

DECEMBER 5, 2012  
WAYNESBORO, PA 17268  
REGULAR MEETING

Council President Jason Stains called the regularly scheduled meeting of the Waynesboro Borough Council to order at 7:56 p.m. with the following in attendance:

Borough Council Members – Benjamin Greenawalt, Craig Newcomer, Darrel Potts, Jason Stains and Wayne Driscoll (Michael Cermak 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

**EXECUTIVE SESSION:** Council held an executive session, following adjournment of the public hearing and prior to this meeting, for the purpose of discussing personnel and litigation issues.

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

### **COMMITTEE REPORTS**

**PERSONNEL COMMITTEE:** President Stains noted that a favorable performance evaluation was received for Gordon Cruickshanks, however no action was required at this time.

**PROPERTY AND PUBLIC SAFETY COMMITTEE:** Councilman Driscoll reported that he was asked to attend a meeting with Brimington Development residents, as one of Council's representatives from Ward 1. During the meeting, they expressed many of their concerns; and Mr. Driscoll will be taking on the role of liaison to ensure they are getting information from the Borough and vice-versa. He is currently in the process of answering several of their questions, one of which is regarding snow removal.

Solicitor Wiser noted that, after the last meeting, it became very apparent that some type of resolution needed to be reached with regard to snow plowing. This will be the second year that the Borough will be unable to plow the streets, which is not acceptable. He has discussed the matter with the bonding company, and they have provided a check in the amount of \$8,000 to be used to establish an escrow account for plowing in

the Brimington Development. The money will also be used to purchase some “jersey barriers” to close off part of the streets that are not in front of residential dwellings (and act as a stopping point for the plows). The understanding with Lexon is that anytime the Borough’s crews are called out to plow their streets, the Borough will contact their plowing sub-contractor (D. L. George & Sons) to assist with snow plowing/removal in the development. The fee charged for this work will be the amount previously established by bid for the year.

Councilman Driscoll commended Mr. Wisner, as this matter was resolved on his initiative and follow-through.

**STREET COMMITTEE:** No report.

**INTERGOVERNMENTAL COMMITTEE:** No report.

**DOWNTOWN REVITALIZATION COMMITTEE:** Councilman Newcomer announced that a Downtown Revitalization Committee meeting will be held on 12/18 at 9:30 a.m. in Borough Hall’s second floor conference room.

**FINANCE COMMITTEE:** Councilman Greenawalt noted that Council will consider the 2013 proposed budget for adoption at their next meeting (12/19).

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

“On November 30<sup>th</sup>, along with Borough Manager Hamberger, Assistant Manager Cohen, Council President Stains, Maintenance Superintendent Benshoff and Chief Draftsman Crum, I attended the ribbon-cutting at Memorial Park.”

**SOLICITOR’S REPORT:** No report.

**PUBLIC COMMENT - ITEMS ON AGENDA:**

Raymond Webber, 27 Cleveland Avenue - Mr. Webber mentioned a shooting incident that took place near his home earlier this week. He requested that Council consider adding street lights in some of the alleys in town, as additional lighting might deter incidents such as this. Mr. Hamberger suggested that the matter be discussed during the upcoming Street Committee meeting.

**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 December 5, 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 - November 20, 2012 (regular meeting)
2. Pay Bills - Voucher Lists dated 11/30 (and any others following preparation of this agenda).

**Previously Discussed:** N/A.

**UNFINISHED BUSINESS**

**CONSIDER AMENDMENT TO ZONING ORDINANCE NO. 937 (OUTDOOR DINING AND CHANGE IN THE ZONING HEARING BOARD MEMBERSHIP):** Councilman Newcomer made a motion to adopt the proposed ordinance, as advertised. Councilman Driscoll seconded; the motion passed unanimously.

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE OF THE BOROUGH OF WAYNESBORO, FRANKLIN COUNTY, PENNSYLVANIA, AMENDING ORDINANCE NO. 937 OF THE BOROUGH OF WAYNESBORO, ENTITLED "ZONING" AS AMENDED.

Complete copy on file at Borough Hall.

**CONSIDER ORDINANCE AMENDMENT RE: TRACTOR TRAILER PARKING:**

Assistant Manager Cohen noted that the issue of tractor trailer parking (on Ninth Street and Enterprise Avenue) was addressed several months ago. Council opted at that time to make it "permit parking only"; but the Police Chief has requested that an amendment be made to require that the permits be visibly displayed, to aid in their enforcement. Councilman Newcomer made a motion to approve the proposed amendment, as presented. Councilman Driscoll seconded; the motion passed unanimously. It was noted that clarification on this requirement will be provided to permittees with the renewal applications for 2013.

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE AMENDING ORDINANCE NO. 1106 OF THE BOROUGH OF WAYNESBORO, ARTICLE III, SECTION 10, AS AMENDED, WHICH AMENDED ORDINANCE NO. 688 OF THE BOROUGH OF WAYNESBORO, ARTICLE III, SECTION 10, AS AMENDED, PRESCRIBING TRAFFIC AND PARKING REGULATIONS IN THE BOROUGH OF WAYNESBORO.

Complete copy on file at Borough Hall.

**UPDATE (STORMWATER DRAINAGE PROJECT):** Kevin Grubbs provided an update as follows --

- Grant Street Bypass (at the intersection of S. Grant and Second Streets, continuing up Cleveland Avenue through private properties to Third Street) was awarded to Fayetteville Contractors. A Notice-of-Intent-to-Award has been issued to them; and the contract documents will be executed and delivered by the Borough to the consultant, Dennis E. Black Engineering, tomorrow morning. Once they have been processed, they will be returned to the contractor. All bonding has been reviewed and is satisfactory. If everything goes well, work will begin after the first of the year.
- Small Upgrade on S. Potomac Street was awarded to David H. Martin. The Highway Occupancy Permit has been received back from the state. As soon as the contract documents have been finalized, they will begin work around the first of the year as well.
- S. Potomac Street (Alternate 2B Phase) was awarded to D. L. George & Sons Construction. The third (and hopefully final) round of comments for the Highway Occupancy Permit have been submitted to PENNDOT for review. A start date will not be available until the permit has been secured.

Mr. Hamberger noted his appreciation to the Borough's engineering staff for their efforts in obtaining the required right-of-way agreements from the property owners adjacent to these projects.

## **NEW BUSINESS**

**SURVEY OF CAPITAL EQUIPMENT:** Mr. Hamberger noted that the Franklin County Council of Governments is pursuing the possibility of sharing equipment and eliminating the duplication of services, etc.; and have contracted a firm to obtain a list of each municipality's capital equipment, facilities and secondary tools. He requested Council's authorization for the staff to provide the necessary information for this survey. Councilman Greenawalt made a motion to grant permission, as requested. Councilman Driscoll seconded; the motion passed unanimously.

**N. CHURCH STREET PROJECT:** Jon Fleagle, Chairman of the Waynesboro Borough Authority, was in attendance. He noted that the WBA funded replacement of the water main which runs out N. Church Street this year, because the state is scheduled to pave N. Church Street in early 2013. By doing the main work prior to the paving, a lot of money would be saved in restoration costs. Mr. Fleagle and Leiter Pryor held a meeting with staff from the Maintenance and Engineering Departments in March to discuss the project; and Denny Benshoff was given the task to develop a plan to ensure

the project was completed this year. He and his crew did a commendable job in developing and executing the plan; and the Engineering Department did an excellent job in securing the appropriate permits and providing inspection services. He extended the WBA's appreciation for their hard work.

**GOLF COURSE FEES:** Jason Cohen presented proposed Resolution No. 2012-15, which was prepared in light of the proposed 2013 budget. As explained in prior budget sessions, in order to realize a balanced operating budget for 2013, the Recreation Board is recommending a rate adjustment to increase revenues. Specifically, the greens fees will be increased by \$1.50 per round, and the memberships will be increased by \$25.00/year. The matter has been discussed with the Golf Course Manager, who feels comfortable with the new rates, as they are still below the rates of neighboring courses.

Mr. Hamberger added that the membership rates have not been increased since 2008. Councilman Driscoll made a motion to approve Resolution No. 2012-15. Councilman Potts seconded; the motion passed unanimously.

### RESOLUTION 2012-15

WHEREAS, the Borough of Waynesboro has developed the Waynesboro Municipal Golf Course, and

WHEREAS, the Waynesboro Recreation Board has determined that revenues from the golf course are not sufficient to meet the cost of operation and maintenance, and

Complete copy on file at Borough Hall.

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

John Fetchen, 513 Waterdale Drive (Brimington Development) - Mr. Fetchen thanked Council and the staff for their efforts, as snow plowing was one of the residents' most pressing issues. He asked for contact information for the individual who should be contacted if the snow plowing is not done.

Melissa Russ, 515 Waterdale Drive (Brimington Development) - Ms. Russ also thanked the Borough for their efforts; and added a personal thank-you for "blind child" signs at the end of their street which have been erected. Mr. Grubbs commented that the developer took care of the signs immediately upon request.

Mr. Hamberger explained that, when the Borough's crews are called out, he will also call D. L. George & Sons to plow the development. He added that Maintenance Superintendent Denny Benshoff also drives around to ensure that all areas have been taken care of. If there is a problem, residents should call the Maintenance Center (762-4814).

Councilman Driscoll also mentioned that the manholes, etc. that are "sticking up" will cause difficulty for the plow operators; and because of this, the plows may need to be

raised in certain areas. Mr. Hamberger added that a “walk-thru” will be conducted with D. L. George personnel to ensure they are aware of these issues.

### **FOR INFORMATION ONLY**

**ADOPT 2013 BUDGET AND TAX ORDINANCE (DECEMBER 19, 2012):** Mr. Hamberger reported that the 2013 Proposed Budget and Tax Ordinance are on Council’s agenda for consideration at the next meeting (12/19). He thanked Council for their efforts during the budget process, and advised the public that there will be no tax increase for the upcoming year.

**COUNCIL AND STAFF COMMENTS:** With regard to the Highway Occupancy Permit discussed previously by Kevin Grubbs, Solicitor Wisner stated that PENNDOT generally requires a resolution evidencing authorization for the Borough Manager/Secretary to sign the HOP Conditions Statement. Accordingly, he requested Council’s approval of Resolution No. 2012-16, which authorizes and directs the Borough Manager/Secretary to execute the Conditions Statement for Highway Occupancy Permit #08082357. Councilman Newcomer made the appropriate motion. Councilman Greenawalt seconded; the motion passed unanimously.

### **RESOLUTION NO. 2012-16**

A RESOLUTION OF THE BOROUGH OF WAYNESBORO, FRANKLIN COUNTY,  
DESIGNATING THE BOROUGH MANAGER TO AUTHORIZE AND EXECUTE THE  
CONDITIONS STATEMENT FOR THE HIGHWAY OCCUPANCY PERMIT NO.  
08082357 FOR IMPROVEMENTS IN WAYNESBORO BOROUGH, FRANKLIN  
COUNTY, PENNSYLVANIA

Complete copy on file at Borough Hall.

Having no further business to discuss, Councilman Newcomer made a motion to adjourn at 8:21 p.m. Councilman Potts seconded.

A member of the public, Wayne Bartholow, interrupted the adjournment. He noted that, pursuant to an email exchange, it was his understanding that a report would be given by the Police Chief at this evening’s meeting. Mr. Hamberger stated that the Chief gave a report to Council during their executive session. President Stains asked Chief Sourbier if he could discuss the matter publicly, without jeopardizing the investigation.

Chief Sourbier commented that, as is well known, the Police Department received a report of shots being fired into an occupied residence on W. Second Street on the evening of 12/03. Very shortly after that, a second report was received of shots discharged in an alley in the 100 block of W. North Street. Officers reported to W. Second Street and then to W. North Street. He stated that additional officers were called in to assist, evidence has been recovered, and he is “guardedly optimistic” about the outcome of the investigation. So as not to jeopardize the investigation, however, he

could offer no additional information.

The meeting then adjourned at 8:26 p.m.

Respectfully Submitted,

Melinda S. Knott  
Administrative Assistant