

APRIL 1, 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 Benshoff, Maintenance Superintendent
Kevin Grubbs, Head of Engineering Services
Melissa Dively, Solicitor (Salzmann Hughes, PC)
Dan Sheffler, Zoning-Code Enforcement Officer
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 March 18, 2009 public hearing and regular meeting, as written. Councilman Martin seconded; the motion passed unanimously.

COMMITTEE REPORTS

PERSONNEL COMMITTEE: Councilman Mumma reported that he received favorable evaluations for Gary Zentmyer and Mike Ely, but no action was required. He will discuss additional items during the “voting” section of the meeting.

PROPERTY AND PUBLIC SAFETY COMMITTEE: No report.

STREET COMMITTEE: Councilman Martin reported that the Street Committee met on March 31st, and he will present motions during the “voting” section of the meeting regarding several matters. Mr. Hamberger added that the Street Committee will also discuss additional agenda items later in the meeting.

INTERGOVERNMENTAL COMMITTEE: No report.

DOWNTOWN REVITALIZATION COMMITTEE: President Newcomer advised that the Rental Inspection Program Committee has been formed and is holding meetings on a regular basis. They anticipate having “everything finalized” by June (at the latest).

FINANCE COMMITTEE: Councilman Greenawalt reported that the Finance Committee has approved the replacement of Officer Lynn Lowman, and added that he will give a report on the Borough's finances at Council's next meeting.

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

“On March 19th I attended the re-dedication of the Furniture Store, and also its 30th year in business. Congratulations.

March 20th, along with Borough Manager Hamberger and Councilman Greenawalt, I attended the opening of Senator Rich Alloway's new office on Main Street.

Borough Manager Hamberger and I attended the PSAB's 98th Annual Conference from March 22-25.

On March 27th, I attended the Greater Waynesboro Chamber of Commerce's Breakfast Meeting.

On March 28th, I was invited to attend the 18th Student Essay Contest of the “TV Tune In” Program. Over 1,050 students participated.”

SOLICITOR'S REPORT: No report.

PUBLIC COMMENT - ITEMS ON AGENDA: None.

VOTING ON ITEMS FROM COMMITTEE REPORTS: Councilman Mumma made a motion to grant a step increase for Tom Simmers to salary level 10E. Councilman McCammon seconded; the motion passed unanimously.

Councilman Mumma made a motion to hire the following individuals as Lifeguards at Northside Pool – Andrew Dinterman, Emily Doescher, Allison Doub, Elizabeth Farmer, Matthew Hinojos, Joy Mullins, Jared Mummert, William Smith, Paige Tanner and Caroline Unger. Councilman Stains seconded; the motion passed unanimously.

Councilman Mumma made a motion to hire Lyle Williams as a full-time Police Officer, effective April 12, 2009, at \$19.80/hour (to replace Lynn Lowman, who is retiring). Councilman Martin seconded; the motion passed 5-1 (Councilman McCammon opposed).

Councilman Mumma made a motion to “hold off” on replacements for other current vacancies (i.e. due to the resignation of Mike Broas and the retirement of Stanley Pryor). Councilman Greenawalt seconded; the motion passed unanimously.

Councilman Martin noted that a letter was received from Judy Zafft (St. Mary's Episcopal Church) thanking Council for permission to hold their Block Party on June 20th.

Councilman Martin made a motion to approve the request received from the Brothers of the Brush to hold the July 4th parade that day at 10:30 a.m. Councilman McCammon seconded; the motion passed unanimously.

Councilman Martin reported that the Street Committee received a request from GEOFAM (new owner of the former Landis Tool Company property) to return to angle parking along Sixth Street from their office area to the ramp at their east gate. They are also requesting permission to establish a new driveway off Ninth Street (west of E-Z Dumper) to alleviate truck traffic on Clayton Avenue. It was noted that a permit will be required for the new driveway entrance. Councilman Martin made a motion to grant approval of the requests; and further, to request that the Borough's Maintenance Department take care of the angle parking as soon as possible. Councilman Stains seconded; the motion passed unanimously.

UNFINISHED BUSINESS

MEMORIAL PARK GRANT AND RESOLUTION: Mr. Hamberger noted that the Waynesboro Recreation Board held a meeting on March 12th to receive public input regarding proposed renovations to Memorial Park. He noted that they applied for a grant to upgrade Memorial Park last year, but were not funded due to the competitive nature of the process. They are planning to re-apply again this year, and will need Council's execution of a resolution for the grant application.

Mr. Hamberger noted that he met recently with a DCNR specialist to ask for assistance in making the Borough's application more competitive. He explained that it is very difficult for older parks to be competitive, because they are doing renovations (not new items). He highlighted the proposed plans for inclusion in the grant application, as follows:

- Repave existing walk
- Extend (loop) existing walkways
- Provide handicapped accessibility to playground areas
- Install "bump-outs" for individuals in wheelchairs to pull off and observe
- Pave under benches to alleviate muddy conditions
- Extend handicapped accessibility to bleachers and areas where teams sit
- Utilize new "high-tech" type of mulch which will last longer than tree mulch
- Upgrade and replace old swings
- Upgrade ballfield fence to 6' (making section removable for sledding during winter months)

He explained that this is a matching funds grant, but a lot of in-kind services can be done. He noted, for instance, that Washington Township will provide their paver at a reduced price for the walkway work. Drainage, etc. will be improved – this will be done by Borough forces.

Mr. Hamberger noted that no trees are included in the grant application, but added that

the Memorial Park Board has some plans for that project.

A member of the public, Frank Bittner, questioned if new restrooms will be included. Mr. Hamberger responded that that would “out-cost” their budget.

Mr. Hamberger then offered proposed Resolution No. 2009-06 for Council’s approval. Councilman Martin made a motion to approve the resolution, as presented. Councilman Greenawalt seconded; the motion passed unanimously.

RESOLUTION NO. 2009-06

WHEREAS, the Borough of Waynesboro (“Applicant”) desires to undertake the following project: Memorial Park Renovation Project; and

WHEREAS, the applicant desires to receive from the Department of Conservation and Natural Resources (“Department”) a grant for the purpose of carrying out this project; and

Complete copy on file at Borough Hall.

CENTER SQUARE PROJECT UPDATE: Mr. Hamberger noted that the project is “moving ahead”. A purchase order has been issued for painting six (6) of the service cabinets, and Kevin Grubbs is preparing specifications to bid for pipe. Discussion followed regarding the age and condition of the water, sewer and gas lines in the Square. Mr. Grubbs noted that the sewer lines are “good” and the water mains will be reviewed (all water services will be replaced). He anticipates that the mains are approximately 50-60 years old, but there haven’t been any issues with them in that area.

Design plans have been provided to the Gas Company for their review, and he will follow-up with them to determine if any gas lines need to be replaced. Herr Signal Company will start in mid-April to do underground conduit for the lighting, and J.D. Eckman will begin work sometime in May. Mr. Hamberger requested that Solicitor Dively contact PENNVEST regarding the letter of no prejudice that was submitted.

UPDATE ON H2O AND PENNVEST APPLICATIONS: Mr. Hamberger reported that there are “difficulties” with the PENNVEST application – in particular because of the Cemetery Avenue situation. He explained that they wanted the outfall portion of the application “carved out” and new figures provided, but then decided to pull the entire project for consideration during the next round of funding. In an attempt to resolve the outfall issues, a meeting will be held later this week with representatives of DEP and the Corps of Engineers, Dennis Black Engineering and the Borough staff. Mr. Hamberger added he has heard rumors that more grants are handed out during the second round of funding than the first anyway. Councilman Martin requested that Mr. Hamberger provide an update to Council (via email) following their meeting with DEP and the Corps.

He noted the importance of doing what they can to get approved.

PUBLIC IN ATTENDANCE - NON-AGENDA ITEMS:

Mattie Robinson and Elberta Joe, representatives of St. Paul AME Church - The ladies noted that they met several months ago with the Street Committee regarding tractor trailers trespassing on and damaging the church's property. The yard adjacent to their parking area has been torn up and decorative logs pulled away. At that time, they were instructed to install a concrete barrier, which was done. Pictures were presented to Borough Council to demonstrate damages to the barrier since it was installed. As members of the community, they are at a loss and are looking for advice as to what to do to prevent further damage to their property. Councilman Martin advised that the trucks are traveling to Furniture Market – and he suggested that the Street Committee speak with Harry Morningstar to determine how to re-route the trucks and/or solve the problem. He also questioned why tractor trailers are going through a retirement community anyway; and suggested that truck traffic could be restricted in that area. Mr. Martin noted that he will get in touch with Ms. Robinson and/or Ms. Joe regarding any progress that is made. He may also suggest that they attend the Street Committee's next meeting to discuss the matter further.

NEW BUSINESS

PROCLAMATION (WAYNESBORO AREA HUMAN SERVICES COUNCIL): Mayor Starliper asked that Fred Eisenhart and Jane Birt, representatives of the Waynesboro Area Human Services Council, come forward. He presented them with a proclamation declaring their 30-year milestone, and outlined the history and services provided by the organization to the Waynesboro/Greencastle area community.

Mr. Eisenhart noted his appreciation for the recognition, and stated that it is truly a privilege to be able to serve the less fortunate of our community. Because of the difficult economic times, however, contributions have been on a downward path since the beginning of 2009. In an effort to overcome that, they are holding a fundraiser at Applebee's on April 28-29 – "Dine to Donate". He explained that 20% of your bill will be donated to the Waynesboro Area Human Services Council, and he encouraged Council and those in attendance to participate.

CUMBERLAND-FRANKLIN COUNTY BOROUGH'S ASSOCIATION MEETING (APRIL 28, 2009): Mr. Hamberger reminded Council members that the Cumberland-Franklin County Boroughs' Association meeting will be held on April 28th in Mechanicsburg. Those wishing to attend were asked to contact Melinda Knott.

UPDATE FROM PSAB BOROUGH'S CONFERENCE: Mr. Hamberger reported that he and Mayor Starliper attended the PSAB's Annual Conference in Hershey. One of the items discussed during the conference was the Homeowner Improvement Consumer Protection Act, which requires contractors with over \$5,000 in revenues to register with the Attorney General by July 1, 2009. Additional information will be forthcoming.

House Bill 148, which requires the Commonwealth to pay 50% of stormwater drainage facilities along state highways, was also discussed. Currently, the municipality pays

100%. Councilman Martin made a motion to authorize the Borough Manager to write letters to Senator Alloway and Representative Rock asking for their support of this Bill. Councilman Stains seconded; the motion passed unanimously.

Mr. Hamberger noted that the Prevailing Wage Act was also discussed. Currently, any municipal construction project which exceeds \$25,000 must come under the state's prevailing wages; and municipalities have been fighting this for years. A recent modification reversed PENNDOT's decision that an application of 2" or less of blacktop is maintenance and therefore not subject to prevailing wage requirements (regardless of the project's cost). Accordingly, any paving project (regardless of depth) now comes under prevailing wage requirements. There are legislative proposals being pursued to reinstate the 2" maintenance rule, to increase the threshold from \$25,000 to \$100,000 or \$150,000, and to permit local municipalities to "opt out" of prevailing wages. Mr. Hamberger requested Council's permission to contact legislators and urge that the maintenance definition be returned to 2" paving, that the prevailing wage threshold be increased to at least \$100,000 or \$125,000, and that a municipality can either opt in or out of prevailing wages. Councilman Martin made a motion to authorize the Borough Manager to seek legislative support on these issues as indicated; he further suggested that he ask as many other managers as possible to do the same. Councilman Greenawalt seconded; the motion passed unanimously.

Another item discussed was a Bill to permit local governments to post meeting, bid, etc. notices on their web sites (or a state website) in lieu of advertising in a local newspaper. This would result in an approximate savings of \$22,000 for 2009 (which is 2/3 the cost of an entry-level Police Officer). Councilman Mumma made a motion also to authorize the Borough Manager to request support for this proposal. Councilman Stains seconded; the motion passed unanimously.

REQUEST FOR NO PARKING ZONE: Councilman Martin reported that he received a request/report from the Police Department regarding difficulty experienced by the trash collection vehicles in making the turn from Garfield Street west on W. North Street. The Borough staff proposes establishing a "no parking" zone 40' from Garfield Street west on W. North Street (on the north side). Discussion followed regarding limiting this to the day of collection only. Accordingly, Councilman Martin made a motion to establish the specified "no parking" zone from 9 p.m. Thursday to 12 p.m. Friday. Councilman Greenawalt seconded; the motion passed unanimously.

FOR INFORMATION ONLY

REMINDER (HEARING ON BOROUGH/TOWNSHIP JOINT COMPREHENSIVE PLAN): Mr. Hamberger reminded Council of the public hearing with Washington Township Supervisors on the Joint Comprehensive Plan on Thursday, April 16th, at 7:00 p.m.

INVITATION TO ATTEND WAYNESBORO AREA SENIOR HIGH SCHOOL OPEN HOUSE (SUNDAY, APRIL 5, 2009): Council members received an invitation to attend

an Open House at the Waynesboro Area Senior High School on Sunday, April 5th, from 1-4 p.m.

PAY BILLS: No bills were presented for payment.

COUNCIL AND STAFF COMMENTS: Mr. Hamberger reminded Council of the upcoming Open House at the Waynesboro Area Human Services Council on April 16th, from 6:30 to 8:30 p.m.,; and the “Dine to Donate” event at Applebee’s on April 28-29th.

Council members received correspondence outlining the events planned for the Summer Jubilee, as well as an invitation to participate in the July 4th parade.

Mr. Hamberger noted that the staff has approved use of the Rotary Park by St. Andrews Elementary School for their “Race for Education” on April 24th. This event was held there last year, and the Recreation Board has approved it again this year. Councilman Greenawalt made a motion to affirm the staff’s actions. Councilman Stains seconded; the motion passed unanimously.

Councilman Martin asked the status of the proposed Jake Brake Ordinance. Mr. Grubbs noted that he is working on it.

Kevin Grubbs noted that the proposed amended Sidewalk Ordinance was advertised in summary form (prepared by the Solicitor) because it was 15+ pages and would have been quite expensive. It was placed on public display, in its entirety, at the Franklin County Law Library, Record Herald and Borough Hall’s front lobby; and will be considered by Council at their next meeting.

Councilman Martin stated that Council previously suggested pursuing the feasibility and/or possibility of joining Waynesboro and Washington Township’s two (2) police departments. Mr Hamberger noted that he and Mike Christopher had a preliminary discussion regarding the matter, but recommended holding a meeting between the Chiefs, elected officials and management (as a group) to discuss the matter further. If they determine that it is worth pursuing, then they would contact the Commonwealth for additional assistance. Mr. Martin noted that there are grants available for something of this nature; and Mr. Hamberger added that he is looking at ways to proceed on “the Armory situation” with state legislators.

Kevin Grubbs reported that he discussed the downtown paver project with Main Street Manager Bruce Dreisbach. They feel it would be a good idea to hold a meeting with property owners/business owners (anyone affected by the project) to review the basic design, accessibility in and out of the businesses during the construction process, etc., in an attempt to impact their businesses as little as possible. At that time, they would also review the owners’ responsibilities once the project is done. They propose the meeting be held during the first part of May, and would include all businesses downtown between Grant and Walnut Streets. When the meeting has been scheduled, Mr. Grubbs will inform Council.

Kevin Grubbs requested that all Council members participate in a walk-thru downtown to discuss the sidewalk design. He explained that the public right-of-way is 12'; but in many cases, the buildings sit back further than the 12'. He fears that the pavers may "look odd" and suggested that Council may want to look at paving back to the buildings. A decision on this matter should be made prior to the public meeting being held. Discussion ensued regarding approaching the property owners with the matter, as well as enforcing a widened right-of-way in certain areas. After further discussion, several councilmen voiced their opinions that it might look best (and be easiest) to keep the 12' right-of-way uniform throughout the project area. Mr. Grubbs noted that he will notify Council members of a proposed meeting date/time.

Mr. Hamberger reported that he received an email from the state that, due to the recent stimulus package, the Borough is eligible for an additional \$33,000 bonus on the CDBG program. Projects must be shovel-ready in 120 days, which is "no big deal". He suggested that additional street projects be done, and Council concurred to add this to the CDBG application. The state has modified the deadline for application submission, and a public hearing regarding this matter should be held during Council's first meeting in May. Mr. Hamberger added that Council already authorized that street paving, handicapped accessibility and administration be included in the 2009 application; and he recommended they remove the handicapped accessibility and do downtown renovations, paving and administration. Council concurred.

Councilman Greenawalt mentioned a grant to be received from Representative Rock for the purchase of additional tasers for the Police Department. Mr. Hamberger noted that he was informally told about the grant nothing has been allocated yet, but Mr. Rock is very optimistic. Discussion followed regarding the number of tasers currently in the Police Department; and Chief King responded "five". Councilman Martin stated that he read about a new speed control device (ENRAD) in the newspaper, and wondered if this funding could be used to purchase one. Chief King noted concern that the system is extremely portable and could easily be stolen while in use. Even though it would be a great tool for the Borough, it may turn out to be a great liability and expense. He has heard that they are now being equipped with "straps", but you would be limited to what it could be strapped to because of the length of the straps. Councilman Greenawalt asked if the grant being pursued through the County specifies what it is to be used for. Chief King replied that it must be used for equipment or programs. Councilman Martin stated that he respects Chief King's comments, but is willing to take the chance that the system won't get stolen. He feels that something needs to be done to control speed.

Councilman Stains noted that he has been approached by several constituents regarding the clothing bins located in the community – specifically, where the clothing is going and who is profiting from it. He questioned if property owners have agreed to permit them on their properties, and does the Borough have any restrictions regarding where they can be placed. Fred Eisenhart (Waynesboro Area Human Services Council) noted that they noticed their clothing donations had decreased and inquired about the bins located at the Waynesboro Mall. They found that the mall owner had

given permission to only one of the two vendors to place bins there, and the “violator” has since removed his bins. The remaining bins are managed by a company in Pennsylvania, in concert with a vendor out of Detroit. The donations are collected, sold to the Detroit vendor, who then sells them (primarily) to overseas markets. A suggestion was made that the Waynesboro Area Human Services Council could place bins at various locations, but Mr. Eisenhart stated it is much better to accept donations from people they know (so the bins don’t end up being a “dumping” location). Mr. Eisenhart added that their donations have “picked up” again since articles regarding the matter appeared in *The Record Herald* and *Public Opinion*.

Council President Newcomer congratulated the Waynesboro Area Human Services Council on their 30-year milestone. He noted that they provide a great service to the community.

Having no further business to discuss, the meeting adjourned at 9:05 p.m. on a McCammon/Greenawalt motion which passed unanimously.

Respectfully Submitted,

Melinda S. Knott
Administrative Assistant