

NOVEMBER 4, 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)

Mayor Richard Starliper (arrived at 7:53 p.m.)

Borough Staff – Lloyd R. Hamberger, II, Borough Manager
Mike Benshoff, Maintenance Foreman
Kevin Grubbs, Head of Engineering Services
Melissa Dively, Borough Solicitor (Salzmann Hughes, PC)
Dan Sheffler, Zoning-Code Enforcement Officer
Mark King, Police Chief (arrived at 7:56 p.m.)

PLEDGE OF ALLEGIANCE: Councilman Greenawalt led those present in the Pledge of Allegiance.

APPROVE MINUTES: Councilman McCammon made a motion to approve the minutes of the October 21, 2009 regular meeting and the October 28, 2009 special meeting, as written. Councilman Martin seconded; the motion passed unanimously.

COMMITTEE REPORTS

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

PROPERTY AND PUBLIC SAFETY COMMITTEE: No report.

STREET COMMITTEE: Councilman Martin stated that he will discuss several items during the “voting” section also.

INTERGOVERNMENTAL COMMITTEE: No report.

DOWNTOWN REVITALIZATION COMMITTEE: Kevin Grubbs reported that the traffic signal project is “coming to a close”. A walk-through/inspection was done today on the electrical portion of the project; and only punch-list items remain. A modification has been submitted for the turn arrow adjustments at Potomac/Main Street; and those will be corrected within the week.

Discussion followed regarding the four (4) overhead standards previously used for directional signs (east of Broad Street, in front of the Post Office, in front of the Owls Club, and at Grant Street). PENNDOT has stated that those were not included in the conceptual plan submitted, but they are reviewing the matter to determine who will be responsible for them. Kevin Grubbs advised that the Borough has no equipment large enough to remove them, and he is waiting on their response. If they decide to order new ones, it will take 13 weeks for their delivery. In the meantime, the directional turn arrow signs will be placed on the sidewalks at those intersections.

Several other items still remain to be worked out, including ensuring that the Square is an exclusive pedestrian crossing. Mr. Grubbs noted that it is not at the current time, but that will be taken care of.

A final walk-through will be held on November 9th (he will confirm the exact time), and everything should be completed by that time. Councilman Martin suggested that it may be a good idea for Council members to attend, if possible.

Regarding the brick sidewalk, Mr. Grubbs reported it will all be in place by next week. The contractor is currently sanding and re-doing the area that “had an issue”. A walk-through with GRC will be held the following day to determine what items remain to be taken care of. Mr. Hamberger requested they look at the handicapped ramp at the alley west of the former *John Wallace Restaurant*, because it appears that the concrete has cracked.

Councilman Martin requested clarification on how payments are being made to the contractor. Mr. Grubbs responded that they have received two (2) payment requests thus far (a third was received just today), and the contractor is only being paid for the work that has been completed. A 10% retainer will be held until all the work is done to the Borough’s satisfaction.

FINANCE COMMITTEE: Councilman Greenawalt reported on the Borough’s finances, as follows –

	<u>2008</u>	<u>2009</u>	<u>Difference</u>
Real Estate Tax	958,724	981,882	+23,158
Earned Income Tax	678,233	671,943.22	-6,289.78
OPT (EMST)	135,350	146,561	+11,211
Real Estate Transfer Tax	169,615	113,379	-56,236
Subdivision Fees	30,309	8,797	<u>-21,512</u>
TOTAL:			-49,668.78

MAYOR’S REPORT: President Newcomer announced that the Mayor was not present at this time, because he was called to assist in counting votes on the fire companies’ potential merger.

SOLICITOR’S REPORT: Solicitor Dively reported that she and the School District’s Solicitor have been working on a proposed lease agreement. He has reviewed the draft she presented and recommended several modifications. With Council’s permission, Ms. Dively will advise him that the modifications are acceptable. Councilman Martin made a motion to approve modifications to the proposed lease agreement, as presented by the Borough’s Solicitor. Councilman Mumma seconded; the motion passed unanimously. Ms. Dively advised that the proposed agreement will be presented to the School Board at their meeting the following Tuesday.

Solicitor Dively also reported that she, along with Dan Sheffler and Mike Cermak (Accredited Services), are working on administrative issues between the Property Maintenance Code and what will be retained from BOCA with regard to the Electrical Code. Discussion followed, and President Newcomer suggested the matter be discussed further during a workshop to be held at 6:30 p.m. prior to the next budget meeting scheduled for Wednesday, November 11th.

PUBLIC COMMENT - ITEMS ON AGENDA: None.

VOTING ON ITEMS FROM COMMITTEE REPORTS: Councilman Mumma made a motion to re-appoint Jon Fleagle to a full term on the Waynesboro Planning Commission; said term would expire on 10/20/2013. Councilman Greenawalt seconded; the motion passed unanimously.

Councilman Mumma presented a request from the Franklin County Department of Emergency Services for assistance (if needed) from the Waynesboro Fire Police at two (2) designated locations

for H1N1 virus inoculations. He clarified that they will be contacted if their assistance is requested. Councilman Mumma made a motion to approve the request. Councilman Greenawalt seconded; the motion passed unanimously.

*Mayor Starliper arrived at this time. He presented his **Mayor's Report** as follows –

“On October 27th, I attended the Waynesboro Lions Club's 80th Anniversary Dinner.

On October 30th, along with members of the Fire Department and others, I participated in Oliver Homes' Golf Tournament which benefitted the Waynesboro Fire Department. We thank Oliver Homes for their sponsorship.

On October 31st in Waynesboro, I had the privilege of uniting in marriage Brenda Bittinger and Robert McDaniels, Jr. Wish them the very best.”

Councilman Martin then made a motion to approve a request for a handicapped parking space at 137 Hamilton Avenue. Councilman Greenawalt seconded; the motion passed unanimously.

Councilman Martin made a motion to erect signs at the Rotary parking lot which read “No Truck Parking Over 5 Tons; No RV's or Trailers”. Councilman Greenawalt seconded; the motion passed unanimously.

Councilman Martin reported that parking is currently permitted at the corner of E. Main Street and N. Broad Street (on the west side) near *Eichholz Flowers*. When the new traffic lights were installed, however, a metal detector was placed under the blacktop at that location; and parking there interferes with the traffic light's operation. Accordingly, he made a motion to remove all parking on the west side of N. Broad Street from Main Street to the driveway at the Thompson residence (17 N. Broad Street). Councilman Greenawalt seconded; the motion passed unanimously.

*Police Chief Mark King arrived at this time.

Councilman Martin noted that he will recuse himself from action on this matter, but reported that the Street Committee is recommending moving the “no parking” signs from the east to the west side of Ringgold Street, from Sixth Street to the alley at the rear of Fifth Street. Councilman McCammon made a motion to approve the Street Committee's recommendation. Councilman Greenawalt seconded. Kevin Grubbs explained the matter further, because of Mr. Martin's position on Council. He noted that, currently parking is prohibited along the east side of Ringgold Street from Sixth Street to the alley. Employees and patrons of the *Recycling Center* have been parking on the west side and blocking access to the storage units. They would like to move parking to the east side of the street, which is actually more beneficial to those entering the *Recycling Center*. The motion passed 4-0 (Councilman Martin did not vote).

Councilman Martin noted that the traffic light at the intersection of Second/Mickley/Main has been a four-way stop since 1996. Even though operational costs of the light are currently shared with Washington Township, he made a motion that the Borough bear the full cost of returning this light to a four-way stop for the residents' safety. Councilman McCammon seconded. Kevin Grubbs read an explanation from PENNDOT which indicated that optimal traffic progression was discussed early in the project (which involved the elimination of some pedestrian-exclusive phases), and Borough Council approved the only pedestrian-exclusive signals to be in Center Square. Accordingly, PENNDOT has indicated that the Borough would be financially responsible for the change since the work has already been completed. Discussion followed regarding setting a precedent, as the Borough and Township share expenses for that light 50/50. Mr. Hamberger also noted that PERCS will provide a price quote for the modification (which should be minimal); and a discussion is being held with

PENNDOT regarding the phasing, so a traffic study may not be required. Councilman Mumma noted that he will “go along with” wiring/programming costs and \$3,000 (maximum) for a traffic study. A vote was called and the original motion passed unanimously.

Councilman Martin requested that Mr. Grubbs provide an update on the outfall situation. Kevin Grubbs reported that he received permits for the work to be done the previous day. PENNVEST’s review of loan applications will be held on March 23, 2010; and there is a January 19th submission date for any updates or revisions. In addition, the H2O grant application submitted is still valid. They will meet in August to review applications again.

UNFINISHED BUSINESS

UPDATE ON OUTDOOR FURNACE ORDINANCE: Mr. Hamberger reported that the proposed amendment to the Outdoor Furnace Ordinance has been advertised for adoption at Council’s next meeting.

ROTARY PARKING LOT PAVING: President Newcomer noted that Council members met at the Rotary parking lot at 6:30 p.m. this evening (prior to the regular Council meeting) to discuss their options.

REPORT ON FACADE IMPROVEMENT GRANT APPLICATION (HICKOK): President Newcomer noted that he has met with Mitchell Hickok to confirm that his proposed project qualifies as “commercial” through the Facade Improvement Program. Several items need to be addressed, and then the project can move forward.

UGI RIGHT-OF-WAY AGREEMENT (CLAYTON AVENUE BALLFIELDS): Kevin Grubbs noted that Council reviewed the request from UGI to install a service line between two (2) of the Clayton Avenue ballfields at their last meeting. They approved the request, pending execution of a right-of-way agreement. Council members received copies of the proposed agreement, which was reviewed and approved by the Solicitor. Councilman McCammon made a motion to authorize execution of the proposed agreement. Councilman Martin seconded; the motion passed unanimously.

REQUEST RE: CHRISTMAS ACTIVITIES (MAINSTREET WAYNESBORO, INC.): Mr. Hamberger noted that MSI is requesting support for the joint 2009 Christmas activities planned in conjunction with the Greater Waynesboro Area Chamber of Commerce. He read their correspondence, which included requests to: (1) place a Christmas tree on the Square in front of their office, with assistance from Borough personnel with set-up, decorations and connecting it to the power supply; (2) install additional lights on existing trees in the Square and possibly decorative planters along the Square’s sidewalks; (3) re-route Main Street traffic during the Tree Lighting ceremony on November 20th, from 5:30 p.m. to 7:30 p.m.; (4) allow Borough personnel to assist in hanging seasonal decorations on the poles and fixtures along Main Street; and (5) play seasonal music on Main Street from 10:00 a.m. to 6:00 p.m. each day following the Tree Lighting Ceremony until the day after Christmas. Councilman McCammon made a motion to approve the requests, as outlined. Councilman Mumma seconded; the motion passed unanimously.

PUBLIC IN ATTENDANCE - NON-AGENDA ITEMS:

Stewart McCleaf, 228 S. Oller Avenue - Mr. McCleaf was present to re-visit the issue he spoke about at the previous meeting. Since that time, he has met with Councilman Mumma and Mr. Cermak, at which time Mr. Cermak agreed that some of the things at issue could have been done differently. He noted that several questions remain. If the high school has been issued an occupancy permit, why was he doing an inspection at a public event? How many events were inspected at the high school? Why couldn’t the inspection be done before the event? Was he acting in official capacity as a Borough employee or contracted employee? How many times does this building have to be inspected?

Discussion ensued regarding the proper procedure for filing a complaint. Code Enforcement Officer Dan Sheffler stated that the Department of Labor and Industry will investigate all written complaints about municipal and third party agency officials' actions or lack of action in their administration and enforcement of the UCC. Council members noted they will discuss this matter further at their upcoming workshop.

Harry Morningstar, Jr., 205 Clayton Avenue - Mr. Morningstar reported that MSI has solicited 60+ property owners (with some success) for donations toward the brick sidewalk project. He will provide a report at Council's next meeting regarding the exact amount pledged. Discussion arose regarding how the donations will be spent (whether they will cover any over-run or go strictly to extending the project to Grant Street). Councilman Martin commented that he doesn't feel it is fair for all Borough residents to subsidize sidewalks for property owners on Main Street. After clarification on the price estimates originally presented, Mr. Grubbs noted he anticipates the total costs to come in under what was originally quoted. He will re-visit special pricing with GRC for the additional block (Cleveland Avenue to Grant Street), but it was his understanding that the price would change once he "moves out". They may have to re-negotiate pricing for the additional work to be completed at a later date (perhaps in the spring).

FOR INFORMATION ONLY

NPDES PERMIT RENEWAL (MEADOW BREEZE, LLC): Mr. Hamberger noted that Meadow Breeze, LLC is applying to renew their NPDES Permit. This is just a formality – no action is required, unless Council has comments to present.

PAY BILLS: Councilman Mumma made a motion to approve the payment of the Voucher List dated 10/22. Councilman Greenawalt seconded; the motion passed unanimously.

COUNCIL AND STAFF COMMENTS: Mr. Hamberger advised that, following this meeting, Council will adjourn to a budget meeting in the first floor conference room.

Councilman Martin commented that the brick sidewalks looks very nice – he is in favor of the project (and continuing further with it), but he doesn't want Council to spend money in one area instead of all areas.

Maintenance Foreman Mike Benshoff reported that his crew has completed paving in the Square (with just minor items remaining); and they will be moving on now to doing leaf pick-up.

Kevin Grubbs advised that the new traffic signal program is now in place, and a lot of "re-education" will need to take place for both motorists and pedestrians. When a pedestrian has a "Walk" light to cross, they do not have 100% right-of-way and need to be cautious of oncoming traffic (for example, if the button is pushed to cross Main Street at Potomac Street, the traffic on Main Street will stop and the traffic on Potomac Street will still be moving). He explained that this system has been in effect in many municipalities throughout the state for years; but not in Waynesboro, because our system was obsolete. He added that the only location where pedestrians will have full access without traffic moving is in Center Square – at all other intersections, pedestrians will need to watch for oncoming cars and motorists will need to watch for pedestrians in crosswalks. Discussion followed regarding several "bugs" which still need to be worked out.

In anticipation of a lease agreement being resolved in the near future, Solicitor Melissa Dively recommended that Dan Sheffler be authorized to extend the High School's temporary occupancy permit until December 2nd. Councilman Mumma made a motion in accordance with the Solicitor's recommendation. Councilman Martin seconded; the motion passed unanimously.

Councilman Greenawalt noted that he attended PENNDOT's Winter Meeting in Greene Township, and representatives noted they will work with the Boroughs and Townships in any way possible. He and Mr. Hamberger also attended a re-organization meeting of the new Chambersburg Wage Tax Bureau, which will be implemented in 2012. Officers were elected and by-laws were established during that meeting. Mr. Greenawalt then congratulated Council-elect Wayne Driscoll on his success in the recent election.

Councilman Mumma thanked members of the public for their attendance.

Mayor Starliper suggested that it would be beneficial for the newspaper(s) to publish an article (with pictures) to inform the public "what lights are where and what everyone is supposed to be doing". Mr. Hamberger added that a ribbon-cutting type of ceremony will be held when the project is complete.

President Newcomer also offered his congratulations to Wayne Driscoll for winning a seat on Council.

Councilman Greenawalt made a motion to adjourn to a budget meeting at 8:48 p.m. Councilman McCammon seconded; the motion passed unanimously.

Respectfully Submitted,

Melinda S. Knott
Administrative Assistant