

DECEMBER 1, 2010  
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, Wayne Driscoll and Ronald Martin

Mayor Richard Starliper

Borough Staff – Lloyd R. Hamberger, II, Borough Manager  
Denny Benschoff, Maintenance Superintendent  
Dan Sheffler, Zoning-Code Enforcement Officer  
Jason Cohen, Assistant Borough Manager  
Sam Wiser, Salzman Hughes PC (Borough Solicitor)  
S. Leiter Pryor, Director of Borough Utilities  
Kurt Wagaman, Police Corporal  
Mark King, Police Chief

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

**APPROVE MINUTES:** Councilman Greenawalt made a motion to approve the minutes of the November 17<sup>th</sup> meeting, as written. Councilman Stains seconded; the motion passed unanimously.

**COMMITTEE REPORTS**

**PERSONNEL COMMITTEE:** Councilman Mumma noted that he received favorable reviews for Frank Stine, Gordon Cruickshanks and Mike Pryor. No action was necessary at this time. He will also present several items during the “voting” section of the meeting.

**PROPERTY AND PUBLIC SAFETY COMMITTEE:** Councilman Driscoll reported that fundraising efforts and plans for the proposed dog park continue and are moving forward.

**STREET COMMITTEE:** Councilman Martin reported on the following –

- Lighted street signs - Kevin Grubbs noted that use of the lighted signs has been approved by the state, and he is currently awaiting the revised traffic signal permit from PENNDOT. When the signs are finished and the permit is received, installation work can begin. He explained that APX has recommended the lights be installed by the Borough’s signal repair contractor (PA PERCS), and he has contacted them to obtain a cost estimate for Council’s consideration.
- Developer bonds for new developments - Councilman Martin noted that discussion was held regarding final paving requirements in new developments. He explained that, over time, a base coat will disintegrate; and currently, there are no time limitations for developers to place a final coat over the base coat paving. He requested that the Solicitor review the matter and make recommendations for regulations to deal with this issue – he suggested a one-year minimum or three to four-year maximum (for required sidewalks also). He will report back to Council at a later date.

Councilman Martin noted that he will also present several items during the “voting” section of the meeting.

**INTERGOVERNMENTAL COMMITTEE:** No report.

**DOWNTOWN REVITALIZATION COMMITTEE:** No report. President Newcomer noted that the Committee will hold their next meeting on 12/14 at 4:00 p.m. in Borough Hall’s second floor conference room.

**FINANCE COMMITTEE:** No report.

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

“On November 19<sup>th</sup>, I participated in giving the opening remarks at the Tree Lighting Ceremony in Center Square.

November 20<sup>th</sup>, the Waynesboro Police Department presented to Marilyn Smith as representative of the “Communities that Care” a citizens certificate for all the work they afford for kids.

On the 20<sup>th</sup>, I participated in the 54<sup>th</sup> annual Holiday Parade, sponsored by the Greater Waynesboro Chamber of Commerce.

Also on the 20<sup>th</sup>, I had the privilege of uniting in marriage Crystal Heintz and Matthew Bender at Green Grove Gardens. Wish them the very best.

On November 21<sup>st</sup> at the American Legion, I had the honor of giving the opening remarks prior to the showing of the film about the Korean War.

I talked with a number of Pennsylvania Game Commission officers, and they wished for me to pass along their gratitude for all the work and appreciation that our Chief and officers gave them during the David Grove viewing and funeral arrangements.”

Councilman Martin commented also on the assistance provided by the Fire Police and Waynesboro Fire Department.

**SOLICITOR’S REPORT:** No report.

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

**VOTING ON ITEMS FROM COMMITTEE REPORTS:** Councilman Mumma noted that he received a favorable evaluation for Terry Rideout. He made a motion to grant him a step increase to salary level 6E. Councilman Stains seconded; the motion passed unanimously.

Councilman Mumma noted that, pursuant to the by-laws of the Franklin County Area Tax Board (FCATB), it is necessary for the Borough to appoint a primary voting representative to attend the monthly Board meetings, as well as an alternate to attend and vote in the absence of the primary representative. Accordingly, Councilman Mumma made a motion to appoint Jason Cohen as the primary representative and Benjamin Greenawalt as the alternate. Councilman Martin seconded; the motion passed 5-0 (Councilman Greenawalt abstained).

Councilman Mumma made a motion to appoint Shawn Adolini to the position of Corporal in the Waynesboro Police Department, effective the first full pay period in 2011. Councilman Stains seconded; the motion passed unanimously. Mr. Hamberger added that the Acting Corporal will be returned to his position/pay as a Patrolman at that time also.

Councilman Martin noted that the lighted street signs will be a nice addition to the downtown, thanks to the generous donation of the manufacturer (the signs are valued at approximately \$30,000). He made a motion to approve the concept of the signs, as presented, with installation costs for the signs to be borne by the Borough. Councilman Greenawalt seconded; the motion passed unanimously.

Councilman Martin made a motion to remove the handicapped parking space at 117 S. Potomac Street, as the Borough was informed that the handicapped individual has moved and it is no longer needed. Councilman Greenawalt seconded; the motion passed unanimously.

Councilman Martin provided Council members with drawings regarding several intersections in town where sight distance is an issue, as follows --

- Walnut Street between Second and Third Streets (just before the intersection at Third Street) – Councilman Martin explained that parking is currently prohibited on the west side; and he made a motion to change that to the east side (which will provide seven additional parking spaces). Mr. Martin noted that this should assist with parking needed for the church and Gold’s Gym. Councilman Driscoll seconded; the motion passed unanimously.
- W. Main Street and Phillips Avenue – Mr. Martin noted that concern has been voiced regarding the sight distance when exiting Phillips Avenue, turning east/west on Main Street. Kevin Grubbs has recommended that a “no parking” zone be established 40’ to the east and west of this intersection on the south side of W. Main Street. Councilman Mumma seconded; the motion passed unanimously.
- Ninth Street (at the two (2) driveways from the parking area at the S. Potomac Shopping Center) – Mr. Martin noted that when vehicles are parked in the section between those driveways, it is very difficult to see when exiting the parking lot. He made a motion that a “no parking” zone be established in that center section, as well as 20’ from the lower driveway (toward S. Potomac Street). Councilman Greenawalt seconded; the motion passed unanimously.
- Corner of Fifth and Ringgold Streets – Lastly, Councilman Martin made a motion that a 40’ “no parking” zone be established on the south side of Fifth Street east/west of Ringgold Street. Councilman Greenawalt seconded; the motion passed unanimously.

**PENNVEST CLOSING/CEMETERY AVENUE CONSTRUCTION CONTRACT:** Solicitor Wiser advised that the PENNVEST loan closing has been postponed until 01/25 due to delays in the project. He requested that Council hold a brief executive session immediately after the public meeting to discuss contractual matters, at which time he will provide additional information.

**ELECTRIC UTILITY CONTRACTS:** Jason Cohen provided Council members with information regarding the electric utility contracts. He explained that all aspects of the programs/contracts will remain the same with the exception of the contract prices (which change quite frequently due to the volatility of electric rates).

Mr. Cohen’s recommendation is as follows:

- Extend the current contract with KeyTex Energy for street lights through December, 2013, at a rate of 6.098 cents per kWh (a reduction from the current rate of 6.8 cents per kWh)
- Enter into a contract with KeyTex Energy for the Water Plant, Sewer Plant and Wayne Highway Well accounts (also at lesser rates), all of which will be through December, 2013
- Enter into a contract with On Demand for the remaining accounts for various facilities, at a rate of 6.35 cents per kWh, through June, 2013

Councilman Martin made a motion to proceed by executing the appropriate contracts for electrical usage, as recommended by the Assistant Borough Manager. Councilman Mumma seconded; the motion passed unanimously. Mr. Cohen was thanked for his efforts in this regard.

Mr. Cohen also noted that On Demand is working on establishing a residential program, for which Chamber members and employees (at a minimum) would be eligible. They may also be possible to pass this savings along to Borough residents. He noted that he will provide Council with an update when more information becomes available.

**UPDATE ON BIDS FOR BOROUGH HALL ROOFING:** Jason Cohen reported that the roofing material utilized on Borough Hall is fairly old and does contain some asbestos in the flashing. Accordingly, any contractor will be required to perform proper asbestos abatement. He is currently working on the contract documents and expects to have bid results for Borough Hall's roof for Council's consideration at the first meeting in January.

In addition, he is hopeful that bid results for the garage roof will be available for Council's action no later than the first meeting in February.

Mr. Cohen added that Bonded Applicators had previously replaced another portion of the roof on Borough Hall, which is still under warranty. He has contacted them regarding leakage problems, and they will be returning to "make good" on the warranty for that work.

Discussion ensued regarding the type of roof (built-up or truss/shingle) being considered for the garage roof. Mr. Cohen noted that he was planning to replicate the existing design (built-up), but Councilman Martin suggested a shingled roof would have a longer life. Mr. Hamberger noted that both options will be reviewed.

**PLANNING COMMISSION ITEMS:** Kevin Grubbs noted that he is still waiting for the final revision of the Homeowners' Association Agreement for Crown Court Subdivision. He anticipates having it available for action at Council's next meeting.

**KEEPING OF CERTAIN ANIMALS IN THE BOROUGH:** Mr. Hamberger noted that he was requested to place this item on the agenda for discussion, pursuant to a complaint voiced to Code Enforcement Officer Dan Sheffler. Copies of Ordinance Nos. 697 and 924 were provided to Borough Council for review. He explained that, under the existing ordinance, property owners are permitted to keep practically any kind of animal provided that certain conditions with regard to a clean area are met, as well as compliance with the Zoning Ordinance. A 1989 ordinance amendment permitted the keeping of one (1) pig.

It was noted that any change(s) made to this ordinance will not affect situations in place at this time, as the existing conditions would be "grandfathered". Council members agreed that much has changed in the Borough since the original ordinance was written; and perhaps it would be a good idea to review it to determine if modifications need to be made. Sample ordinances will be obtained from PSAB; and the matter was referred to the Property Committee for review and consideration.

## **NEW BUSINESS**

**ZONING ORDINANCE CHANGES:** Kevin Grubbs noted that Council members were provided with a proposed amendment to the Zoning Ordinance (Ordinance No. 937), which deals with municipal utilities in preparation for proposed upgrades at the Borough's Sewer Treatment Plant. He explained that the existing Zoning Ordinance does not mention "municipal utilities"; and this amendment would provide for their use by right in all districts of the Borough. The proposed amendment will need to be reviewed by the Franklin County Planning Commission and the Waynesboro Planning Commission at least 30 days prior to a public hearing on the matter. Accordingly, it would be advertised in January for consideration at Council's meeting on 01/19. Council concurred with proceeding with the proposed amendment.

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

Amos Miller, 309 W. Sixth Street - With regard to previous discussions on parking issues, Mr. Miller mentioned the possible use of yellow paint on the curbing at certain street intersections (which was done previously, but eliminated due to the maintenance required for upkeep). Mr. Hamberger stated that, even though the yellow paint provides a visual aide to motorists, it has no legal authority and is quite labor-intensive. He added that this practice was eliminated approximately 15 years ago, due to budgetary constraints. Mr. Miller again offered his assistance with painting the curbs, if the Borough wished to begin the program again. It was also mentioned that residents are not permitted to paint the curbs themselves.

**MAIN STREET CLOSINGS FOR 2011 EVENTS:** Councilman Martin noted that Council previously approved upcoming 2011 events for Mainstreet Waynesboro, Inc. Those approvals, however, included Main Street closures (from Potomac to Broad Streets) for events scheduled on June 25<sup>th</sup> and October 1<sup>st</sup>. He suggested that the closures be limited to Walnut Street (instead of Broad Street), because of business at the Post Office. It was noted that this was done for Markey Day this year, but additional parking was made available at that time for the postal patrons). Downtown Manager Pat Fleagle commented that he would like to check with Melissa Russ regarding the matter and will report back to Council.

**FOR INFORMATION ONLY**

**CORRESPONDENCE RE: LEGISLATIVE PRIORITIES FOR 2011:** Mr. Hamberger noted that correspondence was received from Representative Todd Rock regarding his agreement with the Borough's legislative priorities for 2011.

**REPORT ON FRANKLIN COUNTY DRUG TASK FORCE 2010 FALL BREAKFAST:** Correspondence was received from the District Attorney's Office regarding items/statistics discussed at the recent Drug Task Force meeting.

**LETTER OF APPRECIATION FROM PA GAME COMMISSION:** A letter of appreciation was received from the PA Game Commission thanking Waynesboro for their assistance during Officer David Grove's funeral services. They were very impressed with the Police Department's handling of the logistics, as well as the community's support.

**PAY BILLS:** Councilman Mumma made a motion to approve the payment of Voucher Lists dated 11/23, 11/29 and 12/01. Councilman Greenawalt seconded; the motion passed unanimously.

**COUNCIL AND STAFF COMMENTS:** Councilman Driscoll commented that he was very involved with the weekend festivities (Tree Lighting Ceremony and Christmas Parade), both of which were very nice.

Councilman Martin noted that everyone “put Waynesboro’s best foot forward” with regard to the funeral of Officer David Grove. He added that the procession along Main Street to the cemetery was very impressive.

Jason Cohen reminded Council that the 2011 Operating Budget for the Franklin County Area Tax Bureau will be voted on at their next meeting on 12/06. Prior to that meeting, Council’s representative will require direction as to how to vote with respect to adoption of the budget. He added that there has been some concern regarding the fact that the new member jurisdictions were just recently provided with the budget document for review. Mr. Cohen advised that, when the FCATB was appointed as the Tax Collection Officer, part of the motion was that they meet a goal of 2.2% collection costs the first year, followed by 2.0% collection costs the following year, and then down to 1.8% (and remain at that collection cost) thereafter. He noted that the budget, as presented, meets that stated goal. He then reviewed the voting options – to approve, disapprove, or abstain due to the fact that Council hasn’t had the same full opportunity the other jurisdictions had to review the budget. Councilman Mumma asked if a determination has been made on the voting structure (i.e. does each municipality get one vote?) Mr. Cohen replied it is their understanding/interpretation that, upon execution of the Fifth Supplemental Agreement by the majority member jurisdictions of the Tax Bureau, all Franklin County political subdivisions are now members of the Tax Bureau and each has one (1) vote. (This has not been contradicted by any member municipality nor the Tax Bureau’s Solicitor.) Discussion followed regarding the format of the budget, and it was suggested that Mr. Cohen abstain with the concept of re-opening the budget and asking for more detail. Councilman Greenawalt made a motion for Mr. Cohen to abstain, as recommended. Councilman Mumma seconded; the motion passed unanimously.

Police Chief King provided recognition to the following individuals/organizations for their assistance during the funeral services for Officer Grove: Fire Police from Franklin, Adams and Cumberland Counties (especially Captain Burns and Lieutenant Shank from Waynesboro); Fire Department; Franklin County Department of Emergency Services; Bernie McGarity (who suggested the Main Street procession); media; Waynesboro Police Department; Franklin County Police Departments; PA State Police; and Municipal Golf Course (for use of several golf carts at the cemetery).

Councilman Greenawalt mentioned that the VFW should also be recognized for displaying the American flags along Main Street as a tribute to Officer Grove.

Councilman Mumma echoed previous comments regarding Officer Grove’s services, adding that it was “amazing” how everyone came together.

Mayor Starliper reminded pedestrians to utilize the “Walk/Wait” lights at crosswalks (where available) – not only is it dangerous to cross when the light reads “Wait”, but they could be in violation of the Borough’s “Crosswalk Ordinance”.

A member of the public, Patrick Burns, commented that he pressed the “Walk” button at the intersection of Third and Potomac Streets and waited approximately four (4) minutes, but the light did not change to “Walk”. Mr. Burns also commented that he attended all three (3) avenues of Officer Grove’s funeral and was very impressed with it all (especially the ceremony).

President Newcomer echoed the comments previously voiced. He gave special thanks to Chief Mark King, the Waynesboro Police Department and the Waynesboro Fire Police. Considering all the events of the weekend (the Tree Lighting Ceremony, Christmas Parade, and the funeral), it was “phenomenal” the way the Police Department handled it all.

Having no further business to discuss, Council adjourned to executive session at 8:35 p.m. They reconvened to regular session at 9:14 p.m. and adjourned on a Stains/Mumma motion which passed unanimously.

Respectfully Submitted,

Melinda S. Knott  
Administrative Assistant