

JANUARY 19, 2011
WAYNESBORO, PA 17268
REGULAR MEETING

Council President Craig Newcomer called the regularly scheduled meeting of the Waynesboro Borough Council to order at 7:41 p.m. with the following in attendance:

Borough Council Members – Benjamin Greenawalt, Jason Stains, C. Harold Mumma, Craig Newcomer, Wayne Driscolla and Ronald Martin

Mayor Richard Starliper

Borough Staff – Lloyd R. Hamberger, II, Borough Manager
Denny Benschoff, Maintenance Superintendent
Kevin Grubbs, Head of Engineering Services
Sam Wiser, Borough Solicitor (Salzmann Hughes, PC)
Jason Cohen, Assistant Borough Manager
S. Leiter Pryor, Director of Borough Utilities
Mark King, Police Chief
Dave Martin, Fire Chief

Mr. Newcomer noted that Borough Council held a brief executive session to discuss a personnel matter prior to the meeting.

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

APPROVE MINUTES: Councilman Greenawalt made a motion to approve the minutes of the December 15, 2010 meeting, as written. Councilman Stains seconded; the motion passed unanimously.

ACCEPT REPORTS: Councilman Greenawalt made a motion to accept the reports of the Code Enforcement Officer, Police Chief and Fire Chief, as presented. Councilman Mumma seconded. Councilman Martin voiced his concern to the Police Chief that there were no citations for traffic control signals or right-of-way of pedestrians in crosswalks, and only one (1) warning issued for each. He described a recent incident where he witnessed seven (7) cars pass by an individual standing in the crosswalk just a half-block away from the police station. He stated his opinion that this is “totally unacceptable”, and noted there is no sense in getting strobe lights and extra signs if these laws are not enforced. A vote was then called and the motion to accept the reports passed unanimously.

COMMITTEE REPORTS

PERSONNEL COMMITTEE: No report. Councilman Mumma noted that he will present several items during the “voting” section of meeting.

PROPERTY AND PUBLIC SAFETY COMMITTEE: Councilman Driscoll announced that he received a donation for the dog park from the Waynesboro Builders Supply Pet Store. In addition, he noted that Angela Smith, 25 W. Fourth Street, is interested in joining the Recreation Board (and Chairman Mike Forney is recommending she be appointed to a vacant position created by another member’s resignation). Councilman Mumma will discuss this matter further during the “voting” section of the meeting.

STREET COMMITTEE: Councilman Martin reported that the Street Committee will meet on 01/26 at 9:00 a.m. in Borough Hall's second floor conference room.

INTERGOVERNMENTAL COMMITTEE: No report.

DOWNTOWN REVITALIZATION COMMITTEE: President Newcomer noted that the Committee's previous meeting was canceled due to a scheduling conflict, and they will attempt to reschedule in the near future.

FINANCE COMMITTEE: No report.

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

“On January 12, along with Representative Kauffman, Commissioner Bob Thomas and School Director Pat Heefner, I participated in the Franklin County Leadership Seminar in Chambersburg. We were interviewed by 16 members of the Franklin County area.

On January 18, I installed Donald Shank and Doug Baer as new members into the Waynesboro Fire Police organization.”

SOLICITOR'S REPORT: No report.

PUBLIC COMMENT - ITEMS ON AGENDA: None.

VOTING ON ITEMS FROM COMMITTEE REPORTS: Councilman Mumma noted that Patricia Groff and Louise West's terms on the Library Board are due to expire on 02/01/11, and they have indicated that they do not wish to be reappointed. Accordingly, the Library Director has recommended that Barbara Gaydick and Marie Beck fill these positions (their terms would expire on 02/01/14). Councilman Mumma made a motion to appoint Ms. Gaydick and Ms. Beck as recommended. Councilman Stains seconded; the motion passed unanimously. Council members directed the Borough Manager to send letters of appreciation to the individuals for their past service.

Councilman Mumma noted that Denny West's term on the Recreation Board expired on 12/31/10, and he does not wish to be reappointed. Councilman Mumma then made a motion to appoint Angela Smith (as recommended previously by Councilman Driscoll) to fill the vacancy – her term would expire on 12/31/15. Councilman Driscoll seconded; the motion passed unanimously. A letter of appreciation will also be sent to Denny West.

UNFINISHED BUSINESS

CONSIDERATION OF ORDINANCE RE: ZONING AMENDMENT: Councilman Driscoll made a motion to adopt the amendment to the Zoning Ordinance as discussed during the public hearing prior to this meeting . Councilman Mumma 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”

Complete copy on file at Borough Hall.

NEW BUSINESS

PLANNING COMMISSION ITEMS: Kevin Grubbs presented a Subdivision/Land Development Plan for Sharon Gunder at 57 Mt. Airy Avenue. This subdivision would allow construction of a duplex unit along N. Broad Street, north of the intersection at Mt. Airy Avenue. The plan conforms to requirements of the Zoning Ordinance for a 10% slope at the rear of the property; and a Stormwater Management Plan has been completed and approved. The plan was reviewed by the Waynesboro Planning Commission and Franklin County Planning Commission, and both have recommended approval. Councilman Martin made a motion to approve the Subdivision/Land Development Plan for Sharon Gunder, as presented. Councilman Greenawalt seconded. Discussion followed regarding the length of time permitted to complete construction, which is five (5) years. It was added that an extension can be requested if there is substantial completion within the five-year time limit; and if not, the developer is required to re-file. The motion then passed unanimously.

Kevin Grubbs also presented a Subdivision Plan for the Norma Holton Estate (Linda Yingling, Executor) at 36-38 Philadelphia Avenue. This is an existing duplex unit, and the property owner is requesting to subdivide the property. Several variances (6) were required and have been granted. The Waynesboro Planning Commission and the Franklin County Planning Commission have reviewed the plans and recommended approval. Councilman Martin made a motion to approve the Holton Subdivision Plan, as presented. Councilman Greenawalt seconded; the motion passed unanimously.

APPOINTMENTS TO RENFREW COMMITTEE, INC. BOARD OF DIRECTORS: Councilman Mumma presented nominations for directors/alternates to the Renfrew Committee, Inc. Board of Directors, as follows:

Directors - Douglas Tengler, David Hykes, Allison Kohler and A. J. Benchoff

Alternates - Wayne Martz, John Beck and Allen Porter

Councilman Mumma made a motion to approve the appointments as recommended. Councilman Stains seconded; the motion passed unanimously.

RESOLUTION RE: BOROUGH BORROWING: As discussed at the last meeting, Solicitor Wiser noted that the Borough solicited proposals for a Tax Anticipation Note in an amount not-to-exceed \$300,000. Several proposals were received, the lowest of which was 1.87% from Susquehanna Bank. In order to proceed, Council will need to adopt a resolution accepting the proposal and authorizing the appropriate officials to do any and all necessary acts to proceed with the transaction. The term of the Note is by the expiration of this fiscal year (12/31/2011), at which time any and all amounts must be repaid. Councilman Greenawalt made a motion to approve Resolution No. 2011-01, as presented. Councilman Driscoll seconded; the motion passed unanimously.

RESOLUTION 2011-01

RESOLUTION AUTHORIZING TAX AND REVENUE ANTICIPATION NOTE

Complete copy on file at Borough Hall.

CDBG CONSULTING PROPOSALS: Mr. Hamberger noted that proposals were also solicited for CDBG consulting services for a period of three (3) years. Only one (1) proposal was received; that being from Mullin and Lonergan (the Borough's CDBG consultants since the early 1980's). Mr. Hamberger recommended that M & L be appointed, adding that the first hearing for the 2011 CDBG program will be held prior to the next Council meeting. Councilman Greenawalt made a motion to appoint Mullin and Lonergan as the Borough's CDBG consultants for 2011, 2012 and 2013. Councilman Martin seconded; the motion passed unanimously. Councilman Martin also noted that Mullin and Lonergan representatives had recently toured the Borough's streets, and were planning to

provide recommendations on streets that may be eligible for funding. Mr. Hamberger noted that he will request their response for review at the upcoming Street Committee meeting.

PUBLIC IN ATTENDANCE - NON-AGENDA ITEMS: None.

INCREASE IN PLANNING COMMISSION MEMBERSHIP: Councilman Martin made a motion to authorize the Solicitor to prepare an ordinance increasing the membership of the Waynesboro Planning Commission from seven (7) to nine (9), which is the maximum. Councilman Greenawalt seconded. Discussion followed regarding the reasoning for this action. Mr. Martin noted there may be some individuals who would be interested in serving who would be beneficial to the Commission. Kevin Grubbs commented that he has never had to cancel a Planning Commission meeting due to lack of a quorum. After additional discussion, the motion passed unanimously.

UPDATE ON STORMWATER SITUATION: Councilman Martin requested that the Solicitor provide an update on the stormwater situation. Mr. Wisner explained that his office had filed Declarations of Taking to obtain the necessary easements from three (3) remaining property owners who were not cooperating. There was no response on the Declarations of Taking until the last day that preliminary objections could be filed; and on that day, their attorney filed their objections. The Borough must now respond to their objections – and not only will this cost additional money, but PENNVEST won't close on the financing until the Declarations of Taking are resolved and the easements have been acquired.

Mr. Wisner stated that this has really hampered the project. On one hand, PENNVEST financing at 1% to 1.5% is very attractive, but this has become much more of a project than was initially anticipated. He added that these are the property owners who came to the Borough and wanted something done; and, in fact, sued the Borough because there was a problem.

Kevin Grubbs explained that the amount of property being discussed is “very minimal”. The Borough is only asking for a permanent easement ... they are not taking the property and the outfall is not being widened. Temporary construction easements are also being requested for two (2) of the properties; but when the project is completed, the temporary easements will be “gone”. The permanent easements will remain, however, because access is required in order to maintain the work that has been done.

Mr. Wisner stated that, in his opinion, this work would actually improve the property values of these properties because an existing problem is being eliminated. By holding this project up, they are putting the rest of the residents at some peril for additional water damage if there is a big storm. Discussion followed; and because the Declarations of Taking are public record, Mr. Wisner advised that the property owners could be named. Mr. Grubbs noted they are the Bumbaugh's (on Maple Street, to the north of the outfall), Mr. Weikert (on the south side between Maple and Potomac Streets); and Mrs. Crouse (to the east of Maple Street, between Maple and Church Streets on both sides). Council noted that there has been past flooding at these properties, but now the property owners are keeping the Borough from doing work to correct the problem.

Discussion continued regarding the amount of money the Borough has already spent on this project; and our local legislators were very influential also in obtaining this funding. Mr. Hamberger added that there are very few communities who are awarded PENNVEST funding for stormwater projects.

Councilman Martin suggested that, between now and the next Council meeting, Mr. Wisner contact “whoever” to see if this can be worked out. Otherwise, he will make a motion at that meeting to “drop the whole stormwater project and kill it”.

FOR INFORMATION ONLY

UPDATE ON ROOF BIDS: Jason Cohen reported that the roofing contract has been awarded to Bonded Applicators, and includes a completion date of 02/28.

INVITATION TO FIRE DEPARTMENT ANNUAL AWARDS DINNER AND DANCE: Council members received an invitation to the Fire Department's Annual Awards Dinner and Dance to be held on February 19th.

BLIGHT BILL TRAINING: Mr. Hamberger noted that several members of Council and the staff will be attending a Blight Bill training scheduled for 01/27. Those attending were asked to provide registration information to Jason Cohen.

MEMORANDUM OF UNDERSTANDING - LEAVE DONATION POLICY: Councilman Martin made a motion to approve the Memorandum of Understanding regarding a Leave Donation Policy for the Police Department, which was discussed during Council's executive session earlier that evening. Councilman Greenawalt seconded; the motion passed unanimously. President Newcomer explained that this policy will be for the Police Department only, and is agreed upon in conjunction with the officers' union contract.

PAY BILLS: Councilman Mumma made a motion to approve payment of the Voucher List dated 01/11. Councilman Stains seconded; the motion passed unanimously.

COUNCIL AND STAFF COMMENTS: Councilman Martin noted for the record that there are 53 days until Daylight Savings Time begins.

Dan Sheffler advised that, between the last two (2) snow storms, he has issued a total of 34 citations for the clearing of sidewalks.

Kevin Grubbs noted that, as requested, he has provided Council members with a list of private streets in the Borough. Fourteen (14) of those private streets have already been constructed and eight (8) are not constructed at this time. He is working on recommendations regarding private streets, and those will be forthcoming to Council for review.

Kevin Grubbs noted that he has forwarded Chief King's letter regarding concerns about the Main Street paving project to PENNDOT, as well as Senator Alloway and Representative Rock. Allen High of PENNDOT has advised that he will present those concerns at their upcoming meeting with Highway Materials (the contractor). He explained that the contractor was required, by specifications, to perform the banding (or sealer seam). The banding of the joints was recently included in the specifications for paving; but the new specifications, which will take effect on 04/01/11, have removed it. He also stated that he shares in the concerns this issue has created, and will report back after their meeting.

With respect to the possible residential electricity purchasing agreements, Jason Cohen noted he has been in touch with the Chamber of Commerce and On Demand Energy. It is his understanding that by the end of this week or early next week, they intend to "roll out" their plan for residential electricity consumption. Any individual who is an employee of a Chamber member business would be eligible to participate in some type of reduced rate contract for electricity consumption. He will provide additional information, when available; and will serve as the Borough's point of contact regarding this matter.

Fire Chief Martin reported that consolidation of the two (2) fire companies has been completed; and they will now be known as the "Waynesboro Volunteer Fire Department". They also took on the project of replacing the spouting at the Virginia Avenue Fire Station, and have obtained grants from the Pennsylvania Emergency Management Agency in the amount of \$27,000 to use toward upgrading the AC system at the Virginia Avenue Fire Station and debt reduction on the Ladder Truck. Mr. Hamberger

noted that consolidating fire companies is a very difficult task, and Chief Martin (as well as the former Chiefs who worked on this) should be commended.

Police Chief King reminded Council members to review the proposed Transient Retail Business Ordinance and offer any suggestions.

Councilman Greenawalt noted that there will be a re-organizational meeting the following week for both the Franklin County Tax Collection Committee and the Franklin County Area Tax Bureau. To clarify, Mr. Hamberger noted that the Borough's representatives to the Tax Collection Committee (TCC) are he and Councilman Greenawalt; and the Borough's representatives to the FCTAB are Jason Cohen and Councilman Greenawalt.

Mayor Starliper announced that, after 27 years, the Franklin County Builders' Show will be held in Waynesboro this year (March 11-13) at the former Jubilee Store in the Waynesboro Mall. It is estimated that 10,000-12,000 people will attend. He will provide additional information for street closings and traffic control at a later date.

Mayor Starliper reported that the Police Department has been awarded a \$1,000 grant for the Aggressive Driving Enforcement and Education Project for 2011. This is an in-kind grant, and Council's approval/authorization for the appropriate individuals to execute the required documents is needed. The document must be returned by 01/31. Councilman Greenawalt made a motion for approval/authorization as requested. Councilman Stains seconded; the motion passed unanimously.

Having no further business to discuss, the meeting adjourned at 8:30 p.m. on a Councilman Greenawalt/Councilman Driscoll motion which passed unanimously.

Respectfully Submitted,

Melinda S. Knott
Administrative Assistant