material bid", many of the suppliers do not deal with bid bonds and/or performance bonds. The Borough Code provides Council with the authority to decide if they wish to require a bid bond or not. He explained that a bid bond ensures that the bidder will "stand behind" the bid submitted; but a bid bond can also be substituted with a bid agreement to be included in the bid documents. Mr. Grubbs added that this is a pilot program through PENNDOT. The Borough will pay the costs initially; but once the project is completed, a written, signed agreement will provide for PENNDOT's 100% reimbursement within six (6) weeks. Councilman Cermak made a motion to approve the use of a bid agreement in place of a bid bond for this project, as recommended by Mr. Grubbs. Councilman Greenawalt seconded; the motion passed unanimously.

STATUS OF CONDITIONAL USE HEARING: Sam Wiser provided Council with an update on the status of the conditional use hearing for the Kaimon property application. A Memorandum of Law from the applicant and the objecting attorney was received, and copies will be provided for Council's review. The Zoning Hearing Board will meet again on 07/26 to receive any evidence of the Planning Commission or Council action. Mr. Wiser noted that Council will need to make a decision on the matter at their August 15th meeting (or schedule a special meeting between 08/15 and 09/01). The matter will be discussed further in executive session.

Solicitor Wiser clarified that Amos Miller, a member of the Zoning Hearing Board, had submitted a letter of resignation; but has since decided to withdraw that letter of resignation and will remain on the Zoning Hearing Board. He has indicated, however, that at some point in the future, he is likely to relinquish his position because he no longer wishes to serve. At the time he relinquishes his position, Council could acknowledge his resignation at that point. As there is no clear date indicated, no action is required at this time. Mr. Hamberger added it is his understanding that Mr. Miller is willing to see through the current situation with the recycling center, and will then step down.

COUNCIL AND STAFF COMMENTS: Councilman Driscoll reported that the third (and final) Community Movie, Pirates of the Caribbean, is scheduled for 08/14 at Memorial Park. He added that the third annual Dog Swim at Northside Pool will be held on 09/08. Additional details will be provided at the next Council meeting.

Councilman Cermak thanked the public for their attendance. He added his support for the “café concept”, but noted it must be done the “right way”.

Denny Benshoff advised that the walkway at Memorial Park has been completed.

In response to comments made during the discussion earlier in the meeting regarding Mr. Morningstar’s property, Dan Sheffler commented that it is not his desire to issue citations ... he would much rather have compliance.

Pat Fleagle noted that a meeting was held on 05/11 with the Chamber of Commerce, the Visitors’ Bureau, Renfrew, DCNR, and various businesses regarding the possibility of making Waynesboro an Appalachian Trail community. Another meeting will be held on 08/15 at Capital Camps; and at some point in the near future, he will probably be asking for a Borough liaison to assist in the planning process. Mr. Fleagle added that this will be a good economic development generator.

Councilman Greenawalt thanked the Borough’s maintenance staff for their assistance on 07/04 in cleaning up garbage that residents set out for collection (which was not scheduled to take place until the following day). It was noted that a reminder should be placed in the newspaper reminding residents that trash is not supposed to be placed at curbside until after 5 p.m. on the evening before collection.

Councilman Newcomer clarified that any comments made regarding the issuance of citations was not intended toward Mr. Sheffler or his department. He stated that the fact that Mr. Sheffler was required to issue a citation to Mr. Morningstar was not a reflection on him, but on Council; as they should ensure the ordinances are such that items which would be beneficial would be allowed. Mr. Hamberger stated that the Zoning Ordinance is the least flexible ordinance the Borough has; and all items contrary to its regulations must be addressed by the Zoning Hearing Board.

Mayor Starliper noted that a concert featuring “Windjammers Unlimited” will be held on 07/20 at 7:00 p.m. at the Waynesboro Area High School. In addition, there will be a car wash for 09/11 memorial donations at Curves on 07/28 from 8:00 a.m. to 2:00 p.m.

President Stains commented that the Solicitor and Code Enforcement Officer continue to investigate matters with regard to the W. North Street property that is in extreme disrepair; and Council will continue to press the issue.

Mr. Stains added that Council will meet in a brief executive session at the close of this meeting.

Mr. Hamberger stated that he would like to “put a young man on notice”, as he has been captured on video damaging a security camera placed recently at Memorial Park. His picture will most likely be

published in *The Record Herald*, asking for the public's assistance in identifying him. The Police Department is investigating the matter.

Having no further business to discuss, Council adjourned to executive session at 9:01 p.m.

Respectfully Submitted,

Melinda S. Knott
Administrative Assistant