

MARCH 21, 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, Darrel Potts, Jason Stains, Wayne Driscoll and Michael Cermak

Mayor Richard Starliper

Borough Staff – Lloyd R. Hamberger, II, Borough Manager  
Mike Benshoff, Maintenance Foreman  
Dan Sheffler, Zoning-Code Enforcement Officer  
Kevin Grubbs, Head of Engineering Services  
Sam Wiser, Borough Solicitor (Salzmann Hughes, PC)  
Jason Cohen, Assistant Borough Manager  
Mark King, Police Chief  
Dave Martin, Fire Chief

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

**EXECUTIVE SESSION:** President Stains announced that Council held an executive session for potential litigation immediately prior to this meeting.

**COMMITTEE REPORTS**

**PERSONNEL COMMITTEE:** Councilman Cermak noted that he received a favorable performance evaluation for Tom Simmers, however no action was required. He will present several other items requiring action during the “voting” section of the meeting.

**PROPERTY AND PUBLIC SAFETY COMMITTEE:** Councilman Driscoll reported that the March Committee meeting was scheduled for this evening at 6:30 p.m., but it was postponed due to the need for an executive session. The next meeting will be held on 04/18 at 6:30 p.m.

Mr. Driscoll also reported on the following --

- After Council's approval of the Renfrew project, he met with Mr. Hykes to review the plans. The plans met with his satisfaction, and they will be proceeding with the work at their own pace.
- As the weather continues to improve, use is increasing at the Northside Dog Park; and he has received many positive comments. He will work with Kevin Grubbs and Leiter Pryor on the installation of water at the park, and will report back to Council with additional information by the next meeting. Several wooden benches will also be installed at the dog park. He is currently coordinating a team of volunteers for the project, which should be completed by mid-April.

- Upcoming events being pursued – “Movies in the Park” at Rotary Park in June, events in conjunction with WaynesboroFest in July, and National Night Out at Memorial Park on August 7<sup>th</sup>.

**STREET COMMITTEE:** Councilman Potts noted that he will make a motion during the “voting” section regarding the request for a “No Parking Here to Corner” sign which was discussed at the last meeting. He added that the next Street Committee meeting will be held on 03/28 at 9:00 a.m.

**INTERGOVERNMENTAL COMMITTEE:** No report.

**DOWNTOWN REVITALIZATION COMMITTEE:** Councilman Newcomer reported that the following items were discussed during their recent Committee meeting –

- Lou Colon (PA DCED) attended the meeting and spoke about funding for the Downtown Master Plan. Discussion was held regarding the creation of various areas that are more aesthetically pleasing to the community than the vacant storefronts – that project is currently in the planning stages.
- Talked briefly about the Rental Inspection Program, which has been forwarded to the Property and Public Safety Committee for review.

**FINANCE COMMITTEE:** No report.

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

“On March 8<sup>th</sup>, along with Borough Manager Hamberger and Assistant Manager Cohen, I attended the Legislative Luncheon featuring PA’s Secretary of Transportation, Barry Schoch.

The Chocolate Extravaganza and Franklin County Builders events, in my opinion, were very well attended and successful.

On March 13<sup>th</sup>, I attended the Asset Building Luncheon, which featured the topic of Dangers of Distracted Driving. One of the speakers has been to Waynesboro in connection with sidewalk crossings.”

**SOLICITOR’S REPORT:** No report.

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

**VOTING ON ITEMS FROM COMMITTEE REPORTS:** Councilman Cermak made a motion to appoint Greg White to the Renfrew Committee, Inc. Board of Directors. Councilman Potts seconded; the motion passed unanimously.

Councilman Cermak reported that Jay Mongan has achieved his Wastewater System Operator’s certification; and he made a motion to increase his salary level to 10A. Councilman Greenawalt seconded; the motion passed unanimously.

Pursuant to a request presented at the last meeting, Councilman Potts made a motion to approve the installation of a “No Parking Here to Corner” sign on Garfield Street, in accordance with the Engineering Department’s diagram. He commented that every time he visits this area, there is a vehicle parked in this space; and sometimes the alley or the driveway in question is blocked.

Councilman Greenawalt seconded. Discussion arose regarding the cost of the sign. Councilman Cermak noted that he supports the motion, but feels the Borough should bear the costs of the sign only if it is to the public's advantage. Councilman Potts noted he feels that placement of the sign will not only benefit the property owner, but the Borough as well because of the sight distance problem exiting the alley. The motion then passed unanimously.

**CONSIDER APPROVAL OF CONSENT AGENDA:** Councilman Driscoll made a motion to approve the Consent Agenda, as presented. Councilman Cermak seconded; the motion passed unanimously.

**RESOLUTION FOR**  
**COUNCIL MEETING OF MARCH 21, 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. Random Curb and Sidewalk Bids (opened on 03/19/2012).
2. Stone Bids (opened on 03/19/2012).
3. Sodium Hypochlorite (opened on 03/19/2012).
4. Paving Materials (opened on 03/19/2012).
5. Ductile Iron Pipe (opened on 03/19/2012).
6. Pool Concession Stand (opened on 03/19/2012).

**Routine:**

1. Approval of minutes - March 7, 2012 (regular meeting).
2. Accept reports of the Code Enforcement Officer, Police Chief and Fire Chief - February, 2012.
3. Pay Bills - Voucher List dated 03/09 (and any others following preparation of this agenda).

**Previously Discussed:** N/A.

**UNFINISHED BUSINESS**

**PROPOSED FIRE ORDINANCE:** Councilman Driscoll advised that the current Fire Ordinance was in need of modification due to the two (2) fire companies merging to create the Waynesboro Volunteer Fire Department. The Property Committee and Fire Chief have met and discussed proposed changes, and they are both satisfied with the ordinance being proposed. Councilman Driscoll made a motion to authorize advertisement of the proposed ordinance for Council's consideration at their next meeting. Councilman Cermak seconded. As the current ordinance designates there will be two (2) Deputy

Chiefs, Councilman Newcomer questioned if the officers' positions were currently filled. Mr. Hamberger responded that only one (1) Deputy Chief was appointed at the beginning of the year. The motion then passed unanimously.

**UPDATE ON PROPOSED RENTAL INSPECTION ORDINANCE:** Mr. Hamberger noted that the Property Committee met the previous week with Bob Correll, Chairman of the Rental Inspection Review Committee, to review the proposed Rental Inspection Ordinance at length. Several changes and corrections were made; and another meeting will be held to review the proposal again. The proposed ordinance will then be placed on display, and comments will be requested from the public and Council.

Mayor Starliper noted that the ordinance, as proposed, is quite lengthy; and he asked if there was any way to consolidate it. Mr. Hamberger agreed that the details are confusing, but it contains specific information which is very necessary.

**STORM SEWER BIDS:** Kevin Grubbs noted it is the staff's recommendation not to take any action on the storm sewer bids at this time.

On a related matter, Mr. Grubbs noted that a heavy storm was experienced on 10/19, during which part of the newly-constructed gabion wall collapsed. It is felt that a re-design is needed for that section of wall; and accordingly, he presented a change-order from the contractor to complete the work. Solicitor Wiser advised that, if Council so desires, they should make a motion to authorize the Council President to execute the change-order when an amount acceptable to the Council President, Borough staff and Solicitor is agreed upon. Councilman Newcomer made said motion. Councilman Greenawalt seconded; the motion passed unanimously.

**WAYNESBORO AREA SCHOOL DISTRICT GRADING PLAN:** Kevin Grubbs noted that he provided Council members with a proposed grading plan from the Waynesboro Area School District. He explained that there was a stockpile of rock at the rear of the Middle School parking lot as a result of the High School's renovation project. They would like to fill the area in and use it as an additional practice field. This proposal was reviewed by the Waynesboro Planning Commission on 02/13, and several revisions were required at that time. One of those revisions was to review stormwater issues to determine if additional facilities need to be put into place. This was reviewed by a consultant and it was determined that no additional impervious area was created (this will be nothing more than grass; and in fact, there was originally a tennis court in this location). All erosion and sedimentation measures will be put in place to protect the stream during the work. It was since recommended by the Waynesboro Planning Commission (at their 03/12 meeting) that the revised plan be approved, as presented. Councilman Greenawalt made a motion accordingly. Councilman Cermak seconded; the motion passed unanimously.

## **NEW BUSINESS**

**NATIONAL DAYS OF REMEMBRANCE FOR HOLOCAUST VICTIMS (APRIL 15-22):** Mayor Starliper noted that Council members received a letter from Millie Rodriguez, a tenth grade World Literature teacher from WASHS, requesting that Council and Mayor issue a resolution or proclamation to participate in the National Days of Remembrance on 04/15. This is an annual commemoration of the victims of the Holocaust mandated by the US Congress. Councilman Newcomer made a motion to move forward with the issuance of a proclamation in response to this request. Councilman Greenawalt seconded; the motion passed unanimously.

**BURNING REQUEST FROM D. L. GEORGE & SONS (LANDIS COMPLEX):** Mr. Hamberger presented a request from D. L. George & Sons Construction Company regarding their desire to burn brush as part of their efforts to clear the area (Landis Complex) which was recently re-zoned. The Borough currently has a burning prohibition, but from time to time permits an exception to that

particular ordinance. This has been done in the past for the School District, cemeteries and the Borough's golf course. Fire Chief Martin noted that he has no problems with this request from a fire safety standpoint. Councilman Greenawalt made a motion to approve an exception to the burning prohibition for D. L. George & Sons, in accordance with their request. Councilman Driscoll seconded. Councilman Newcomer commented he is hopeful that Mr. George will communicate his plans with the neighbors, per discussion at the last Council meeting. The motion then passed unanimously.

**ORDINANCE RE: ADOPTION OF 2012 INTERNATIONAL PROPERTY MANAGEMENT CODE:**

Sam Wiser reported that the ordinance currently in effect passed the 2003 IPMC into law; and the proposed ordinance would update that to the 2012 IPMC. He noted that the IPMC is updated every three (3) years, and the Borough hasn't updated theirs since the 2003 Code was enacted. Mr. Hamberger noted that authorization is needed to advertise the proposed ordinance for adoption. Councilman Newcomer made a motion as such. Councilman Cermak seconded; the motion passed unanimously.

**TOBACCO-FREE PARKS POLICY:** Councilman Driscoll reported that a program from the Penn State Extension Office was presented to the Recreation Board at their February meeting by the Police Department's Administrative Assistant Kim Green. The Recreation Board voted to endorse the "Young Lungs at Play" program, in which a policy is developed to ban smoking in parks. This program is being promoted on a statewide basis. Signs displaying the policy will be provided at no charge to the Borough.

Councilman Driscoll noted that he endorses the program; and even though there may be some concerns regarding enforcement, he would like to move forward with it. He read statements from the program's literature which are the reasons he feels it would be beneficial – (1) when children see adults smoking in family-friendly places such as parks and playgrounds, they see the behavior as acceptable; and (2) parks are about clean air, natural beauty, and engaging in healthy activities; and smoking doesn't fit in.

Councilman Driscoll then made a motion to authorize the staff to develop language that prohibits smoking in public parks; and at the same time, he invited the public to lend their opinion on the matter. Councilman Cermak seconded.

Karen Johnston, a representative of the Healthy Communities Partnership (who has the contract with the State of PA Department of Health for Tobacco Cessation and Prevention in Franklin County), was present. She explained the program and noted that she can provide sample ordinances/resolutions for Council's use. Councilman Newcomer noted the Borough's ordinance states that park rules can be designated by resolution. Discussion ensued regarding the golf course .... and Councilman Driscoll explained the Recreation Board's thoughts that it is not typically visited by children and should therefore not be included.

Mayor Starliper asked if other nearby municipalities have participated in the program. Ms. Johnston noted they worked with Chambersburg in November, and they will be working with Mercersburg and Greencastle in the near future. Mr. Starliper noted his concern is enforcement. Ms. Johnston suggested that this type of rule is mostly handled by public enforcement; and over time, it does change.

Councilman Cermak noted he supports the program. He doesn't think that second-hand smoke is a concern in the park, but children who see others smoking *is* a concern. He feels that enforcement of the "No Dogs in Memorial Park" has not been a problem.

Amos Miller - Mr. Miller noted that he is a non-smoker, but commented on how much the government has taken over our lives. Ms. Johnston stated that this is not a personal right issue ... it is about public safety and environmental issues.

Pat Fleagle - Mr. Fleagle stated that this rule would apply to six (6) public parks. He questioned if it would include the Clayton Avenue ballfields? Mr. Hamberger stated that those are leased by the Waynesboro Youth League, and he doesn't think Council would want to get involved with controlling them.

A vote on the motion was called; and the motion passed unanimously.

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

Harry Morningstar, 205 Clayton Avenue - Mr. Morningstar provided Council with an update on volunteer efforts in the downtown area. As was done last year, he stated that they will be planting ivy around the trees along Main Street, cleaning up mulch and trash, sweeping the sidewalks and painting meter poles black. In addition, he noted that several "monuments" will be placed for individuals who donated trees (mostly in Center Square). Mr. Morningstar was instructed to coordinate these efforts with the Borough's Maintenance Department.

At Council's last meeting, Mr. Morningstar presented 11 funding applications for facade improvements in the downtown. Since that time, he has had several more inquiries. Mr. Hamberger noted that Council has not yet had an opportunity to discuss reinstating the Main Street Facade Improvement Program. Mr. Morningstar noted that he has met with prospects for several vacant properties who could put the grant money to good use.

On a related matter, Mr. Morningstar noted that reasonable progress has been made regarding inquiries for available downtown properties – in fact, a new restaurant is preparing to open soon and several others have expressed interest. A popular request is regarding the amount of space on the sidewalk that could be dedicated to a café. He referred to downtown Hagerstown, where there are several restaurants that have very successful cafes on their brick sidewalks. He feels that Waynesboro discourages that concept by establishing a 12' public right-of-way. He added that Hagerstown adjusted their setback to 5' from the curb. He requested that when Council considers reinstating the facade improvement program, they also discuss the downtown setback issue. Mr. Hamberger suggested that the Planning Commission could review this matter while they are reviewing the existing Zoning Ordinance in the next several months. Councilman Newcomer stated he feels this should be reviewed on a case-by-case basis. Councilman Driscoll noted that perhaps Waynesboro's 12' is too aggressive. Councilman Cermak stated he would support cafes, but wouldn't want to see clothing racks out to 5'; and agreed with reviewing these on a case-by-case basis. Solicitor Wiser noted he is familiar with other communities who have voted to allow outdoor dining in certain districts (downtown) provided that certain criteria are met as a conditional use ... so it is on a case-by-case basis.

After further discussion, it was suggested that Mr. Morningstar encourage those individuals who are interested in a change to the setback to make their opinions known to Council. In addition, he should present his request to the Planning Commission during their upcoming review of the Zoning Ordinance. Mr. Hamberger noted that bids will be solicited for a consultant to review the Land Development/Subdivision and Zoning Ordinances; and public hearings will be held during the process. Councilman Newcomer confirmed that this is also a recommendation in the Downtown Master Plan.

Michael Kohler (On the Road Books), 38 E. Main Street - Mr. Kohler commented that the traffic noise on Main Street, from Center Square to the Borough Hall, is so loud – this is a result of trucks, speeders and motorcycles.

Darwyn Benedict, 47 W. Main Street - Mr. Benedict noted that a sketch plan was submitted to the Planning Commission for a property at the corner of Madison/Park/Hamilton (formerly The Lumber

Yard). Also present was Shon Duty, 16 S. Mulberry Avenue, who is interested in purchasing the building to expand his business.

Information was presented to the Planning Commission regarding Mr. Duty's business (software for recycling) and his plans are to expand into a recycling facility. Mr. Benedict noted his understanding that this is a conditional use in an industrial zone; and he questioned what issues Council might have before they move forward in the review process. Kevin Grubbs explained that the matter is still before the Planning Commission for review as an unofficial sketch plan, and they will require that a Land Development Plan and review fees be submitted. The matter will be required to go before the Zoning Hearing Board for a number of variances, as this is a pre-existing condition. Within that process, it will be forwarded to the Franklin County Planning Commission for their review and comments. Following the Planning Commission's review, Borough Council will then need to schedule a public hearing regarding the conditional use.

Mr. Duty noted that his business has grown very fast in the past year he has been in Waynesboro. He felt it was important to note that this are a "green" industry, not a junkyard. Waynesboro doesn't have any other ordinance that pertains to this type of business, except the "Junkyard Ordinance"; but this is a non-ferrous recycling facility. He noted his concern over the long process required in getting approval for locating his business at this location.

Councilman Newcomer noted that he views this as a valid business; and it would be beneficial to Mr. Duty's business to educate the public on the type of recycling he is planning, as Council bases their decisions on their constituents' concerns. Mr. Hamberger explained that the use is an approved use in the industrial zone, but it is conditional. That means that Council must hold a public hearing on the matter and is able to set reasonable conditions (for example, that no work can be performed at the location after 12:00 midnight).

Solicitor Wiser added that there are requirements in the ordinance for a conditional use; and if an applicant meets all of the specific requirements set forth in the ordinance, then they are entitled to that use, subject to reasonable conditions connected to that use. Before Council tonight is a sketch plan – and the purpose of a sketch plan is to gain some general idea of whether or not there are any additional concerns or issues regarding the proposed use. This is an informal process ... and Council is not able to make any determinations tonight. Mr. Duty agreed that he is mainly looking for Council's feedback and instructions on the process involved.

Discussion followed regarding Council's right to request a traffic impact study. As this is an old building where The Lumber Yard was previously located, Mr. Benedict asked if it is likely that Council would require a traffic impact study. Mr. Hamberger noted that only two (2) traffic studies have been requested since he began as Borough Manager in 1980. Mr. Wiser clarified, however, that Council would still have a right to do so. President Stains commented that he doesn't want to see any businesses leave Waynesboro; and he requested that Mr. Duty work with Kevin Grubbs and Sam Wiser to get through the planning process.

**COUNCIL AND STAFF COMMENTS:** Councilman Cermak introduced an Eagle Scout candidate from Troop 99 in Greencastle, PA, who was present at the meeting to work on a merit badge.

Kevin Grubbs reported that he received notification from PENNDOT that they will be doing a resurfacing project on N. Church Street, from Main Street to Orphanage Road, in 2013. Accordingly, the Engineering Department will be issuing sidewalk notifications to N. Church Street property owners who are in need repair or upgrades. They will also begin issuing curb/sidewalk notices throughout the Borough for serious repairs that create an immediate hazard.

Police Chief King reported that the Police Department held two (2) classes recently for staff at the Waynesboro Hospital and the Homeless Shelter regarding looking for synthetic marijuana and bath

salts. This is an attempt to be pro-active in that area. He also reported that a COPS grant application was successfully completed and submitted; as well as a 2012 FBI Local Environmental Survey involving crimes within the Borough. Lastly, Chief King reported that the Police Department participated in the Health Fair held at the Waynesboro Area Senior High School.

On a related matter, Mr. Hamberger stated that he received a telephone call from the Hospital Administrator regarding a recent incident involving a patient with psychological problems. He commented on the rapid and professional response by the Police Department in handling this situation.

Pat Fleagle extended a verbal invitation to Council members to MSI's Annual Dinner Meeting to be held on 04/09 (a written invitation will follow). He also reported that the second in a series of meetings regarding the creation of a possible Arts Alliance will be held the following evening at 7:00 p.m. in the Waynesboro Area Middle School. Lastly, he noted that the Waynesboro Civil War 150 will be displaying posters regarding special presentations (free to the public) – the next being held on Saturday, 03/24, at 1:00 p.m. at Trinity Church.

Councilman Newcomer thanked the public for their attendance and offered commendation to the Eagle Scout candidate for the hard work involved in such an accomplishment.

Councilman Potts noted that, at Council's last meeting, he mentioned complaints he received regarding the condition of the property at 502 W. Main Street. He reported that the situation has been remedied and it looks very nice.

Mayor Starliper reminded Council and the public of the Wayne Band's performance in honor of Asher Edelman on Sunday, 03/25, at 2:00 p.m., at the Evangelical Lutheran Church.

Mayor Starliper also mentioned that Council received a letter regarding an incident which occurred at the Municipal Golf Course recently involving an individual who suffered cardiac arrest. It should be noted that the brother of this individual expressed his appreciation to Golf Course staff members, Dorothy "Jean" Kaiser and Mike Rouzer, for their assistance during the tragic event.

Having no further business to discuss, the meeting adjourned at 8:56 p.m. on a Greenawalt/Driscoll motion which passed unanimously.

Respectfully Submitted

Melinda S. Knott  
Administrative Assistant