

NOVEMBER 7, 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  
Denny Benschhoff, Maintenance Superintendent  
Dan Sheffler, Zoning-Code Enforcement Officer  
Kevin Grubbs, Head of Engineering Services  
Jason Cohen, Assistant Borough Manager  
Dave Martin, Fire Chief  
Jim Sourbier, Police Chief  
Sam Wiser, Borough Solicitor (Salzmann Hughes, PC)

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

**EXECUTIVE SESSION:** Council adjourned to Executive Session at 7:31 to discuss matters of potential litigation. Council reconvened at 7:59.

### **COMMITTEE REPORTS**

**PERSONNEL COMMITTEE:** Councilman Cermak reported that he will present two items during the “voting section” of the meeting.

**PROPERTY AND PUBLIC SAFETY COMMITTEE:** Councilman Driscoll reported the water has been shut off for the winter at the Dog Park and expressed appreciation to the Maintenance Dept. For their quick installation of the fountain this year. He also noted the work on the Memorial Park Memorial which was funded by the American Legion was almost complete and that Council expresses their appreciation for the Legion’s donation.

**STREET COMMITTEE:** Councilman Potts explained the issues discussed at the recent meeting, including the condition of the decorative light posts, downtown tree maintenance, and sidewalk maintenance. Councilmen Newcomer and Driscoll noted that they agree with the determination that property owners are completely responsible for sidewalk maintenance. Councilman Potts noted he would have two items for the “voting section” of the meeting.

**INTERGOVERNMENTAL COMMITTEE:** President Stains stated that he will have one item for the “voting section” of the meeting

**DOWNTOWN REVITALIZATION COMMITTEE:** Councilman Newcomer reported that a Downtown Revitalization Committee meeting would be held on 11/20/2012. He inquired as to the status of the outdoor dining amendment to the Zoning Ordinance. Kevin Grubbs explained that the Planning Commission was

scheduled to take this up next week t their meeting, and a hearing with Council was being scheduled for 12/5/2012 immediately prior to the scheduled Council meeting.

Mr. Newcomer asked Harry Morningstar Jr. for a report on the banner project. Mr. Morningstar advised Council members that the banners were in production and the plan was to have them placed on th light posts when the Christmas decorations are taken down.

**FINANCE COMMITTEE:** No report. Councilman Greenawalt reminded Council members that a budget meeting will be held immediately following this meeting.

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

“On October 18<sup>th</sup>, I attended a Waynesboro Chamber of Commerce mixer at the Fort Ritchie Community Center.”

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

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

**VOTING ON ITEMS FROM COMMITTEE REPORTS:** Councilman Cermak made a motion to appoint John H. Shindlecker to the Waynesboro Fire Police. Councilman Driscoll seconded; the motion passed unanimously. Councilman Cermak then noted he had received a positive performance evaluation, with most categories exceeding standards, for Assistant Manager Jason Cohen, and made a motion to accept the review and noted a salary recommendation would be made at a later meeting. Councilman newcomer seconded and the motion passed unanimously.

Councilman Potts made a motion to remove the handicapped parking sign from 450 Scott Ave. Councilman Driscoll seconded the motion, which passed unanimously.

Councilman Potts made a motion to remove the Unloading Zone sign from 13 S. Church St., and replace the zone with the extension of the previously-existing No parking Here To Corner sign. Councilman Cermak seconded the motion, which passed unanimously.

President Stains made a motion to approve the Fire Protection Agreement with Quincy Township for 2013. Councilman Cermak seconded the motion, which passed unanimously. Mr. Hamberger noted that while the same terms would be acceptable for 2013, if an agreement is to be entered into for 2014, he would recommend a revision of the fees.

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

**RESOLUTION FOR**  
**COUNCIL MEETING OF NOVEMBER 7, 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. Water Treatment Chemicals
2. Snow Plowing

**Routine:**

1. Approval of minutes - October 17, 2012 (Regular Meeting)
2. Pay Bills - Voucher Lists dated 10/24/2012 and 10/26/2012 (and any others following preparation of this agenda).

**Previously Discussed:** N/A.

**UNFINISHED BUSINESS**

**MOBILE ADVERTISING:** Solicitor Wiser presented and explained the memo, requested by Council, explaining his opinion on the existing Ordinance and its bearing on mobile advertising. Mr. Hamberger explained that based upon the solicitors opinion that technically mobile advertising is prohibited via the zoning Ordinance, staff requires formal direction from Council on how to proceed on these matters. Councilmen Driscoll and Newcomer agreed that they did not think the existing use of vehicles for the purpose of advertising represented any problems. Councilman Cermak concurred, but noted that the current Ordinance prohibits such activity and then asked staff when the Ordinance was adopted. Mr. Sheffler responded that it had been adopted in 1991. Mr. Hamberger noted that the ongoing revision of the Zoning ordinance would certainly examine this matter. Councilman Cermak made a motion to direct Borough staff to cease any enforcement of the mobile sign portion of the Zoning Ordinance. Councilman Newcomer seconded the motion, which passed by a 5 to 1 vote, with Councilman Greenawalt voting no.

**UPDATE ON BRIMINGTON FARMS:** For the benefit of everyone present, Solicitor Wiser reviewed a time line of actions taken by the Borough regarding this matter, as well as correspondence between relevant parties. He further explained that the Borough had finally received a proposed settlement agreement from Lexon earlier in the week, with a proposed completion date of July 2013.

**BRIMINGTON FARMS CONCERNS - BRIMINGTON FARMS RESIDENTS**

Residents of Brimington were present to express their concerns, including Melissa Russ, John Eisenberger, Justin Yockle, Wayne King, John Fetchen, John Weylon, Jason Wilson, Greg Scanland, Garrett Snyder, Kevin Jameson, Gabe Fortman, Tammy Estrada. Their stated concerns included the inability to use the development's roads for personal and public safety vehicles due to the lack of snow plowing; control of weeds; speeding and law enforcement; storm water controls; the lack of properly paved roads; and the whereabouts of their money they gave the developers for the Homeowner's Association. The Council noted their concerns for the situation, particularly the snow plowing situation. Solicitor Wiser noted that the Borough is disappointed in the way the bonding company has delayed their response. The Borough noted residents of Brimington farms can set up a meeting with staff to go over the "punch list" of items the bonding company intends to do. Council also noted that while the Borough can not plow private streets (Brimington's have not been turned over to the Borough due to the lack of proper paving). The Police Chief will explore the extent to which Borough Police may patrol private streets. Also it was noted that although the Borough Code prohibits the use of government funds to plow private streets, if a situation arises in which emergency vehicles need access, the Borough could possibly make an "emergency plow pass" to provide access. The Borough Manager

also recommended that the residents contact the Pa. Attorney General to discuss the Home Owners Association's account.

## **NEW BUSINESS**

**LERTA:** Mr. Hamberger gave a brief explanation of the LERTA program to Council, explaining the mechanics of the program and the options available to the Borough if they wish to pursue such a designation. A copy of the talking points is attached as a part of these minutes. He explained that the same information was currently being discussed by the School District, and once that conversation had taken place, he would return with additional information to determine if this is a program Council wishes to pursue. He requested that the President appoint two representatives to engage in further conversation with the School District and the County.

**REFUSE/RECYCLING COLLECTION BID RESULTS:** Council was provided with a bid tabulation (attached hereto as a part of these minutes) indicating the apparent low bidder. While Allied Waste was the apparent low bidder, Mr. Hamberger explained that they had informed staff that they erred in their bid and would subsequently be withdrawing their submitted bid, which the solicitor assured Council was permitted by law. Mr. Hamberger then recommended the award be given to Waste Management, which was the next-lowest bidder. Councilman Greenawalt made a motion to award the contract to waste Management, Councilman Cermak seconded, and the vote was unanimous.

## **APPROVAL OF FRANKLIN COUNTY AREA TAX BUREAU (FCATB) & FRANKLIN COUNTY TAX COLLECTION COMMITTEE (TCC) 2013 BUDGETS**

Mr. Cohen presented the proposed budgets for both entities to Council, indicating that the FCATB budget represented a 6% increase over the anticipated 2012 end of year figures, but fell within the 2.2% cost of collection that the Bureau was mandated to meet by the TCC. Councilman Greenawalt mad a motion to approve both budgets. Councilman Cermak seconded and the motion was approved unanimously.

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

Stephen Monn, Waynesboro Planning Commission Member - Mr. Monn requested that Council carefully think through the possible elimination of the mobile sign portion of the Zoning Ordinance, and suggested modifying it if necessary, but not eliminating it completely.

## **FOR INFORMATION ONLY**

### **2012 COMMUNITY DEVELOPMENT BLOCK GRANT APPROVAL**

Mr. Hamberger noted that the 2012 CDBG grant has been approved.

### **"MAD ANTHONY" HALF MARATHON SEPTEMBER 14<sup>TH</sup> 2013**

Council was informed of CFAR's intention to hold this marathon again in 2013 via the letter from CFAR.

**COUNCIL AND STAFF COMMENTS:** Councilman Driscoll noted that he was glad the Brimington Farms residents were present to discuss their concerns and that the discussion was productive and cordial.

Denny Benschhoff noted that the installation of the N. Church St. Water line was complete with the exception of paving.

Dan Sheffler noted he was concerned with the outcome should the mobile sign portion of the Zoning Ordinance be eliminated completely.

Mr. Cohen requested that Council re-appoint the Borough's existing representatives - Councilman Greenawalt and himself - to the FCATB for 2013. Councilman Cermak motioned to appoint Mr. Cohen as the primary representative and Councilman Greenawalt as the alternate. Councilman Driscoll seconded, and the motion passed unanimously.

Pat Fleagle - Mainstreet Inc. - noted that the tree lighting was scheduled for November 16, 2012 at 6:00pm, and the parade was scheduled for November 17, 2012, and thanked all staff involved in both undertakings.

Chief Sourbier noted that he would work with the Solicitor in order to determine and make clear what if anything the Police Department is able to do on Brimington Farm's private streets.

Mayor Starliper thanked the Fire Department, the Police Department, the Maintenance Department, and Borough staff for the preparatory measures prior to Hurricane Sandy. He also noted that in the future perhaps Mainstreet inc. should consider including te veterans groups in the Christmas parade as well.

Having no further business to discuss, Councilman Driscoll made a motion to adjourn, seconded by Councilman Newcomer. The motion passed unanimously and Council adjourned at 9:45.

Respectfully Submitted,

Jason H. Cohen  
Assistant Manager