

OCTOBER 21, 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)
Mark King, Police Chief
Dave Martin, Fire Chief

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

APPROVE MINUTES: Councilman Martin made a motion to approve the minutes of the October 7, 2009 regular meeting, 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: No report.

PROPERTY AND PUBLIC SAFETY COMMITTEE: No report.

STREET COMMITTEE: Councilman Martin noted that the next Street Committee meeting will be held on Wednesday (October 28th) at 9:00 a.m. in the first floor conference room of Borough Hall. He welcomed the public to attend.

INTERGOVERNMENTAL COMMITTEE: No report.

DOWNTOWN REVITALIZATION COMMITTEE: Kevin Grubbs reported that the contractor is finishing laying brick in front of the Susquehanna Bank (sanding of grout will be completed the next day); and then the entire south side will be done with the exception of punch-list items. Demo work started on the north side from Dollar General to the Square and up to the Library. The final curbing pour will be done next Wednesday; and then the backfilling and final grading for the brick work will be done. He is still hopeful that the project will be completed by the first week in November.

FINANCE COMMITTEE: No report. Mr. Hamberger noted that a short budget meeting will be held immediately following the Council meeting, and tomorrow evening's budget meeting has been

canceled.

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

“On October 10th at Fuller Lake State Park, I had the privilege of uniting in marriage, Bobbi Ringer and David Robinson. Wish them the very best.

On October 11th at the Oller House, I presented to Derrick Gembe a Certificate of Achievement for attaining the rank of Eagle Scout. Derrick is the grandson of Ruth and Wayne Gembe.

On October 17th at the Boy Scout Camp Sinoquipe, I performed the ceremony of marriage uniting Brianna Mumshaw and Nevin Byers. We wish them the very best.”

SOLICITOR'S REPORT: Melissa Dively advised that she has been working with the School District's solicitor on finalizing the lease agreement for the driveway overlay. She is hoping to have information to Council before their next meeting.

PUBLIC COMMENT - ITEMS ON AGENDA: None.

VOTING ON ITEMS FROM COMMITTEE REPORTS: None.

UNFINISHED BUSINESS

FOUR-WAY STOP AT INTERSECTION OF SECOND/MICKLEY/MAIN: Mr. Hamberger noted that the request for a four-way stop at the intersection of Second/Mickley/Main will be discussed at the upcoming Street Committee meeting. Councilman Martin reported they were originally informed that the change would cost \$1,300 (for alterations to the mechanism), but have now been advised it will cost an additional \$2,000 for the traffic study needed to authorize the four-way stop. Mr. Martin noted that he will contact officials at PENNDOT in an attempt to “get around” that study. Mr. Hamberger added that, since the light at that location is maintained/operated as a joint venture (50/50) by Washington Township and the Borough, he has forwarded a request to Mike Christopher for their participation in these costs. He also suggested that Council could wait until the signal project is completed and the lights are “turned over” to the Borough; and then they could contract with PA PERCS for the work, which may be at a lesser cost. Council members stated they are in agreement to proceed, and Mr. Hamberger was instructed to obtain a price quote from PERCS as soon as possible for consideration.

LETTER FROM QUINCY TOWNSHIP SUPERVISORS (FIRE PROTECTION AGREEMENT): Mr. Hamberger provided correspondence from Quincy Township requesting additional time to consider negotiations for the 2010 fire contract; and until such time as a new contract is signed, they wish to extend the existing contract for a period of at least 90 days or through March 31, 2010. He stated he doesn't see a problem with this, but wants it made clear to them that an agreement must be reached by 03/31/2010 and additional extensions will not be granted. President Newcomer noted that they seem pleased with the current agreement, but the time extension would give them a year's worth of data to consider when negotiating for the next year(s). Councilman Martin made a motion to grant a time extension for the current fire protection agreement thru 03/31/2010 (with the understanding that an agreement must be reached by the end of that time period or the Fire Department will not respond to their calls). Councilman Mumma seconded; the motion passed unanimously.

APPROVE WASHINGTON TOWNSHIP FIRE PROTECTION AGREEMENT: Mr. Hamberger noted that Washington Township Supervisors have agreed to enter into a three-year agreement under the same terms and conditions as the existing contract. Mr. Hamberger explained the payment terms and

recommended approval. Councilman Martin made a motion to approve the agreement. Councilman Stains seconded; the motion passed unanimously. Mr. Martin noted his appreciation for the Township's promptness.

ROTARY PARKING LOT: Mr. Hamberger recommended that Council members meet at 6:30 p.m. before the next Council meeting at the Rotary parking lot. Kevin Grubbs can explain his proposal and Council can field-view the situation in order to make an informed decision at the Council meeting to follow. Kevin Grubbs reported that the new high-intensity lights have been installed, and "turned out quite well". He also noted that bulbs have been replaced in the lights along Main Street; and Allegheny Power suggested that the globes should be cleaned. Although the Maintenance Department is currently quite busy, Mr. Hamberger suggested that (perhaps) they could find some time this winter to complete that task.

NEW BUSINESS

PLANNING COMMISSION ITEMS: Kevin Grubbs noted that Council received plan information from the Planning Commission's meeting of October 12th regarding the Final Land Development Plan for Tyco Electronics' 60' x 117' addition to their existing building. Revisions were requested, which have been done. The plans meet all requirements and applicable ordinances, and the Planning Commission recommended approval. Councilman McCammon made a motion to approve the Final Land Development Plan for Tyco Electronics, as presented. Councilman Martin seconded; the motion passed unanimously. Councilman Martin commented he is pleased to see that additional jobs will be created as a result of this project; and President Newcomer added it is good to see a business moving forward in this difficult economy.

TRICK-OR-TREAT NIGHT: Mayor Starliper proposed that Trick-or-Treat night in the Borough be held on Thursday, October 29th, from 6-8 p.m. As always, residents participating are requested to turn their porch lights on. Councilman Greenawalt made a motion to designate October 29th as Trick-or-Treat night. Councilman McCammon seconded; the motion passed unanimously. Mayor Starliper added that Trick-or-Treat bags are available for use in the Police Department.

FACADE IMPROVEMENT GRANT APPLICATION: Mr. Hamberger reported that the Design Review Committee has reviewed the Facade Improvement Grant Application for Hickok on W. Main Street and recommended approval, subject to verification that the project meets criteria of the program. The Downtown Revitalization Committee was asked to review the application and present a recommendation at Council's next meeting. Councilman McCammon made a motion to forward the application to the Downtown Revitalization Committee for review and recommendation. Councilman Martin seconded; the motion passed unanimously.

TURN LANE (S. POTOMAC/MAIN STREETS): Kevin Grubbs reported that the turn arrow was placed on the wrong portion of the intersection, and it will be moved in the near future. He clarified that the turn arrow is supposed to be on Main Street for traffic traveling west and turning left onto S. Potomac Street. That modification will be made without any charge to the Borough, as it was PENNDOT's mistake.

Mr. Grubbs added that there are other issues which also need to be addressed with PENNDOT: (1) there is no left turn arrow on S. Potomac Street for traffic turning left onto Main Street and traveling west; and (2) the former 12-second delay for traffic traveling east on Main Street and turning left onto N. Potomac Street has been removed (he will question if that was an error or not). He noted they have advised that some changes would be made because of traffic studies they conducted, but he will confirm the time of the study to determine if it was during peak hours; otherwise, there will be some back-ups, because it is a short time period for a turn lane.

AUTHORIZATION FOR BIDS TO “SCRAP” POLICE CRUISER: Mr. Hamberger noted that the Mayor and staff are recommending taking the cruiser that was damaged by the pressurized manhole out-of-service. They would like to sell it and put the proceeds (along with the insurance check) toward a new cruiser at some time in the future. Mayor Starliper added that they are in the process of removing all salvageable equipment at this time for re-use. Councilman Mumma made a motion to authorize the cruiser to be sold. Councilman Stains seconded. Councilman Mumma amended his motion to include that the proceeds be placed “in reserve” for purchase of another vehicle at a later date. Councilman Stains seconded the amended motion; the motion passed unanimously.

UGI GAS COMPANY’S REQUEST RE: CLAYTON AVENUE BALLFIELDS: Kevin Grubbs noted that UGI Gas Company is requesting permission from the Borough to install a 1" gas line between the ballfields on Clayton Avenue (off the 4" gas main in an unimproved alley east of Clayton Avenue) to provide service to the Seventh Day Adventist Church. If Council desires to grant permission, he suggested that a Right-of-Way Agreement be in place between the two (2) parties. Councilman Martin made a motion to grant the right-of-way for the proposed gas line, as requested. Councilman Stains seconded.

Discussion followed regarding the number of homes that could utilize this service, but it was noted that only the Seventh Day Adventist Church has requested gas (and the 1" line would be undersized for additional expansion). Discussion also ensued regarding providing public sewer to several of the homes on State Hill Road. Councilman Martin requested that Leiter Pryor, Director of Utilities, look into the matter.

A vote on the motion to grant the right-of-way for the proposed gas line was called. The motion passed unanimously.

THON REQUEST FOR CANISTER SOLICITATION: Mr. Hamberger noted this matter was discussed at the previous meeting. He has reviewed the Borough’s regulations and could find nothing to prohibit their request, provided that they don’t block the public sidewalks or become a nuisance in any way. Council acknowledged their plans to solicit funds through canister solicitation during the weekend of October 23-25, 2009.

PUBLIC IN ATTENDANCE - NON-AGENDA ITEMS:

Tom McCloud, representing the Borough’s Shade Tree Committee – Mr. McCloud provided a recommendation to Council on finishing the area around the trees along Main Street. President Newcomer noted that samples of various materials will be reviewed and the matter discussed further during Council’s budget session immediately following this meeting.

Stewart McCleaf, 228 S. Oller Avenue – Mr. McCleaf brought to Council’s attention an incident which occurred at the Waynesboro Senior High School on October 10th, during a Lions Club event to raise money for a young stroke victim. The show was to start at 7:00 p.m., and they began admitting the public at 6:00 p.m. Shortly after 6:00 p.m., they were approached by two gentlemen (the Borough’s Fire Marshall and another gentleman dressed in a royal blue shirt with “Inspector” on the back). The Fire Marshall was there to confirm the number of those in attendance (with regard to the permitted capacity) and to ensure that the electrical outlets were installed properly. Mike Cermak (the “Inspector”) noted he was present to inspect the auditorium and took numerous pictures. He was quite intimidating to the patrons, and they were concerned for their safety. Mr. McCleaf felt that he was “completely out of bounds” as a building inspector, because the High School was already issued an occupancy permit and his authority over the building was done.

President Newcomer stated that the High School was issued a temporary occupancy permit because they didn’t meet all requirements, and they were not supposed to hold events in the building. Code

Enforcement Officer Dan Sheffler clarified that there are still some outstanding issues which have not yet been resolved (and that is why they were issued a temporary permit). Discussion followed regarding the number of events which have been held at the High School, including a scholarship program, graduation, WaynesboroFest event and the Marine Corps Band program/concert. Mr. Newcomer noted that the matter will be forwarded to the Personnel Committee for review.

****A clarification on this matter is given later in the meeting by Melissa Dively, Borough Solicitor.***

FOR INFORMATION ONLY

RIBBON CUTTING CEREMONY - MZEIGLER GENERAL CONTRACTOR, LLC: Council members received an invitation to attend the Ribbon Cutting Ceremony for MZeigler General Contractor, LLC, at 106 W. Main Street, on Thursday, October 22nd, at 12:00 p.m.

OUTDOOR FURNACE ORDINANCE AMENDMENT: Kevin Grubbs provided correspondence to Council regarding an amendment to the existing Outdoor Furnace Ordinance to set a timeframe for when outdoor furnaces can be used (October 1st thru May 1st). He noted that the proposed amendment was presented to the Waynesboro Planning Commission for review, and they recommended proceeding with its adoption. Councilman Mumma made a motion to accept their recommendation. Councilman Greenawalt seconded. Code Enforcement Officer Dan Sheffler explained that a timeframe should be designated so the furnaces cannot be operated at any given time, as there were complaints last year regarding one on Philadelphia Avenue. A vote was called and the motion passed unanimously.

PAY BILLS: Councilman Mumma made a motion to authorize the payment of Voucher Lists dated 10/08, 10/19 and 10/20. Councilman Stains seconded.

Councilman Martin acknowledged that invoices have been paid to Dennis Black in the amounts of \$5,979.00, \$12,740.00, \$4,776.00 and \$193.30. Kevin Grubbs explained that a large portion of those invoices was for revisions required by DEP, but the remaining was for design work needed for the main bypass down Potomac Street. He suggested that everything “be put on hold” until they have heard back from DEP regarding the general permit. Mr. Hamberger requested that Mr. Grubbs calculate the amount of money spent to date for further discussion at Council’s next budget meeting.

The motion to authorize payment of the Voucher Lists passed unanimously.

COUNCIL AND STAFF COMMENTS: Councilman McCammon asked about the status (and the cost) of the “year old” lawsuit between the Borough and one of its employees. President Newcomer stated that “there is no lawsuit” and the matter should be discussed during an executive session because it relates to a personnel issue. Councilman McCammon continued by stating that the matter is being “hidden from the public, and the public has a right to know how their tax dollars are being spent”. Solicitor Dively noted it has been determined by the Council President and majority of Council that personnel issues will be discussed in executive session. Councilman McCammon then stated that “you want to hide it in executive session so the public doesn’t know about it. It is their tax dollars that are being wasted ... and I guarantee you, a lot of it has been wasted. The reason you want to hide it is because these three guys (he pointed to Mr. Hamberger, Mr. Newcomer and Mr. Mumma) are the cause of the lawsuit.” Several Council members coaxed Mr. McCammon to end the discussion; and Mr. McCammon finished by asking the public in attendance if they were interested in where their tax dollars are going. No further comments on the matter were heard.

Councilman Martin commented favorably on the planned expansion at Tyco and is hopeful that “more of this” will happen. Seven (7) new homes are being built in the Borough (according to Dan Sheffler’s report); and in these tough times, that is very rewarding. He added that at the last Council meeting, a

gentlemen came in who is looking at relocating his business. He stated that Council is willing to work with anyone who wants to locate a commercial business in Waynesboro and bring jobs to the area. He added that the Borough of Waynesboro does not charge impact fees.

Kevin Grubbs reported that the roof at the Fire Hall is approximately 85% complete. The crane will be in on Friday and the bell tower will be removed. He stated that the bell tower was structurally in “bad shape”; and it was a good choice to have it removed.

****CLARIFICATION: In light of earlier discussion on the matter, Solicitor Dively clarified her understanding that the temporary occupancy permit for the High School allows for the use of the entire facility. The driveway is the only unresolved issue, and that is addressed directly in the permit.***

Fire Chief Dave Martin reported that the volunteers have purchased (with their own funds and a firefighters’ assistance grant) a new air compressor for the Fire Station, a new Cascade system and a fill station that meets all new requirements – for a total of \$46,000. Also, both companies will be voting on consolidation at their respective meetings on October 22nd (ATH&L) and November 4th (MSFE&H).

Councilman Greenawalt reported that he and his wife, along with Lloyd Hamberger and his wife, Melinda Knott and her husband, and Councilman McCammon and his wife, attended the Chamber of Commerce’s Annual Banquet. In addition, he and Councilman McCammon attended the Franklin County Municipal Summit on the past Friday. He also noted he is pleased with the public’s turnout at this evening’s meeting.

Councilman Stains noted that he has heard positive comments from citizens and residents of other communities regarding the direction our downtown is going. They are impressed with the sidewalks and the addition of several businesses; and they asked that he express to the Council and staff to “keep up the hard work on the downtown area”.

Councilman Mumma echoed Councilman Stains’ remarks ... he has received almost all favorable comments on the downtown as well. He has also heard comments about the new decal on the police cruisers (Chief King stated also that he has heard many good comments about the Borough seal being included again).

Mayor Starliper agreed that he has heard many outstanding remarks also. People have said it is looking “very rich” and they are glad we went ahead with the project. He reported that he and Chief King will be counting votes on the fire companies’ consolidation.

Council then recessed for a budget meeting at 8:24 p.m. The meeting was held in the first floor conference room. They re-convened to regular session at 10:03 p.m.

Councilman Mumma made a motion to hire Jamie Shindledecker as a Driver/Operator-Laborer, at salary level 5A (less 5% during his six-month probationary period). Councilman Martin seconded; the motion passed 5-0 (Councilman McCammon was absent).

Having no further business to discuss, the meeting adjourned at 10:04 p.m. on a Greenawalt/Martin motion which passed 5-0 (Councilman McCammon was absent).

Respectfully Submitted,

Melinda S. Knott
Administrative Assistant