

DECEMBER 16, 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, Ronald Martin and Jason Stains

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
Melissa Dively, Borough Solicitor (Salzmann Hughes, PC)
Dave Martin, Fire Chief

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

APPROVE MINUTES: Councilman McCammon made a motion to approve the minutes of the November 18, 2009 and December 2, 2009 regular meetings, as written. Councilman Greenawalt seconded; the motion passed unanimously.

ACCEPT REPORTS: Councilman McCammon 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 Mumma noted that he received a favorable performance evaluation for Terry Rideout, however no action was required at this time. In addition, Corporal Andrew Zeigler has completed 10 years of service; and in accordance with the contract with the Police Association, he is entitled to a longevity increase of 5%. Additional items will be presented during the “voting section” of the meeting.

PROPERTY AND PUBLIC SAFETY COMMITTEE: No report.

STREET COMMITTEE: No report.

INTERGOVERNMENTAL COMMITTEE: No report.

DOWNTOWN REVITALIZATION COMMITTEE: No report.

FINANCE COMMITTEE: No report.

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

“On December 6th, I participated in the Waynesboro Elks Memorial Service for their departed brothers.

On December 10th at Red Run Park, I represented the Borough in the presentation of the Red Run Memorial Plaque.”

Mayor Starliper displayed a re-mastered photograph of Officer William Daywalt, the only police officer killed in the line-of-duty in the Borough of Waynesboro (on February 3, 1914). His grandson had the photograph restored and presented it to the Police Department for display.

SOLICITOR’S REPORT: No report.

PUBLIC COMMENT - ITEMS ON AGENDA: None.

VOTING ON ITEMS FROM COMMITTEE REPORTS: Councilman Mumma made a motion to approve a step increase for Peggy Martin to salary level 5C. Councilman Greenawalt seconded; the motion passed unanimously.

Councilman Mumma made a motion to approve a step increase for S. Leiter Pryor to salary level 20E. Councilman Stains seconded; the motion passed unanimously.

Councilman Mumma made a motion to approve a step increase for S. Frank Stine to salary level 5E. Councilman Stains seconded; the motion passed unanimously.

Councilman Mumma made a motion to approve the following Board re-appointments:

Jerry Kauffman	Zoning Hearing Board	New Term Expires 01/01/2013
S. Allen Stine	Borough Authority	New Term Expires 01/01/2015
Tom Ward	Recreation Board	New Term Expires 12/31/2014
Jack Scott	Recreation Board	New Term Expires 12/31/2014
Eric Boyer	Handicapped Grievance	New Term Expires 01/06/2012
Jon Fleagle	Handicapped Grievance	New Term Expires 01/06/2012

Councilman Greenawalt seconded; the motion passed unanimously.

Councilman Martin noted that an estimate was received from PA PERCS for removal of five (5) advance warning poles for \$1,000 (and the Borough would be responsible for disposing of the poles). Councilman Martin made a motion to award the contract. Councilman McCammon seconded; the motion passed unanimously.

Council President Newcomer again requested a status report on installation of the turn-arrow on the traffic light at Potomac/Main Streets. Kevin Grubbs stated that the work reportedly will be done this Friday. As he witnessed another near-accident at this intersection, Mr. Newcomer recommended that the Borough Manager and Solicitor write a letter to PENNDOT excusing the Borough from any liability if the work is not done at this time. Councilman Martin made a motion in accordance with President Newcomer’s recommendation. Councilman Stains seconded; the motion passed unanimously.

Councilman Greenawalt questioned when the “no parking” signs along Main Street will be replaced. Kevin Grubbs noted that the locations have been marked and GRC will drill holes in the brick for installation the following day.

Mayor Starliper also mentioned that a “No Turn on Red” sign was previously located at the intersection of Clayton Avenue and Main Street, and asked if that will be replaced. Mr. Grubbs stated that he will review the PENNDOT permits regarding the matter.

Kevin Grubbs added that he has again asked PENNDOT when the pedestrian-exclusive crossing lights will be installed in Center Square; and he was told that they are still working on that as well. He suggested that this issue also be included if a letter is sent to PENNDOT regarding the outstanding items mentioned previously.

THIRD PARTY INSPECTIONS: Mr. Hamberger noted that this item was deferred from Council's last meeting. Councilman Martin made a motion to appoint Dan Sheffler as the Borough's Building Code Officer, with Kevin Grubbs and Scott Crum as alternates; and to allow two (2) inspection services in the Borough (Accredited Services and Commonwealth Code Inspection Services) to do third party inspections. Councilman McCammon seconded. Solicitor Dively asked for clarification on Mr. Martin's motion, and the duties that will be bestowed on Dan Sheffler. Will he be doing the filing of the papers/report to the state? Councilman Martin explained that he and Mr. Hamberger contacted an official at the Pennsylvania State Association of Boroughs who told them there is no report that must be filed – all information stays in the Borough, but the state can come in and ask to see the papers at any time.

Councilman Martin stated that "this is not about anything other than freedom of choice". He feels that residents should be permitted to choose a Building Inspector; and, in fact, numerous people who spoke at a previous meeting said they favor "freedom of choice". President Newcomer questioned why they should be permitted to choose who is doing their inspection ... what is one person going to do that is different than another? Councilman Mumma commented that Accredited Services does inspections for Borough projects at no charge. The Waynesboro Borough Authority had to use CCIS recently for their well facility, and were charged thousands of dollars (which taxpayers' utility payments funded). He also noted that other municipalities who use CCIS have had complaints regarding their service. He questioned why the Borough would knowingly bring on more negative situations?

Councilman Martin again urged Council to give residents "freedom of choice". He stated that both inspection agencies are licensed by the state and follow the same codes. He voiced his opinion that if an inspector is "cutting you breaks", that sounds like a "kick-back". Councilman Mumma responded that this was negotiated in the contract with Mr. Cermak – and is not a kick-back. Councilman Martin also stated that Mr. Cermak gave money back to the Borough on January 18, 2006, based on the number of permits he had issued. He referred to the minutes of that date, and noted that Council accepted it "with thanks".

Mr. Newcomer noted it would be the same thing if an individual is pulled over by one of Waynesboro's police officers, and they state that they want to exercise their "freedom of choice" and use the Greencastle Police Department. Councilman Martin stated that is a different situation entirely. Councilman Mumma also added that, with one inspector, you know they are using the same standards on every property. Councilman Martin commented, though, that Quincy Township has two (2) thirty party inspection services and it "works out well".

After further discussion on the matter, a vote was called. Voting in favor of Mr. Martin's motion were Councilmen Martin, McCammon and Greenawalt; voting in opposition were Councilmen Newcomer, Stains and Mumma. Being a tie vote, the Mayor noted he will exercise his right to five (5) days for discussion on the matter and ten (10) days for his vote. Accordingly, a special meeting was tentatively scheduled for Wednesday, December 23rd, at 7:00 p.m.

JUNK YARD PERMIT FEE SCHEDULE: Mr. Hamberger noted this was discussed at Council's last meeting. Solicitor Dively researched the matter and advised that when fees are assessed, they must be in proportion to the municipality's actual cost of regulating the business.

Accordingly, Mr. Hamberger estimated that Dan Sheffler would spend approximately 10-12 hours/year, which equates to \$260-\$300/year. (He noted it is difficult to estimate, because this has not been done in the past.) In comparison, Washington Township charges \$50 and Quincy Township bases their charge on the business's acreage. Councilman Martin stated he feels that this is the type of business that will need to be inspected often, which could be quite time-consuming. He made a motion to assess of permit fee of \$750.00. Councilman McCammon seconded.

Discussion followed regarding current violations at the property. It was noted that their process now includes engines and transmissions, which was not part of the original plan. Dan Sheffler advised that he reviewed the approved plan, which states that fluids may not be permitted to run on the ground and everything (all materials and processes) should be contained within the fencing on the property.

After further discussion, Councilman Mumma noted that he would favor a fee of \$250-\$500. Councilman Martin then withdrew his motion and made a second to charge a permit fee of \$500. Councilman McCammon seconded; the motion passed unanimously. Councilman Martin requested, however, that the matter be re-visited if Mr. Sheffler is required to make numerous trips. Mr. Hamberger suggested that he keep a log of his time spent on inspections, etc. at the location.

After more discussion regarding particular violations, it was clarified that the property owner is responsible for the Planning Commission's directives; and the tenant at the property is responsible for any violations resulting from the business' operation.

RESOLUTION 2009-17

WHEREAS, the Borough of Waynesboro, from time to time, may change fees charged for Borough services, and

WHEREAS, the applicable enabling ordinances permit adoption of fees by resolution,

Complete copy on file at Borough Hall.

POLICE RADIO GRANT: Mayor Starliper noted that Police Chief Mark King was unable to be present at this meeting, as he is attending a NIMS training class. In his absence, Mayor Starliper noted that a grant in the amount of \$105,080.40 has been received toward the total cost of \$118,112.37 for police radios. This leaves a balance remaining of just \$13,031.97. He presented a proposed Interlocal Agreement between Franklin County and the Emergency Services Alliance, which needs to be approved/signed by Borough Council in order to obtain the additional two-year warranty offered. Councilman Mumma made a motion to authorize execution of the document, as presented. Councilman Martin seconded; the motion passed unanimously.

Mr. Hamberger commented that, thanks to Chief King's efforts and the Alliance's cooperation on the grant, they were able to save taxpayers a considerable amount of money. Councilman Greenawalt commended Police Chief King, as well as Fire Chief Martin, for their efforts to obtain grants for the radio upgrades for their Departments.

UCC & BOCA (1996) CORRECTIONS: Mr. Hamberger reported that this matter was placed on the agenda as a follow-up to Dan Sheffler's recommendation for modifications. As Kevin Grubbs also has some issues to discuss regarding the matter, it was suggested that a workshop be held the following Wednesday (December 23rd) at 6:00 p.m. (prior to the special meeting scheduled at 7:00 p.m.) for this purpose.

NEW BUSINESS

PLANNING COMMISSION ITEMS: Kevin Grubbs presented a subdivision plan for the Elinor Wilkinson Trust, located at 48-50 W. North Street. He explained that this is a simple subdivision of two (2) properties; and the Waynesboro Planning Commission recommended approval of the plan, as submitted. He added that all required variances were obtained through the Zoning Hearing Board prior to the Planning Commission's decision. Councilman McCammon made a motion to approve the Wilkinson Subdivision Plan, as presented. Councilman Stains seconded; the motion passed unanimously.

Kevin Grubbs presented a subdivision plan for Dennis and Deidre Cordell, located at 228-230 Ringgold Street. He explained that they are subdividing an existing duplex into two (2) units. Appropriate variances were granted by the Zoning Hearing Board on December 3rd, and the Planning Commission recommended approval of the plan. Councilman McCammon made a motion to approve the Cordell Subdivision Plan, as presented. Councilman Greenawalt seconded; the motion passed unanimously.

2010 BUDGET: Councilman Greenawalt made a motion to adopt the tentative 2010 budget (which includes no tax increase). Councilman McCammon seconded; the motion passed unanimously.

2010 TAX ORDINANCE AND EXISTING TAXES: Mr. Hamberger reported that the proposed 2010 Tax Ordinance has been duly advertised. Councilman Martin made a motion to approve the 2010 Tax Ordinance, as presented. Councilman Mumma seconded; the motion passed unanimously.

ORDINANCE NO.

AN ORDINANCE OF THE BOROUGH OF WAYNESBORO, COMMONWEALTH OF PENNSYLVANIA, fixing the tax rate for the fiscal year 2010.

Complete copy on file at Borough Hall.

In addition, Mr. Hamberger noted that all current Act 511 taxes will remain in effect at the current rates. Councilman Greenawalt made a motion as such. Councilman Mumma seconded; the motion passed unanimously.

AWARD BIDS (CDBG-R STREETS): Mr. Hamberger noted that three (3) bids were received for the CDBG-R street paving projects, the lowest of which was from Valley Quarries (\$39,954.00). The staff is recommending awarding the bid to Valley Quarries, subject to compliance with all federal and state requirements of the CDBG program. Councilman Mumma made a motion to award the bid to Valley Quarries, in accordance with the staff's recommendation. Councilman Stains seconded; the motion passed unanimously.

ENGAGEMENT LETTER FROM SMITH ELLIOTT KEARNS & COMPANY (2009 AUDIT): Councilman Greenawalt noted that the price for the 2009 audit was slightly higher than last year's. He made a motion to execute the engagement letter from Smith Elliott Kearns & Company to conduct the 2009 audit. Councilman McCammon seconded; the motion passed unanimously.

PUBLIC IN ATTENDANCE - NON-AGENDA ITEMS:

Frank Bittner, 842 Anthony Avenue - Mr. Bittner asked for information on the life of building permits in the Borough of Waynesboro. Mike Cermak (Accredited Services) noted they are good for one (1) year, even though the state permits up to five (5) years. Mr. Bittner mentioned a particular house that is occupied, but covered only in "Tyvek". Mr. Cermak noted that a permit was issued for the work at that property (but that doesn't mean that the work had to be completed). He stated that the Building Code

Official can determine that a building is unsafe – in this case, however, it is an eyesore but is safe. He added that the building permit has expired.

Mr. Bittner continued regarding a discussion held several weeks ago on inspections for the installation of gas furnaces, and questioned where the gas company's authority ends. Paul McCarney (a local plumber) explained that if the gas is turned off, the gas company's responsibility ends at the valve for the appliance. Discussion ensued regarding the requirement for licensing/certification, and Councilman Martin noted this can be discussed further at Council's workshop on December 23rd at 6:00 p.m.

Mr. Bittner commented that the new brick sidewalks downtown were tested for the first time in the recent snow. He stated it appears that the use of salt on the sidewalks caused no problems yet. He also noted that the bell tower at the Fire Hall has been removed and is in good shape. On a related matter, Councilman Mumma asked if the roof work at the Fire Hall has been completed ... Kevin Grubbs reported it was finished this past week.

Councilman Martin then requested that Kevin Grubbs prepare a report for Council's next meeting on the S. Potomac Street outfall project, and the possibility for any grant money for the required work. Mr. Grubbs reported that a meeting on the next round of funding is scheduled for March 23rd. He added that a few modifications are needed prior to that meeting, but everything will be ready.

FOR INFORMATION ONLY

ENVIRONMENTAL COVENANTS (FORMER LANDIS TOOL COMPANY): Council members received a copy of the environmental covenants for the former Landis Tool Company, which have been provided to Geofam (the new owner of the property). Mr. Hamberger noted that this is a result of the study on previous contamination at the site.

REQUEST FOR WAGS REGISTRATION SIGN PLACEMENT: Mr. Hamberger noted that a letter was received from Waynesboro Area Girls Softball, Inc. requesting permission to place a registration sign on the Waynesboro Mall property for two (2) weeks, beginning Sunday, January 3rd, thru Sunday, January 17th. They have secured approval of the property owner, Harvey Bair. Councilman McCammon made a motion to approve the request. Councilman Greenawalt seconded; the motion passed unanimously.

PRESS RELEASE RE: MODIFICATION TO THE BOROUGH'S SOLID WASTE COLLECTION PROGRAM: Mr. Hamberger read a press release which has been forwarded to the media for publication, as follows:

Effective January 1, 2010, tree trimmings, hedge trimmings, brush and similar items will not be collected on a weekly basis. They will be collected on an "every other week" basis on non-recycling collection weeks. Tree trimmings, hedge trimmings, brush and similar items must be tied in bundles not exceeding four (4) feet in length and fifty (50) pounds in weight, or placed in a container not larger than thirty-two (32) gallons, separate from other refuse. If these items are in excess of the three (3) container maximum permitted, the Contractor may charge a per bundle or container fee for additional items.

Large item disposal will continue on its same schedule (which is on the same week as recycling); and, again, tree trimmings, hedge trimmings, brush and similar items will be collected on the weeks when recycling and large items are not collected.

Grass clippings will be collected on a weekly basis by the Contractor if they are in containers not exceeding thirty-two (32) gallons and placed in containers separate from other refuse. Grass clippings will be considered in the three (3) container limit imposed.

Also, the list of recyclable items has been expanded. The following items will now be recycled:

- Flattened cardboard
- Magazines
- Office paper
- Brown paper bags
- Newspapers
- Paperboard
- Paper cardboard, dairy and juice containers
- Junk mail
- Phone books
- Plastic bottles and containers #1-7
- Glass bottles and jars
- Aluminum cans, aluminum foil and pie tins
- Tin or steel cans

PAY BILLS: Councilman Mumma made a motion to approve the payment of Voucher Lists dated 12/09, 12/11 and 12/14. Councilman Martin seconded. Councilman Martin mentioned the insurance premiums being paid, and recommended that Council solicit competitive bids for appropriate coverages. A vote was called, and the motion passed unanimously.

Council and staff members wishes those in attendance “Happy Holidays”, etc.

Councilman Martin reflected on the 2009 year. He thanked the staff for their hard work (specifically on the downtown projects, as well as others). He added that the Borough had a very successful year, and Council should be proud of all that has been accomplished.

Kevin Grubbs commented on a recent article in *The Public Opinion* stating that the Borough of Waynesboro has crosswalks that are non-compliant because of the use of yellow paint for added visibility. He noted that PENNDOT requires that white paint be used in crosswalks (which the Borough uses). But when they were contacted in 2006 as a result of the number of pedestrian accidents in crosswalks, their regulations were more lenient and they allowed the addition of yellow paint. Under their new regulations, however, only certain colors can be used in crosswalks (of which yellow is not one). Mr. Grubbs noted that the Borough of Greencastle is pursuing a modification in this regulation, and he suggested that Waynesboro Borough Council do the same. Councilman Mumma made a motion to pursue a modification in the regulation for the use of yellow paint in crosswalks for heightened visibility. Councilman Martin seconded. Mayor Starliper suggested that letters be written to state representatives asking for their endorsement. The motion passed unanimously.

Fire Chief Dave Martin noted that many residents use candles at this time of year; and there is an increase in apartment/house fires as a result. He cautioned the public to take special care.

Councilman Greenawalt also commended the Borough’s staff for their efforts, noting that many major projects on Main Street were completed this past year.

Councilman Stains reiterated comments regarding the staff’s hard work, and stated that the downtown “looks good”. He also commented that Council should work hard on the S. Potomac Street outfall project in the new year.

Councilman Mumma echoed Councilmen Greenawalt and Stains' comments.

Mayor Starliper noted his appreciation to Council members for all they have done for the Borough's Police Department.

President Newcomer also thanked Police Chief King for all his Department has done, as well as members of Mainstreet Waynesboro, Inc., and the entire Borough staff.

Having no further business to discuss, Councilman McCammon made a motion to adjourn the meeting at 8:50 p.m. Councilman Greenawalt seconded; the motion passed unanimously.

Respectfully Submitted,

Melinda S. Knott
Administrative Assistant