

MAY 20, 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, Jason Stains, C. Harold Mumma, Craig Newcomer, Charles McCammon 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  
Melissa Dively, Borough Solicitor (Salzmann Hughes, PC)  
Dave Martin, Fire Chief  
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 approve the minutes of the May 6<sup>th</sup> regular meeting, as written. Councilman Martin 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 Martin requested that future Code Enforcement Officer's Reports be modified to include the current year-to-date total as well as a total for the same time period the previous year. The motion then passed unanimously.

### **COMMITTEE REPORTS**

**PERSONNEL COMMITTEE:** Councilman Mumma noted that he will present several motions during the "voting" section of the meeting.

**PROPERTY AND PUBLIC SAFETY COMMITTEE:** Councilman McCammon reported that he is awaiting two (2) price quotes for demolition of the house at the golf course.

**STREET COMMITTEE:** No report.

**INTERGOVERNMENTAL COMMITTEE:** No report.

**DOWNTOWN REVITALIZATION COMMITTEE:** President Newcomer reviewed the proposed timeframe for the 2009 Brick Sidewalk Paver Project provided by Kevin Grubbs, as follows:

- May 21, 2009 - Advertise project for bid
- May 28, 2009 - Advertise project for bid
- June 4, 2009 - Pre-bid meeting at 10:00 a.m., Borough Hall's first floor conference room
- June 16, 2009 - Accept bids until 3:00 p.m.
- June 16, 2009 - Bid opening at 4:00 p.m., Borough Hall's first floor conference room

- June 17, 2009 - Borough Council will award bid
- July 6, 2009 - Project will start
- October 3, 2009 - Projected completion of project

**FINANCE COMMITTEE:** Councilman Greenawalt reported that “finances for this month are about the same as last time – some are down and some are up”. He suggested waiting another month (until the end of June) to see how things look at that time.

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

“On May 12<sup>th</sup>, along with Chief King, I attended the Waynesboro Fire Police meeting and presented to James Seilhamer and Richard Jones gold Fire Police badges for their dedication to the Waynesboro Fire Police Association.

On May 13<sup>th</sup>, I attended the Middle School’s Adventure in Learning. This is a program designed for the eighth grade to fill out employment applications, and individuals from the community interview them. Thanks to Assistant Principal Kim Calimer and staff for supporting this program.

On May 16<sup>th</sup>, I attended the Waynesboro Ambulance Squad’s annual dinner and awards banquet. So again, many thanks to these individuals for their hours of hard work and dedication.”

**SOLICITOR’S REPORT:** No report.

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

**VOTING ON ITEMS FROM COMMITTEE REPORTS:** Councilman Mumma made a motion to hire Brenda Lucas as Pool Custodian. He noted that Ms. Lucas worked in this position last year. Councilman McCammon seconded; the motion passed unanimously.

Councilman Mumma made a motion to hire Rachael Sanders and Rachael Hrdy as Lifeguards, and Michal Sanders and Jacob Smith as Cashiers at Northside Pool. Councilman Stains seconded; the motion passed unanimously.

## **UNFINISHED BUSINESS**

**CONTRACT DOCUMENTS (BRICK SIDEWALK PAVER PROJECT):** Copies of the timeframe for this project were provided to Council members (and announced by President Newcomer) previously. He reiterated that a pre-construction meeting has been scheduled for June 22<sup>nd</sup> at 10:00 a.m., and the projected start date for the project is July 6<sup>th</sup>. Councilman McCammon questioned if the brick sidewalks will be laid in accordance with Ordinance No. 993. Kevin Grubbs clarified that Ordinance No. 1086 (recently adopted) amended that ordinance.

## **NEW BUSINESS**

**SUMMER COUNCIL MEETING SCHEDULE:** Mr. Hamberger questioned if Council would like to modify their meeting schedule for the summer to one (1) meeting per month, as has been done in years passed. Discussion ensued, and Council agreed to keep the meetings the same (on the first and third Wednesdays of each month) throughout the summer, due to the number of upcoming projects.

**REQUEST TO CLOSE E. SECOND STREET FROM VIRGINIA AVENUE TO ENTERPRISE AVENUE FOR COMMENCEMENT CEREMONY (JUNE 10, 2009):**

Mr. Hamberger reported that he received correspondence from the principal at Waynesboro Area Senior High School regarding their commencement ceremony scheduled for June 10<sup>th</sup>. Due to limited parking, attendees will be encouraged to use the Middle School and Summitview Elementary School parking lots, and a shuttle bus will take them to the High School. They are requesting that E. Second Street be closed from Virginia Avenue to Enterprise Avenue from 5:00 to 9:30 p.m. that evening. Mayor Starliper noted that the matter has already been discussed with the Fire Police, and they note no problem. Councilman Martin made a motion to approve the request. Councilman Greenawalt seconded; the motion passed unanimously.

**REVISION TO FACADE IMPROVEMENT PROGRAM:**

Mr. Hamberger noted that, last August, Council discussed the possibility of permitting Facade Improvement Program funds to be utilized for the rear of buildings. Accordingly, he proposed that “facade” be defined as that portion of the building (front or side) facing a public right-of-way. In addition, in the Downtown Business District, for buildings along Main Street, “facade” includes the rear of the building if the building abuts a public right-of-way to the rear. Additional rear sections will also be considered on buildings facing Main Street on a case-by-case basis. If this is acceptable to Council, Mr. Hamberger noted that the appropriate documents will be modified and presented for final approval at their next meeting. Councilman Mumma made a motion to accept the Borough Manager’s proposal. Councilman Stains seconded; the motion passed unanimously.

**FACADE IMPROVEMENT PROGRAM APPLICATION (CRAIG MAHRLE):**

Mr. Hamberger presented an application for Facade Improvement Program funds from Craig Mahrle for the rear of the former Beck & Benedict Building. He reported that the Design Review Committee has reviewed the application and recommended approval, subject to review by the appropriate state agencies (Historical Commission, etc.) Councilman Mumma made a motion to approve the application, as submitted. Councilman Stains seconded. Councilman Martin suggested that the matter be tabled, as no cost estimates were provided with the application. Mr. Hamberger clarified that he has received them, but did not copy them for Council’s review; and added that the grant only matches 50% of the lowest bid. A vote was called and the motion passed 4-2 (Councilmen Martin and Greenawalt opposed).

Discussed ensued regarding the fact that the definition of “facade” was just modified and already there was an application for the rear of a building along Main Street. President Newcomer stated that Council had discussed this modification previously (when the Rotary parking lot was put in), and added that the intent to do it was always there. Councilman Martin requested that Council members receive copies of the bids for these projects in the future.

**DISCUSS APPOINTMENT OF REPRESENTATIVES TO COUNTY TAX STUDY COMMISSION:**

Mr. Hamberger noted that Act 32 requires County-wide collection of the Earned Income Tax, and a Study Commission must be appointed by September 15<sup>th</sup> (with the first meeting being held by October of this year). The Council of Governments suggested that representatives be appointed early so discussions on the matter can be held during the summer. Accordingly, Mr. Hamberger requested Council’s recommendation on a representative member and an alternate. President Newcomer advised Council members to contact him if they are interested in serving on this committee. Discussion ensued regarding a member of the community being appointed, and it was noted that they should have a good background and knowledge regarding the tax. Councilman Mumma suggested that Mr. Hamberger be appointed, as he would be most knowledgeable about the Borough’s particular situation. The matter will be discussed and representatives appointed the following month.

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

Richard Rose, 118 W. Fifth Street - Mr. Rose asked if the brick sidewalk project will begin independently from the Center Square project. Mr. Grubbs responded that PENNDOT's scope of work for the Square project has been clarified, and there is no need to wait to begin the brick sidewalk project. Mr. Rose also advised Council that some negative comments were aired in yesterday's newspaper regarding the brick sidewalks (among other items) in Hagerstown. He asked if the dilemma regarding brick within the 12' right-of-way vs. back to the building fronts had been resolved. Mr. Grubbs explained that the bids are being solicited in two (2) parts – first, for the 12' right-of-way only; and second, for the area behind the right-of-way to the building fronts. Council will consider the matter further after bids are received. He added that the sidewalk will be placed “as far as they can go” utilizing the \$500,000 grant provided.

Mr. Rose also asked for an update on the Center Square project. Mr. Grubbs noted that they are awaiting one (1) more right-of-way agreement from a property owner – once that is received, the project will begin. He added that the project completion date in August “is not realistic”.

Harry Morningstar, Jr., 205 Clayton Avenue – Mr. Morningstar asked if PENNDOT is covering the cost of the bricks in the Square. Mr. Grubbs replied affirmatively, as the brick work is in the contract for the project. He clarified that they are taking the brick work back to the building fronts in the Square.

Mr. Morningstar noted that, having awarded all funds available to businesses (and in an attempt to obtain additional funding), representatives of Main Street, Inc. and the Chamber of Commerce walked along Main Street with Senator Alloway to indicate which businesses had utilized the funding. Senator Alloway was very complimentary of all that has been (and is being) done, including the sidewalk project, new businesses, etc. He also recommended that various Borough and Downtown entities (and/or individuals) communicate and work together to “clean up the downtown” – including trimming weeds, mulching trees, sweeping sidewalks, completing the walkway imprinting project, and repainting the light poles. Mr. Morningstar requested that the Borough commit several hours each week to complete some of these maintenance items; and, perhaps, Council members and/or staff volunteer time to assist.

Councilman Martin requested that Mr. Morningstar provide a list of properties where the weeds are overgrown to Code Enforcement Officer Dan Sheffler so that he can address these situations. He noted that if the Borough does the upkeep on Main Street properties, it may set a precedent for the work to be done by the Borough elsewhere in town. Councilman Mumma commented that he and his wife have volunteered to participate in watering the hanging flower baskets downtown; and while enroute along Main Street, he noticed several properties where there are weeds, etc. in need of attention in front of properties where grant monies were utilized. He encouraged property owners to take responsibility for this upkeep.

After additional discussion on the matter, Maintenance Superintendent Denny Benshoff reported that his crew trimmed and mulched the trees along Main Street from Broad to Potomac Streets just this week. They reportedly “got behind” because of maintenance work required at Northside Pool for its season opening.

Mayor Starliper also commented that it “would have been nice” for someone from the Borough and/or Council to be invited on the walk with Senator Alloway, since the meeting pertained to the Borough and items which they should address. If they had been included, much of this discussion could have been eliminated.

President Newcomer asked for clarification from Dan Sheffler regarding the Weed Ordinance he had requested previously. Mr. Sheffler stated that the only ordinance which currently addresses weeds is the Property Maintenance Ordinance. He was requesting that Council approve a stand-alone Weed Ordinance, similar to the one that was previously in effect. Discussion followed, and Kevin Grubbs noted that the recently-adopted Sidewalk Ordinance contains a section pertaining to maintenance

responsibilities of the property owners. He further advised that a meeting with the downtown property owners will be held in June to explain these responsibilities. Councilman Greenawalt suggested that the Downtown Manager speak with the business people regarding sweeping their sidewalks, etc. Councilman Martin agreed, adding that he is in favor of helping to improve the downtown, but the Borough has other areas they also need to be concerned with.

**UPDATE ON STORM SEWER FUNDING:** Councilman Martin asked for an update on funding for the storm sewer work. Solicitor Melissa Dively noted that the application will be amended for the PENNVEST loan, as “numbers” have now been received from Dennis Black. No determination date has been provided, however, for the second round of funding. Ms. Dively added that the H2O grant was “pushed back” because the funding was not in place; and that is scheduled for a July determination date. Councilman Martin noted that he is not extremely optimistic about receiving this grant money; – and if they don’t get the grant money, they will have to fund the project .... and it is expensive.

**DUMPSTER ISSUE:** Councilman Martin noted that correspondence was received regarding a dumpster issue. The matter will be discussed by the Street Committee at their next meeting.

**DISCUSSION ON GOLF COURSE OPERATIONS:** Councilman Martin asked when the next Recreation Board meeting is scheduled. Mr. Hamberger advised that it is the following evening (May 21<sup>st</sup>) at 7:00 p.m.; and added that the golf course will be discussed at that time. Councilman Martin requested that he be provided with information on the course’s profits/losses over the last six (6) years for review.

**CONTINUED PUBLIC COMMENTS:**

Frank Bittner, 842 Anthony Avenue - Mr. Bittner suggested that Denny Benshoff has been known to “loan out” brooms on occasion for individuals who would like to volunteer to do some clean-up work downtown. He also suggested that the Lions Club could be encouraged to renew their door-to-door broom sales. (It was noted that they still sell brooms, but they don’t have sufficient volunteers to go door-to-door.) Mr. Bittner also noted that some of the properties on the Square have sections of windows in the concrete (glass inserts), which he researched and determined to have some historical value; and he questioned what will become of those when the brick sidewalks are placed. Mr. Grubbs noted that they will be repaired and will remain in place.

**FOR INFORMATION ONLY**

**RENFREW COMMITTEE, INC. APPOINTMENTS TO RENFREW EXECUTIVE COMMITTEE BOARD:** Mr. Hamberger noted that information was provided to Council regarding appointments to the Renfrew Executive Committee Board.

**PROPOSAL TO PURCHASE POLICE CRUISER:** Chief King presented a request for approval to purchase a new vehicle for the Police Department. He explained that this expense was included in the 2009 budget, and they would like to purchase a Dodge Charger for the following reasons: better fuel economy, ergonomics, more room, better braking, superior safety features, and closer service. He estimated a total cost of approximately \$29,000, which includes lighting, a “cage”, console for radios, wiring and painting. He added that Car #1 has high mileage, and they would like to keep it in service for transporting prisoners and training. The additional vehicle would increase the current fleet to seven (7) cars. Councilman Greenawalt noted that some repairs were made recently to Car #1, and it is currently “in good shape”. Councilman Martin added that the car will not be worth much if it is sold. He noted he can see the benefit of purchasing a new car, but mentioned the inequity in turning down the Maintenance Department’s budgeted new truck. It was noted that that decision was a voluntary deferral, and the importance of providing protection for the community was discussed. Councilman

Stains made a motion to authorize bidding for the purchase of a new police cruiser. Councilman Mumma seconded; the motion passed unanimously.

**MYRTLE AVENUE:** Solicitor Dively reported that she received correspondence from Attorney Don Kornfield, who assisted in creation of the petition to abandon a portion of Myrtle Avenue. In response to Borough Council's request to secure an indemnification agreement from the petitioners, Mr. Kornfield is proposing that Harry Morningstar would indemnify all of the petitioners (including the Borough) from any actions that would arise from the act of abandonment. The substance of the original agreement would remain the same. Councilman Martin made a motion to forward the proposal to the Street Committee, along with the Solicitor's input/opinion. Councilman Greenawalt seconded; the motion passed unanimously.

Councilman McCammon questioned why the Borough is "giving our land away". He made a motion to reject the proposal. The motion died, however, for lack of a second.

**CDBG/STIMULUS FUNDS:** Mr. Hamberger reported that the state is encouraging municipalities to proceed with allocating the 2009 CDBG funds and stimulus money they are entitled to receive. Accordingly, Mr. Hamberger recommended that the second CDBG hearing be held prior to the next Council meeting. He suggested that the funds be used as follows:

• Administration	\$ 29,155
• Downtown	\$ 39,845
• Streets	\$ 82,974
• ADA Curb Cuts	\$ <u>10,000</u>
_____ TOTAL:	\$161,974

- ARRA Funds (est.) \$ 33,740 - to be utilized, additionally, for streets

Mr. Hamberger requested Council's permission to advertise the proposed public hearing. Councilman Stains requested that Council members receive a report on actual distribution of the ARRA funds. Councilman Martin made a motion to advertise the public hearing scheduled for June 3<sup>rd</sup> at 7:00 p.m., as indicated by the Borough Manager. Councilman Mumma seconded; the motion passed unanimously.

Mr. Hamberger noted his appreciation to the staff for their efforts involved in the application re-submission for PENNVEST funding. He added that they would not have met the deadline without Denny Black's assistance.

**PAY BILLS:** Councilman Mumma made a motion to approve the payment of the Voucher List dated May 6<sup>th</sup>. Councilman Greenawalt seconded; the motion passed unanimously.

**COUNCIL AND STAFF COMMENTS:** Councilman Martin noted he was pleased with the voter turnout in his ward, and he commended the candidates for removing their election signs promptly.

Dan Sheffler asked for Council's direction with regard to weeds, as an increasing amount of residents are leaving their properties (due to bankruptcies, etc.) He suggested that notices could be sent to their last known address and if there is no reply, contract an individual to mow the grass and place a lien on the property. Councilman Martin suggested also contacting the mortgage holder regarding the matter. Solicitor Dively noted that is not a bad idea, but the Borough's ordinance states it is the landowner's responsibility. President Newcomer stated that Council needs to do something ... he feels they should take action (have the property mowed) and put a lien on the property. It was noted also that when a property is sold at a Sheriff's Sale, municipal liens are a priority. Councilman Martin offered his assistance in pursuing this avenue.

Police Chief King reminded Council of the upcoming Memorial Day parade to begin at 9:00 a.m. The parade will proceed from C.V. Avenue along Main Street to Broad Street and Memorial Park for a memorial service.

Fire Chief Martin asked about progress on the roof at the South Potomac Street Fire Station. Kevin Grubbs noted that he has only received one (1) bid to date, but anticipates receiving the others by the end of the week. Those will be provided to Council, upon receipt. He cautioned Council, however, that their recommendation will most likely be to remove the bell tower. He suggested that they consider re-furbishing it and installing it permanently in one of the parks.

Councilman Greenawalt again requested that Council hold workshops on a monthly basis. President Newcomer stated he was considering holding a workshop and Council meeting each month during the summer, but it was Council's decision to continue with two (2) formal meetings.

Based on opinions voiced at the polls the previous day, Councilman Stains requested that Council formulate a plan to give the public assurances regarding the direction they plan to take in terms of the vacant positions in the Police Department. He stated that it can be a major problem to work with minimal manpower, and advised that an Act 120 certification class will be held soon. He would like for Council members to discuss the matter and get plans in place for any action to be taken.

Councilman Mumma echoed Councilman Stains' comments, and encouraged residents to donate time to help someone in need (not just downtown, but anywhere). Unlike Ward 1, he noted that voter turnout was "down" for some very important positions.

Mayor Starliper asked for clarification from Dan Sheffler regarding the time limit for removal of election signs. Mr. Sheffler noted it is five (5) days. Mr. Starliper stated that he received numerous comments at the polls yesterday regarding the wall at the golf course. All seemed to favor "leveling it and getting rid of the stone".

President Newcomer thanked individuals who wrote his name in on their ballots. Because of their support, he will not be a "write-in" in the November general election.

Having no further business to discuss, the meeting adjourned at 8:57 p.m. on a McCammon/Greenawalt motion which passed unanimously.

Respectfully Submitted,

Melinda S. Knott  
Administrative Assistant