

NOVEMBER 2, 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, Wayne Driscoll and Ronald Martin

Mayor Richard Starliper

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  
Mark King, Police Chief

**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 October 5<sup>th</sup> and October 19<sup>th</sup> meetings, as written. Councilman Driscoll seconded; the motion passed unanimously.

**COMMITTEE REPORTS**

**PERSONNEL COMMITTEE:** Councilman Stains noted that he will present two (2) items during the “voting” section of the meeting.

**PROPERTY AND PUBLIC SAFETY COMMITTEE:** No report.

**STREET COMMITTEE:** Councilman Martin noted that he will present an item during the “voting” section.

**INTERGOVERNMENTAL COMMITTEE:** Councilman Stains announced that, in an attempt to keep subscribers informed of potential programming changes due to the expiration of various programming rights agreements, Comcast intends to display channels that are going to be terminated on their website, at [www.xfinitytv.com/contractrenewals](http://www.xfinitytv.com/contractrenewals).

**DOWNTOWN REVITALIZATION COMMITTEE:** Councilman Newcomer reported that a meeting was held recently with the Economic Development Committee of MSI regarding the Downtown Master Plan, and progress is being made. Information will be forthcoming to Council in the near future.

**FINANCE COMMITTEE:** Councilman Greenawalt noted that Council and the staff are currently holding meetings regarding the 2012 budget.

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

“On October 20<sup>th</sup>, along with Borough Manager Hamberger and Councilman Mumma, I attended the Greater Waynesboro Chamber of Commerce’s Banquet.

On October 28<sup>th</sup>, along with Chief King, I attended the Fall Task Force Breakfast in Chambersburg.

On November 1<sup>st</sup>, I attended the WTC Artifact meeting. Plans are coming together for the unveiling of the 9-11 Tribute, which will be at Red Run Park (sometime next year).”

Mayor Starliper added that, over the weekend he and Emergency Management Coordinator Hans Bader fielded numerous telephone calls regarding power outages (due to the storm). He wanted to make the public aware that various divisions of West Penn Power from outside the local area were called in to assist Waynesboro; and their assistance was greatly appreciated. Mr. Starliper also noted his appreciation to EMC Bader.

In addition, Mayor Starliper thanked Chief King and Sergeant Bock for their gratis work on installing a 48'x8' “cage” in the storage garage for the Police Department’s use. This will enable them to remove the records currently stored in Borough Hall’s attic, thereby eliminating safety concerns regarding increasing weight of the material on a deteriorating floor.

**SOLICITOR’S REPORT:** Solicitor Wisner reported on a proposed Bill on the Governor’s desk which will increase the bid limits from \$10,000 to \$18,500 and telephonic quote regulations from \$4,000 to \$10,000 – it also includes an automatic CPI increase each year. He noted that these changes will be beneficial to municipalities, and is a step in the right direction.

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

**VOTING ON ITEMS FROM COMMITTEE REPORTS:** Councilman Stains made a motion to approve a position reclassification for Vicky Grubbs to salary level 6A, effective the next full pay period. Councilman Martin seconded; the motion passed unanimously.

Councilman Stains made a motion to appoint Larry Carson as a member of the Waynesboro Fire Police. Councilman Greenawalt seconded; the motion passed unanimously.

Councilman Martin made a motion to approve a handicapped parking space request for 120 E. Second Street. Councilman Stains seconded; the motion passed unanimously.

### **UNFINISHED BUSINESS**

**CONSIDER ORDINANCE RE: COMPACT CAR PARKING FOR ADOPTION:** Kevin Grubbs noted that Borough Council authorized advertisement of the proposed amendment to Ordinance No. 688 regarding compact car parking at 47 W. Main Street (specifically, the first metered parking space beginning 13' west of the Mulberry Avenue mid-block crosswalk and continuing 17.5' west on the north side of W. Main Street). The proposed ordinance was duly advertised in *The Record Herald*, and was presented for Council’s consideration at this meeting. Councilman Greenawalt made a motion to adopt the proposed ordinance, as presented. Councilman Driscoll seconded; the motion passed unanimously.

### **NEW BUSINESS**

**BOROUGH PENSION MODIFICATION TO COMPLY WITH NEW IRS REGULATIONS:** Mr. Hamberger noted that this item was mentioned to Council at a previous meeting, and the Solicitor has

since prepared proposed ordinances required to bring the Borough's pension plans into compliance with IRS regulations by January 1<sup>st</sup>. (It was clarified that the pensions are not changed in any way by these modifications.) Councilman Martin made a motion to authorize advertisement of the proposed ordinances for adoption. Councilman Greenawalt seconded; the motion passed unanimously.

**BOROUGH FLOOD ZONE ORDINANCE (TENTATIVE TIMETABLE):** Solicitor Wisner reiterated that the federal government did a new flood insurance study for the Borough of Waynesboro and refined their flood maps. As part of that, they are requiring that certain provisions be included in the local municipal ordinance in order for them to issue flood insurance for the entire community. If these requirements are not met, no flood certificates will be issued (which means that no one would be able to obtain financing in order to purchase a house in the Borough of Waynesboro). State (PEMA) reviews and federal (FEMA) reviews are required – and the Borough has received written state approval and a verbal approval by the federal government. Accordingly, the proposed ordinance needs to be acted on by 01/18/12. Essentially, Council will be adopting the stand-alone Floodplain Ordinance and amendments to the Subdivision/Land Development Ordinance and Zoning Ordinance (where the stand-alone Floodplain Ordinance is referenced). The proposed ordinance will be forwarded to the Waynesboro Planning Commission and the Franklin County Planning Commission for review, it will be advertised twice in *The Record Herald*, a public hearing will be held, and Council will take action at their first meeting in January. No further action is required of Council at this point in time.

Councilman Driscoll asked if there are any particular items mandated which are of major concern. Solicitor Wisner stated that various criteria has become more stringent because of the amount of flood insurance claims/pay-outs as a result of the natural events which have occurred recently. Kevin Grubbs added that, within the Borough, there is only a very small residential area within the floodplains.

**QUINCY TOWNSHIP FIRE AGREEMENT:** Mr. Hamberger noted that the agreement with Quincy Township for fire protection has elapsed. A meeting was held with Quincy Township representatives, and an agreement was tentatively reached based on the same terms and conditions as the previous agreement. Specifically, the Township would pay a base fee of \$7,500 and per-incident fees based on applicable hourly rates for equipment and manpower. The proposed agreement has been forwarded to Quincy Township, and the Borough is awaiting their approval.

#### **PUBLIC IN ATTENDANCE - NON-AGENDA ITEMS:**

Christopher Unger, 612 Vista Court - Mr. Unger explained to Council that the Rotary Club is considering applying for a variance for the sign located outside the Waynesboro Chamber of Commerce office, which is in need of replacement. They are considering the possibility of upgrading the sign to a color LED sign, which would be able to display color photos and graphic images. The sign is a public service provided by two non-profits (Chamber of Commerce and the Rotary Club), and is utilized regularly by 15-25 non-profit organizations to display information to the public everyday. The Rotary Club is requesting that Borough Council consider waiving the \$375 fee required for a variance/appeal. Councilman Driscoll, also a Rotary Club member, noted that he designed the original sign; and he commended the Rotary Club board for their initiative in deciding to replace the sign with updated technology. Councilman Newcomer made a motion to waive the \$375 fee, based on the many things the Rotary Club does for the community. Councilman Driscoll seconded. It was noted that fees of this nature have been waived in the past. The motion passed unanimously.

Darwyn Benedict, 11247 Orchard Road - Mr. Benedict noted that he came before Council this summer, a site visit was held, and Council agreed to a proposal for modifications to the traffic pattern and several parking spaces on the Rotary parking lot near his property. To date, however, the hatch work painting (and the addition of two parking spaces for an adjacent residence on Second Street)

have not been done by the Borough; and he requested permission from Council to do the painting himself. Councilman Martin asked, since the work hasn't been done yet, have there been any issues with truck access at this location? Mr. Benedict replied that it is a "constant hassle". Mr. Benedict noted he is aware that the Borough is busy with other projects; and this would save the Borough money, if they don't mind him doing the work. Mr. Hamberger noted that he couldn't recall Council's final decision on the matter, and suggested that the minutes be reviewed. He added that "the Borough doesn't like other people painting on our property".

Mr. Benedict suggested that there are "double standards" in the Borough, and distributed pictures to each councilman. The pictures, of two (2) individuals painting at the handicapped parking space in front of his property on Main Street, were taken on Columbus Day. He noted that the individuals informed him they were hired by Ronnie Martin. Mr. Benedict stated that he walked around to every other handicapped parking spot in town, and discovered there is not another one painted like this one. Mr. Benedict reiterated comments his brother (Michael Benedict) made at a previous meeting regarding "somebody picking" on him at this location with regard to the crosswalk, parking and closing down parking to the rear of the business. He feels it is unfair that he can't get Council's permission to paint at the Rotary parking lot (which was approved by Council) to help his tenant, and "someone else" can do it on their "own whim". Councilman Martin admitted he paid for it, adding that it was discussed and approved by Council. He stated that he "brought it up and I told you I was going to do it and pay for it; everybody was aware of it and I had a showing of hands". He clarified that he wanted to take care of this particular location because of the problems that have occurred there in the past.

Kevin Grubbs stated that the matter was discussed several months ago in two (2) Street Committee meetings. At the time, the handicapped spaces had already been painted on the Square by the state as part of the ADA regulations ... and the Borough should have the handicapped spaces visually marked by signs and the symbol in the parking space area. At the time, it was noted that the template would need to be purchased (\$150-\$200), as well as blue paint. Mr. Martin had offered to paint at this location when he got his buildings done, as an example for future purchase of the template and paint. Painting of additional locations went on the "back burner" because of other projects the Borough is currently involved in.

In addition to discussion at the Street Committee meetings, Councilman Martin added that it was also "brought up in the Council". Mr. Martin noted he doesn't know if it is in the minutes, but "we did discuss it in Council". He then stated that he "will do nothing more ... I will not do anything again and donate it to this Borough ... never. I've done a lot of things since I've been on this board ... it won't happen again." President Mumma noted that Council doesn't want to create a double standard. Councilman Martin stated that this was discussed as "a handicapped parking thing", and what Mr. Benedict is talking about (on the Rotary parking lot) is different. He stated to Council that "you were made aware of it - all of you - and you all said, go ahead, it's alright, it's not costing the Borough anything". He added, "I don't think you'll find it in the minutes, but we did talk about it in this Council". Councilman Newcomer stated that if Council talked about it, it would be in the minutes. Councilman Martin replied, "no, it's not in the minutes ... not everything gets in the minutes that we talk about".

Councilman Driscoll questioned if the company who did this work was a "professional asphalt labeler", and Mr. Martin replied "yes, and it meets all the ADA and everything else". It was also mentioned that Mr. Benedict had called the police when he discovered they were parked there illegally, even though they were working. Mr. Benedict noted that this proves an earlier statement he made that people will park as close as they can.

President Mumma instructed Kevin Grubbs and Denny Benshoff to get the painting done at the Rotary parking lot as soon as possible. Councilman Martin agreed ... "if we voted to do it, do it". Councilman Driscoll advised Mr. Benedict that one of the issues in this situation is that the Borough doesn't "know how you are planning actually to execute the work and we have to keep certain standards". Mr. Benedict agreed, but added that the Borough's standards may not have been followed when the

painting was done on Main Street. President Mumma insisted that Council move on to the next item on the agenda.

## **FOR INFORMATION ONLY**

**UPDATE (STORM SEWER PROJECT):** Solicitor Wisner noted that he and the staff discussed this matter at their meeting last week. He stated that, with regard to the storm sewer project, there have been “a couple bumps in the road”. One of the main updates is that the closing was granted a continuance until January (another continuance can be requested the next quarter, if necessary); and it is anticipated that the closing will actually be held in April.

Regarding design and construction, one of the main issues heard from the bidders was the uncertainty regarding rock in the area. Kevin Grubbs has discussed the possibility of doing borings or samplings with the engineers, and three (3) proposals for the work have been received from various firms – the lowest of which was from Duffield Associates for \$6,000-\$8,000. Mr. Wisner explained that these are professional services (technical engineering), so they would not have to be bid. He requested Council’s authorization of an additional engineering expense for this work, with this firm acting as subcontractors to our engineers. Mr. Grubbs then explained the scope of the work, adding that easements will need to be obtained from each affected property owner. He anticipates no problems with obtaining the easements, and he has already discussed the matter with them.

Councilman Martin made a motion to proceed with Duffield Associates’ proposal for the necessary borings. Councilman Newcomer seconded; the motion passed unanimously.

Mr. Martin then asked about the alternative materials being considered for the project as a way to keep costs down. Mr. Wisner explained that the engineers are looking at some proposals in an attempt to reduce the overall project and bring it within the required budget. That being said, their proposed tentative schedule is to put the project out for bid in December, the bids would be due in mid-February, Council would award the bids in late-February, submit everything to PENNVEST in early-March, and move forward with the PENNVEST loan in mid-April. They continue to try to resolve the outstanding HOP issues.

**UPDATE (MEMORIAL PARK GRANT PROJECT):** Mr. Hamberger reported that the Borough has finally received authorization from the state with regard to the grant for the Memorial Park project. If it is feasible to get the work done yet this year, it will be done; however, if it is not feasible, it will be done as soon as possible in the spring.

**BUDGET MEETING:** Mr. Hamberger noted that Council will hold a budget meeting immediately following this meeting.

**PAY BILLS:** Councilman Stains made a motion to approve the payment of Voucher Lists dated 10/25, 10/26 and 10/27. Councilman Newcomer seconded; the motion passed unanimously.

**COUNCIL AND STAFF COMMENTS:** Councilman Driscoll shared a humorous anecdote with those present – several years ago he paid \$375 for a variance to exempt him from the requirement for two (2) off-street parking spaces for his business. He was grateful for the variance and continued on with the project, only to find that Council then changed the ordinance several meetings later and removed that requirement.

Councilman Martin requested that Council receive the year-to-date income and expense reports for the pool and golf course. Mr. Cohen noted that he will email those to Council members the following day. Mr. Hamberger added that he plans to “wrap up” the General Fund at the next meeting; and the

following two meetings will consist of review/discussion of the Water, Sewer, Golf, Pool, etc. so the proposed 2012 budget can be advertised in early-December.

Jason Cohen provided Council members with copies of the Franklin County Area Tax Bureau's proposed 2012 budget. He requested that they review the information, and the item will be placed on the agenda for action at the following meeting. Specifically, he will request that Council authorize him (as the delegate) to approve the 2012 budget.

Mr. Cohen also reported that the Trinity parking lot lease was re-drafted, based upon the existing agreement and taking into consideration all the issues discussed via Council and/or the Street Committee. Solicitor Wisner has reviewed the agreement and it was forwarded to Councilman Newcomer today. He anticipates it will be forwarded to Trinity Church for execution in the near future. Council concurred.

Police Chief King reported on the National Drug Take-Back conducted last Saturday, despite the weather. Even though less people participated, the weight of the controlled and non-controlled over-the-counter pills, capsules and liquids was significantly more than last year (with 60+ pounds being collected).

Councilman Greenawalt asked if the state declared an emergency during the recent snowstorm, and Mayor Starliper noted it "went out ahead of time". A miscommunication resulted in the snow not being plowed back to the curb along Main Street.

Councilman Stains reported that he has been bringing several young men into town (from Abraxas) over the last several weeks to paint the fire hydrants. They are almost done with the ones on Main Street, from Borough line to Borough line; and will proceed with the next area as directed by the Fire Chief. He noted that the individuals doing this work have "fire-related" charges against them, and this project serves as a way for them to "give back" to the community in response to the types of crime they committed. In order to avoid any misunderstanding, Councilman Martin made a motion to authorize this crew to paint the fire hydrants. Councilman Greenawalt seconded; the motion passed unanimously.

Having no further business to discuss, the meeting adjourned at 8:18 p.m.

Respectfully Submitted,

Melinda S. Knott  
Administrative Assistant