

DECEMBER 2, 2009
WAYNESBORO, PA 17268
REGULAR MEETING

Council President Craig Newcomer 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, C. Harold Mumma, Craig Newcomer, Charles McCammon and Ronald Martin (Jason Stains was absent, due to a mandatory work assignment out-of-state)

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
Melissa Dively, Borough Solicitor (Salzmann Hughes, PC)
Mark King, Police Chief

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

APPROVE MINUTES: Councilman McCammon made a motion to defer action on the minutes of the November 18th Council meeting until the next meeting. Councilman Greenawalt seconded; the motion passed unanimously

COMMITTEE REPORTS

PERSONNEL COMMITTEE: Councilman Mumma noted that he will present a motion regarding an applicant for the Waynesboro Fire Police during the “voting” section of the meeting.

PROPERTY AND PUBLIC SAFETY COMMITTEE: No report.

STREET COMMITTEE: Councilman Martin noted he will also present information during the “voting” section of the meeting.

INTERGOVERNMENTAL COMMITTEE: No report.

DOWNTOWN REVITALIZATION COMMITTEE: Kevin Grubbs noted that the downtown projects are “getting done”. PERCS will be installing the turn-arrow at Main/Potomac Streets in the next day or so. President Newcomer stressed the importance of this, because many people take for granted that the turn-arrow is still in operation and they turn in front of oncoming traffic. On a related matter, Mr. Hamberger reported that the new LED lights use significantly less (40-50%) energy to operate than the previous lights.

FINANCE COMMITTEE: Councilman Greenawalt provided information on finances, as follows –

	2008	2009	Difference
Real Estate Tax	10,449	992,231	+18,066
Earned Income Tax	39,447	711,390.22	-5,990.78
OPT (EMST)	35,466	182,027	+21,625
Real Estate Transfer Tax	7,387	120,766	-94,035
Subdivision Fees	575	10,963	-21,520
TOTAL:			-81,852.78

Mr. Greenawalt also presented the proposed fee schedule for Northside Pool, which was recommended by the Waynesboro Recreation Board, as follows:

MEMBERSHIPS - Prior to Opening Day (After Opening Day, add \$10.00)

	Residents	Non-Residents
Infants to 4 Years	Free	Free
4 Years to 18 Years	\$40.75	\$55.00
18 Years & Older	\$64.00	\$93.50
Family	\$127.00	\$187.00
Senior Citizens (55 & Older)	\$52.25	\$77.00
Senior Citizen Family	\$104.50	\$165.00

DAILY ADMISSIONS - Residents and Non-Residents (same price)

Infants to 4 Years	Free
4 Years to 18 Years	\$4.75
18 Years & Older	\$5.75
Chaperone (Non-swimmer)	\$2.50
After 5:00 p.m.	\$2.50
Book of 20 Tickets (any age)	\$72.00

POOL RENTALS - \$275.00 for the first 100 people; \$1.25 per person over the number of 100); \$75.00 deposit required.

DAYTIME BIRTHDAY POOL RENTALS - \$50.00 flat fee

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

“On November 21st, I participated in the Greater Waynesboro Chamber of Commerce's Christmas Parade. This 90-unit parade was one of the largest.

On December 2nd, I attended the Mechanics Steam Fire Engine and Hose Company's Annual Dinner; and once again, we owe these volunteers our thanks.”

SOLICITOR'S REPORT: Melissa Dively reported that she provided Council's President with copies of the Lease Agreement with the Waynesboro Area School District, which are awaiting approval and execution by Borough Council. It was noted that action will be taken on this item under “Unfinished Business” on the agenda.

PUBLIC COMMENT - ITEMS ON AGENDA: None.

VOTING ON ITEMS FROM COMMITTEE REPORTS: Mayor Starliper noted that the MSFE&H Company is requesting approval of an application submitted by Alan Harne Sr. as a member of the Waynesboro Fire Police. Councilman Mumma made a motion to approve the appointment. Councilman Greenawalt seconded; the motion passed unanimously.

Councilman Mumma presented a proposed Family and Medical Leave of Absence (FMLA) Policy for Council's approval. He noted that the Borough's previous policy needed to be updated to comply with new federal regulations. Accordingly, this will replace the previous FMLA information provided in the Employee Handbook. Councilman Mumma made a motion to approve the FMLA Policy, as presented. Councilman Greenawalt seconded; the motion passed unanimously.

Councilman Martin reported that the Street Committee met on November 25th. During that meeting, they discussed the following --

- Damages to traffic counter while it was in use on N. Franklin Street.
 - Meeting with Washington Township's Street Committee (Supervisors Gladhill and Kulla) – suggested that Borough Council and the Township Supervisors could meet on a quarterly basis to “keep everyone in the loop”.
- Maintenance Department cut blacktop and planted trees in the Rotary parking lot.
- Staff secured three (3) sets of flashing crosswalk signs from PENNDOT (Dave Rock, Stuart Honodel and Kris Feldmyer) at no charge. Mr. Grubbs explained that these are solar-powered strobes mounted on poles on both sides of the street at a crosswalk, which flash when a pedestrian triggers the sensor. PENNDOT recommends they be placed at the crosswalks at the Library, Mulberry Avenue and Cleveland Avenue. They are also attempting to obtain a fourth, which would be placed at Walnut Street. Mr. Grubbs added that, after one (1) year, the Borough will be responsible for maintenance of the signs. Mayor Starliper asked if the crosswalk at the Hospital had been considered; and Mr. Grubbs noted the Hospital is looking at their options for that location. He will forward information regarding these signs for their consideration.
- Received a letter regarding speeding on State Hill Road - the Police Department was requested to patrol the area for violators.

Councilman Greenawalt made a motion to approve the proposed Northside Pool Fee Schedule, as presented earlier in the meeting. He noted that the new fees will be effective January 1, 2010; and Mr. Hamberger added that anyone purchasing memberships prior to the end of the year will receive them at the 2009 rates. Councilman McCammon seconded; the motion passed unanimously.

UNFINISHED BUSINESS

LEASE AGREEMENT WITH WAYNESBORO AREA SCHOOL DISTRICT: Solicitor Dively noted that she presented Council with four (4) copies of the Lease Agreement executed by the Waynesboro Area School District. If Council approves and executes the Lease Agreement, this matter will be resolved. She advised that the only changes made were presented previously for Council's review. Councilman Martin made a motion to approve and execute the Lease Agreement, and return it to the School District with Council's thanks. Councilman Mumma seconded; the motion passed unanimously.

RESOLUTION NO. 2009-16 (MAINSTREET, INC.): Mr. Hamberger noted that MSI is seeking a grant for the final two (2) years of the Main Street Program. The Borough of Waynesboro will be listed as the grantee; and, accordingly, a sub-recipient agreement will need to be entered into. He presented proposed Resolution 2009-16

for Council's consideration. Councilman Martin made a motion to adopt Resolution 2009-16, with the understanding that MSI has raised the appropriate matching funds. Councilman McCammon seconded; the motion passed unanimously. Mr. Hamberger noted that work will begin shortly on the sub-recipient agreement.

RESOLUTION 2009-16

RESOLUTION OF THE BOROUGH OF WAYNESBORO
AUTHORIZING THE FILING OF A PROPOSAL FOR FUNDS WITH THE
DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT (DCED),
COMMONWEALTH OF PENNSYLVANIA

Complete copy on file at Borough Hall.

QUOTE FROM PA PERCS FOR REMOVAL OF OLD SIGN POSTS: Mr. Hamberger reported that PERCS' original proposal was for removal of five (5) poles for \$2,400 and removal of the foundations for \$2,000. They have re-negotiated terms, however, and PERCS agreed to remove the poles for \$200.00 each. The Borough will remove the foundations, which will save \$1,400. Councilman Martin made a motion to approve PERCS' quote for removal of the poles only for \$200 each. Councilman Mumma seconded; the motion passed unanimously.

THIRD PARTY BUILDING INSPECTION: Councilman Martin noted he requested that this item be placed on the agenda for discussion. However, since Councilman Stains was unable to attend this meeting, he made a motion to table it until Council's next meeting. Councilman Greenawalt seconded; the motion passed unanimously.

POLICE RADIOS: Mayor Starliper reported that the Borough has the potential to save approximately \$39,000 (off the total cost of \$155,000) on new police radios, if the order is placed before the end of the year. Grant monies have been pledged, but there has been no specific information on the amount or when it will be available. Chief King noted that he will attend a meeting with COPS grant representatives on December 7th, at which time additional information will be provided. They are hoping to receive a "significant amount" toward the radios.

It was noted that \$70,000 has been budgeted for this purpose, and this savings would leave approximately \$48,000 remaining (including installation costs) to be funded. Councilman Martin then made a motion to proceed with ordering the radios, as requested by the Mayor. Councilman Greenawalt seconded. Discussion ensued; and President Newcomer advised the public that new radios for the Police and Fire Departments must be purchased, because their current radios will become obsolete in the very near future.

Mayor Starliper advised that the order will not be placed until they receive additional information regarding the COPS grant. That information will be forwarded to Council when it is received; and if changes need to be made, Council can discuss the matter further at their next meeting. A vote was called on the motion to proceed, and it passed unanimously.

NEW BUSINESS

FEE FOR JUNK/REFUSE YARD ANNUAL PERMIT: Dan Sheffler advised Council members that an annual permit fee is mentioned in the Borough's Zoning Ordinance for junk yards under "conditional use", however no fee has been established; and the recycling center on Sixth Street is considered a salvage yard under conditional uses. Mr. Sheffler recommended that a fee of \$50.00 be established for the annual permit.

Councilman Martin made a motion to review and consider the fees further. Councilman Mumma seconded. Mr. Martin stated he feels that the fee should be “significantly higher” than \$50.00, and suggested at least \$1,500 - \$2,000. Mr. Martin continued the discussion by mentioning the requirements imposed on the recycling center which are not being adhered to (including the planting of trees and shrubbery as a buffer). President Newcomer noted he understands Mr. Martin’s concern, but recommended that Council ensure that the fee they establish is comparable to other municipalities; and the other issues mentioned should be dealt with separately.

Councilman Martin made a motion to withdraw his previous motion and table the matter for discussion at the next Council meeting. Councilman McCammon seconded; the motion passed unanimously.

Discussion followed regarding a municipality’s right to set their own fees, and Solicitor Dively was asked to look into the matter. Kevin Grubbs noted that he will take responsibility for contacting the property owner regarding the requirements he has not met. If necessary, he will be cited for the violations and his land use permit will not be issued. Mr. Grubbs stated that he and Dan Sheffler will get things “straightened out”.

TAX APPEAL (FORMER LANDIS TOOL COMPANY PROJECT): Mr. Hamberger advised that a tax appeal has been filed for the former Landis Tool Company property. Councilman Martin noted that tax assessments are supposed to be based on the fair market value of a property; and since the property was recently sold, the assessment should be based on the amount paid. Solicitor Dively noted that the County is filing a pre-trial memo, and they inquired whether the other shareholders would want to intervene and share litigation costs. After further discussion regarding the beneficial changes being made at the property, including the fact that there are currently 60-70 employees at the location (and any losses due to the re-assessment would probably be recouped in OPT taxes), Councilman Martin made a motion to send a letter to the County advising that the Borough is in favor of a re-assessment for the fair market value. Councilman Greenawalt seconded; the motion passed unanimously.

PUBLIC IN ATTENDANCE - NON-AGENDA ITEMS:

Marjorie Benson, Third and Church Streets – In light of the recent improvements downtown with regard to Main Street beautification, Ms. Benson noted that there is (and has been for some time) a broken glass in the front window of *Rainbow Gymnastics*. She feels that this could be dangerous, and asked what regulations will enable the Borough to insist that this is repaired/replaced appropriately. She added that she looks forward to hearing at the next Council meeting how this will be addressed.

Stephen Monn, 126 W. Main Street – Mr. Monn asked if the crosswalk lights donated by PENNDOT will flash on demand. Kevin Grubbs responded that they will operate by sensor, and lights on both sides of the street will flash when a pedestrian enters the crosswalk.

FOR INFORMATION ONLY

BUDGET ON DISPLAY: Mr. Hamberger reported that the proposed 2010 budget has been placed on public display and advertised for adoption at the next Council meeting. Several minor addendums were distributed to Council members at this evening’s meeting.

Mr. Hamberger added that Council will hold a brief executive session following the meeting to discuss personnel negotiations.

PAY BILLS: Councilman Mumma made a motion to approve the payment of Voucher Lists dated 11/12, 11/24, 11/30 (#1) and 11/30 (#2). Councilman Greenawalt seconded. Councilman Martin questioned how much has been paid to K & M Dri-Lay to date for the sidewalk work. Kevin Grubbs estimated that \$343,000 of the contract

amount of \$463,000 has been paid so far. They are working on the final invoice, which should bring the total close to budget (or a little less). A vote was called, and the motion passed unanimously.

COUNCIL AND STAFF COMMENTS: Dan Sheffler reminded the public to trim trees and shrubs that are overhanging alleys and sidewalks.

Police Chief Mark King noted that the Police Department continues to do speed and aggressive driving enforcement in various areas, and he cautioned motorists to “slow down”. Councilman Martin commended Chief King for their efforts.

Councilman Greenawalt thanked the Maintenance Department for installing the 25 mph speed limit signs on Park Street, and he thanked the public for attending the Council meeting. Mr. Greenawalt asked Harry Morningstar how much money has been received from property owners for extending the downtown sidewalk project. Mr. Morningstar stated that that is not his project, and he suggested that he ask Tom Moore.

Councilman Martin noted that the traffic counter will be placed in the near future for the stop sign requested on Fifth Street.

Councilman Mumma thanked the public for their attendance at the meeting. He added that he has received three (3) telephone calls recently regarding the brick sidewalks, all of which were complimentary. In addition, he noted that the staff (in particular, Kevin Grubbs) did a wonderful job of keeping traffic moving during the lengthy construction.

Mayor Starliper asked for details regarding the type of material to be used on the brick sidewalks during the winter months (ice melt, etc.) Kevin Grubbs noted that specific information is spelled out in the new Sidewalk Ordinance, and information will be delivered within the next week or so to the downtown property owners. He noted that the brick is very strong (the best on the market) and can be handled similar to concrete.

Mayor Starliper also advised that the school warning lights to the west of the YMCA have malfunctioned and are continually blinking. He fears that this may cause an accident. Mr. Hamberger stated that the timer is bad (PERCS quoted \$8,000 to replace it), and it is being temporarily manipulated manually.

President Newcomer commended Stuart Honodel, a supervisor with PENNDOT, who spearheaded efforts to gain the flashing crosswalk lights for the Borough. He also commended fellow Council members (particularly Councilman Martin) for deferring discussion on the inspection services until all councilmen can be in attendance.

Council adjourned to an executive session at 8:26 p.m. to discuss personnel issues. They returned to regular session at 8:48 p.m. and adjourned the meeting at 8:49 p.m. on a Martin/McCammon motion which passed unanimously.

Respectfully Submitted,

Melinda S. Knott
Administrative Assistant