

AUGUST 17, 2011
WAYNESBORO, PA 17268
REGULAR MEETING

Council President C. Harold Mumma 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, C. Harold Mumma and Ronald Martin (Wayne Driscoll was absent)

(Mayor Starliper was absent)

Borough Staff – Lloyd R. Hamberger, II, Borough Manager
Denny Benschoff, 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

PLEDGE OF ALLEGIANCE: Those in attendance joined in the Pledge of Allegiance.

EXECUTIVE SESSIONS: President Mumma announced that Council had held an executive session on 08/09 from 6-7 p.m. for the purpose of discussing potential litigation; and requested that an executive session be held at this time for the same purpose. Council then adjourned to executive session at 7:32 p.m. and returned to regular session at 7:49 p.m.

Referring to Resolution No. 2011-06, Councilman Newcomer made a motion to pull the bond on 08/28 and stop issuing any permits if the requirements of the Municipal Planning Code and the Borough's ordinances are not met. Councilman Stains seconded; the motion passed unanimously.

APPROVE MINUTES: Councilman Greenawalt made a motion to approve the minutes of the August 17th meeting, as written. Councilman Stains seconded; the motion passed unanimously.

ACCEPT REPORTS: Councilman Stains made a motion to accept the reports of the Code Enforcement Officer, Police Chief and Fire Chief, as presented. Councilman Greenawalt seconded; the motion passed unanimously.

COMMITTEE REPORTS

PERSONNEL COMMITTEE: Councilman Stains noted that he will present several items during the "voting" section of the meeting.

PROPERTY AND PUBLIC SAFETY COMMITTEE: No report.

STREET COMMITTEE: Councilman Martin reported that the Street Committee will meet on 08/31 at 9:00 a.m.

INTERGOVERNMENTAL COMMITTEE: No report.

DOWNTOWN REVITALIZATION COMMITTEE: Councilman Newcomer noted that the next Committee meeting will be held on 08/23 at 9:00 a.m.

FINANCE COMMITTEE: No report. Mr. Hamberger stated that he held a preliminary budget meeting with the department heads recently, and he is currently reviewing mid-year finances. He will provide a report to Council by the end of the month.

SOLICITOR'S REPORT: No report.

PUBLIC COMMENT - ITEMS ON AGENDA: None.

VOTING ON ITEMS FROM COMMITTEE REPORTS: Councilman Stains made a motion to appoint Nancy Frame, Josh Finafrock and Ein Urey to fill vacant positions on the Recreation Board. Councilman Martin seconded; the motion passed unanimously.

Councilman Stains made a motion to reappoint Tom McCloud to the Shade Tree Commission; said term to expire on 03/04/2016. Councilman Martin seconded; the motion passed unanimously. Mr. Hamberger added that there are several vacancies on the Shade Tree Commission; and anyone interesting in serving on the Commission should contact him.

Councilman Stains made a motion to reappoint Barry Stevenson to a full term on the Civil Service Commission; said term to expire on 08/01/2017. Councilman Greenawalt seconded; the motion passed unanimously.

UNFINISHED BUSINESS

FINANCING FOR STREET IMPROVEMENTS: Mr. Hamberger explained that, after the October payment on the loan from the PA Infrastructure Bank, there will be an outstanding balance of \$497,000; and the list of street projects being considered at this time totals \$1,073,000. Since the PA Infrastructure Bank will not permit the Borough to refinance the original loan with money borrowed from them, the Borough would have to borrow \$400,000 from another source (private bank) and borrow the \$1,073,000 from them, for a total of approximately \$1,600,000. The interest rate from the Infrastructure Bank is 1.65%, and the lowest quote from a local bank was 3.3%. Mr. Hamberger recommended that action be deferred until the Borough's total finances are reviewed in-depth during budget deliberations. Accordingly, Councilman Martin made a motion to postpone action on this matter until the first meeting in November. Councilman Newcomer seconded; the motion passed unanimously.

It was mentioned that CDBG funds are being drastically reduced. Mr. Hamberger noted that the final 2011 CDBG hearing will be scheduled for Council's 09/07 meeting; and it is anticipated that that allocation will be approximately \$130,000 (which will be used for Streets and Administration).

OTTERBEIN MINISTRIES TRAFFIC STUDY: Kevin Grubbs noted that Council members had received an outline of the proposed scope for the Otterbein Ministries' Traffic Impact Study, prepared by Neil Parrott, Traffic Engineer from Traffic Solutions, Inc. in Hagerstown, MD. Mr. Parrott and Mike Newman, Pastor, were both in attendance.

Pastor Newman addressed Council and apologized that he was unable to attend the 07/20 meeting when this matter was previously discussed. He commented on his disappointment with the outcome from that meeting, but noted the Church desires to comply with the Borough's requirement. Since then, they have been working with Kevin Grubbs regarding the scope of the traffic study; and Mr. Grubbs had provided Council with an initial draft of a scope for review.

Following that submission, Mr. Parrott prepared a more detailed scope (which Council also received). Mr. Newman explained that this particular scope does not include one (1) aspect that was on the original scope ... which was an intentional decision of the church and the traffic engineer. He read Item #2 from the draft scope originally provided by Council, as follows: "Borough Council is requesting that the traffic study is to include whether or not S. Welty Road will hold up to the traffic that the project will create before, during and after construction." Mr. Newman noted the church (with their traffic engineer's counsel) believes that requirement is outside the scope of a traffic impact study ... and that it is really a highway design study item. Accordingly, the recently-submitted document covers all other items in the scope except for that particular requirement. On behalf of the church, he petitioned that they not be required to do that, because it falls outside of the Borough's ordinance regarding traffic impact studies for developments.

Mr. Newman continued by stating the church's concern as to the end result or desire for that information. As a traffic impact study is meant to be about traffic control, their feeling is that that requirement is in some way positioning the church to be involved in the repair of Welty Road ... and that is something that they are not financially in a position to do. If Council has another reason for that request, Otterbein may be agreeable to assist in providing some testing, etc., but they need to be assured that in doing so, it will not result in them having to pay hundreds of thousands of dollars to rebuild Welty Road.

He reminded Council that in their previously-approved land development plan, along with the revised plan in the approval process now, the church is doing significant water management at that location. He noted that a swale is being installed the entire length of Welty Road that will be a significant help to the Borough and how water is managed there. That item alone will cost "thousands and thousands of dollars". Mr. Newman noted he is well aware of the Borough's predicament with regard to Welty Road, and Otterbein is prepared to do their part in helping with the water management. However, they are not prepared and cannot be in a position where they are forced to try to repave that road or repair the base, etc. – in fact, that would probably be a project breaker for them. He reiterated their hope that Council will approve the six-page document at this meeting, sufficing and satisfying the Borough's requirement for a traffic impact study, and not requiring anything of them beyond that.

Councilman Martin suggested that Borough Council meet with legal counsel and the engineering staff to discuss the Borough's request, as he believes it is within the scope of a traffic impact study. The matter can then be discussed further at Council's next meeting.

Neil Parrot, President of Traffic Solutions, Inc., reviewed his professional qualifications and work experience. He explained that when conducting a traffic impact study, they look at the intersections, do traffic counts, and determine if the configuration is able to handle the traffic. In his experience, traffic studies do not include determinations on the actual condition of the road.

Councilman Martin made a motion to table the matter for further review until the next meeting. Councilman Newcomer seconded, adding that all Council members should be present for the vote. Pastor Newman stated that the issue regarding a traffic impact study has been discussed now for two (2) months. A month ago he attended a Street Committee meeting in which Council members bemoaned how they were being delayed in decision-making because they couldn't get a straight answer (on other matters) from the State, etc. Mr. Newman noted that same frustration is being experienced by the church, and he respectfully requested that a decision be made at Council's next meeting. Further, he requested that any additional questions be addressed beforehand so that a decision can be made at that meeting. The motion to table the matter passed unanimously.

NEW BUSINESS

2012 MINIMUM PENSION OBLIGATION: As pension administrator for the Borough, Mr. Hamberger explained that he is required to present calculations each year regarding the upcoming year's Minimum Municipal Obligation for the employees' pension plans to the elected board – those

calculations are \$120,665 for the non-uniformed pension plan and \$169,746 for the police pension plan. Council acknowledged receipt of the information.

MODIFIED HOURS (NORTHSIDE POOL): Jason Cohen reported that Northside Pool will be operating under modified hours (from 12-5 p.m.) on August 25th & 26th, due to staffing limitations.

PUBLIC IN ATTENDANCE - NON-AGENDA ITEMS: None.

FOR INFORMATION ONLY

REMINDER OF JOINT MEETING (AUGUST 23, 2011 AT 6:00 P.M.): Mr. Hamberger reminded Council members of the joint meeting to be held on 08/23 at 6:00 p.m. at the Parlor House. Officials from Washington Township, Quincy Township, Mont Alto Borough and Waynesboro Area School Board have been invited to attend; as well as the three (3) County Commissioners and Phil Tarquino, Supervisor of the Franklin County Planning Commission. Mr. Hamberger also announced that *Communities That Care* has graciously offered to pay for the meals. The proposed agenda for the meeting has been posted on the Borough's website.

DEDICATION OF ILLUMINATED STREET NAME SIGNS: Kevin Grubbs reported that the illuminated street name signs will be installed by Republic ITS the following morning, beginning in Center Square. The installation should be completed on Friday, and a dedication ceremony will be held that day (08/19) at 10:00 a.m. Senator Alloway, Representative Rock, Pat Fleagle and members of Borough Council have been invited to attend. Mr. Grubbs noted that the illuminated signs manufactured by APX Enclosures are now listed as an approved product for PENNDOT on Bulletin 15. Council noted their appreciation to APX (Andy Papoutsis, Owner) for the donation.

FRANKLIN COUNTY AREA TAX BUREAU YEAR-TO-DATE FIGURES: Jason Cohen reported that the second quarter year-to-date figures for EIT (Earned Income Tax) and LST (Local Services Tax) are 16.77% ahead of last year's revenue collection. Operations of the FCATB seem to be going well, and they will continue to look at ways to increase efficiency and cost-savings.

PAY BILLS: Councilman Stains made a motion to approve the payment of the Voucher List dated 08/10. Councilman Newcomer seconded; the motion passed unanimously.

COUNCIL AND STAFF COMMENTS: Kevin Grubbs reported on a setback in the stormwater project at Cemetery Avenue. During the recent storms, areas of the matting placed under the Maple Street culvert were destroyed. The contractor is bearing all responsibility for the damage, and will be removing/reinstalling the matting in the near future. He added that this setback will put them "behind schedule" approximately 2-3 weeks.

On a related matter, Solicitor Sam Wiser noted his appreciation for PENNDOT's cooperation with regard to the Highway Occupancy Permit for Phases 2 and 3 of the project. The Traffic Control Plan has been approved, but they still need the remainder of the HOP (work continues on attempting to satisfy PENNDOT's comments/conditions). Mr. Hamberger also noted that Washington Township has "signed off" on endorsement of the plan, with their only comment being concern about heavy trucks on Lyons Road. It was noted that traffic on Lyons Road will be kept to a minimum; and Mike Christopher was requested to advise Kevin Grubbs if any problems arise.

Councilman Greenawalt commended the Maintenance Department on clean-up of the brush and weeds at the end of the outfall, adding it would be beneficial to keep it in this condition to preclude additional problems when there are storms in the future.

Having no further business to discuss, the meeting adjourned at 8:34 p.m. on a Newcomer/Greenawalt motion which passed unanimously.

Respectfully Submitted,

Melinda S. Knott
Administrative Assistant