

MARCH 3, 2010
WAYNESBORO, PA 17268
REGULAR MEETING

Council President Craig Newcomer called the regularly scheduled meeting of the Waynesboro Borough Council to order at 7:25 p.m. with the following in attendance:

Borough Council Members – Jason Stains, C. Harold Mumma, Craig Newcomer, Wayne Driscoll and Ronald Martin (Benjamin Greenawalt was absent).

Mayor Richard Starliper

Borough Staff – Lloyd Hamberger, II, Borough Manager
Denny Benshoff, Maintenance Superintendent
Dan Sheffler, Zoning-Code Enforcement Officer
Kevin Grubbs, Head of Engineering Services
Dave Martin, Fire Chief
Mark King, Police Chief

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

APPROVE MINUTES: Councilman Mumma made a motion to approve the minutes of the February 3, 2010 and February 17, 2010 regular meetings, as written. Councilman Driscoll seconded; the motion passed unanimously.

COMMITTEE REPORTS

PERSONNEL COMMITTEE: No report.

PROPERTY AND PUBLIC SAFETY COMMITTEE: No report.

STREET COMMITTEE: Councilman Martin noted he would present several items during the “voting” section of the meeting.

INTERGOVERNMENTAL COMMITTEE: Councilman Mumma noted he would discuss items later in the agenda.

DOWNTOWN REVITALIZATION COMMITTEE: No report.

FINANCE COMMITTEE: No report.

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

“On February 19th, I attended the Legislative Breakfast sponsored by the Mercersburg, Greencastle and Waynesboro Chamber of Commerces.

On February 23rd, along with Borough Manager Hamberger and Councilman Mumma, I attended the Cumberland-Franklin County Boroughs Association meeting. Representative Sheryl DeLozier gave an update of Pennsylvania government; and Ed

Troxell, Director of Governmental Affairs for the PSAB, gave an update on the Association's events".

SOLICITOR'S REPORT: No report.

PUBLIC COMMENT – ITEMS ON AGENDA: No comments were made from the public.

VOTING ON ITEMS FROM COMMITTEE REPORTS: Councilman Martin noted that the Street Committee held their meeting on February 24th at 9:00 a.m.

Councilman Martin stated that a request was received from Mrs. Mary Abel of 261 Park Street to have a handicapped parking space installed. Borough staff has looked at the location and all fees have been paid. Councilman Martin made a motion to approve the request. Councilman Driscoll seconded; the motion passed unanimously.

Councilman Martin stated that the crosswalk lights we are getting from the State have been bounced around on the one location. I think it would be a good idea if we stated the four locations and approve them as part of the minutes. With that in mind, the four locations are: (1) East Main Street from Sunnyside Avenue to the Waynesboro Mall; (2) Fairview Avenue and West Main Street; (3) South Potomac Street and Gay Street; (4) South Potomac Street and West Second Street. Councilman Martin asked Kevin Grubbs if all the locations are fine with the State? Kevin Grubbs stated, "Yes, now that the 200' sight distance has been established at each location, the Borough can now proceed with the next phase in preparing the contract documents". Councilman Martin made a motion on the four locations where the crosswalk lights are to be installed. Councilman Mumma seconded; the motion passed unanimously. Councilman Martin then stated that he wanted to amend his motion to include authorization for the staff to do what is necessary to make the locations site-ready for the lights. Council President Newcomer asked to accept the amendment? Councilman Mumma stated, "Yes". Council President Newcomer stated that we have a motion with the amendment and the exception to the amendment. Councilman Mumma seconded; the motion passed unanimously.

Councilman Martin requested that a "No Entry" sign be erected for vehicles traveling east on Gay Street entering onto South Grant Street. This would be similar to what was done on Alley No. 1 going towards North Grant Street. After some discussion on the location, Councilman Martin drew a diagram indicating the location of the sign. Denny Benshoff stated that Gay Street is already one-way west and some vehicles that are parking in the rear of the apartment building, at the southwest corner of Gay Street and South Grant Street, are traveling east to Grant Street since it's a much shorter distance. The location of the sign will be on Gay Street at the rear of the building. Councilman Martin made a motion to erect two "DO NOT ENTER" signs at the rear of the Stover building on Gay Street and across the street on Gay Street so traffic doesn't go east onto South Grant Street. Councilman Mumma seconded; the motion passed unanimously.

Councilman Martin noted that Lloyd, (Hamberger), has informed us he is working on trying to obtain money from the Franklin County Emergency Management fund to help recoup what was spent on snow removal and that it's in the works.

UNFINISHED BUSINESS

CONSIDER BIDS FOR NORTHSIDE POOL BOTTOM REPAIRS: Lloyd Hamberger noted he received two bids – one for \$59,487.00 and the other for \$74,000.00. The bids are higher than expected due to the consultant expanding the scope of work to include the walls. The recommendation is to award the bid, but meet with the Contractor to do a change order to get as close to the \$25,000 or \$30,000 that we anticipated for. We did have the bottom, but the Contractor after we looked at the project thought we should go up the sides so that there are no bad ridges. But, since this

is so costly we're going to see if we could issue a change order to get the cost back down. Unfortunately, the Consultant is on vacation this week and we can't re-bid it since it won't be done in time for when the pool opens.

Council President Newcomer asked if there were any other feelings on this? With no other response, Council President Newcomer stated, "My feeling is do it right, but I know what you're talking about, the reason why we're in this situation now is because it wasn't done right the first time".

Lloyd Hamberger recommended to award the bid and then we will meet with the consultant to see if we can talk the contractor down a little bit on price and then report back to Council. But, we really need to get this moving because we have a May 1st deadline so that we can have the pool open.

Councilman Mumma asked, "We have to remove the surface that's there. Is it possible that Denny's, (Benshoff), crew can do the work"?

Lloyd Hamberger stated, "That's what we want to talk about and are there any additional options"? (No response was given). "Unfortunately, we couldn't expose the pool because of the weather conditions. So, no one could really see the bottom and they, the contractors, said they didn't need to see it because they are going to take what's there off. So, what I guess we need is go with the \$59,487.00 and find a way to get it cheaper".

Council President Newcomer stated, "Okay, let's hear how the motion sounds and we'll go from there". Councilman Martin stated, "I'm going to make a motion that we award the pool resurfacing to Wilcoxon Construction out of Rockville, Maryland. We go with their bid, we look at it, but I'm not in favor and I don't want the motion to be get the job done, I want to get it right. I don't want to spend \$25,000 now then \$45,000 next year. So, I would like to award this and you, (referring to Lloyd Hamberger), talk to the contractor and keep us, (Borough Council), in the loop".

Councilman Mumma stated, "But, if we can help to remove it and let them do the good job, I'll second his motion so we can have discussion".

Council President Newcomer stated, "Okay, Ronnie made the motion and Harold seconded. Now, I would like to get some good verbiage put in the motion, if you will amend, to possibly state that we accept them as the low-bidder however, we need to discuss the possibilities of saving more money. Maybe, Denny can do some of the work to get the price down. Because if we accept that bid we are accepting that price and they don't have to talk to us really. So, I would like to put some kind of verbiage in there, with the agreement, that they work with us to see if we can lower the cost".

Councilman Martin stated, "So, what you want to say is we acknowledge they are the low-bidder and then we will work with them to see if we can get the cost within our budget pending our discussion with the staff and the consultant". Councilman Mumma replied, "I amend my second to the motion". Council President Newcomer asked Council for any further discussion, which there was no response. The motion passed unanimously.

DISCUSSION ON UCC/BOCA CODE: Lloyd Hamberger recommended authorizing staff to prepare an ordinance, using the perimeters that were discussed earlier in the workshop, to be completed by the next meeting for Council to review and make any changes necessary. A motion was not required and all of Council was in agreement to proceed with the preparation of the ordinance.

NEW BUSINESS

EXTENSION OF THE NORTHSIDE POOL CONCESSION STAND CONTRACT: Lloyd Hamberger noted that the contract could be extended by mutual agreement and both parties have agreed to

extend the contract for two years. Councilman Mumma made a motion to extend the contract by two years. Councilman Stains seconded; the motion passed unanimously.

REQUEST TO USE ROTARY PARK: Lloyd Hamberger stated that St. Andrew's School is requesting to do the same as last year in holding the "Race For Education" on April 23, 2010 from 9:15 a.m. to 12:15 p.m. They will be running laps around the park and the Recreation Board is recommending approval of the event under the same terms and conditions as last year such as cleaning up after the event. Councilman Stains made a motion approving the request. Councilman Driscoll seconded; the motion passed unanimously.

MEMORIAL PARK GRANT: Lloyd Hamberger stated that the application for funding was made last fall for improvements at Memorial Park. Two years ago the Borough was denied funding but this year they were approved. Unfortunately, since we didn't think we were going to receive the grant we took the matching funds out of the budget. We now have received a grant for \$50,000, which the Borough will have to match. After review of the items by Scott Crum, Draftsman/Inspector, and myself we feel from \$75,000 to \$100,000 engineering and storm water management can be done. The walkway, which will complete the walking loop in the park, will be paved after the new trees have been planted. A new sign will be erected and a new fence around the ball field. We figured we could do an in-kind match by using our own guys, who are already on the payroll, so we don't have to use any additional funds out-of-pocket for \$21,000 of the match. So, from \$16,000 to \$25,000 out-of-pocket we can get a pretty well fixed up Memorial Park and I may be able to work this depending on our work schedule and the State's to defer some of this cost to next budget year. But, probably not since they want us to get in and move this quickly. The Recreation Board recommends proceeding with this and the Township has agreed to give us a real good break on the use of their paving machine. We will need to swap some men for one of theirs to operate the paver and we would send one of our guys to the Township to save some money there. Lloyd Hamberger recommends proceeding with the grant, since the State only offers money so often. Councilman Martin made the motion to proceed as recommended. Councilman Stains seconded; the motion passed unanimously.

SPECIAL PROCLAMATION BY THE MAYOR: Mayor Starliper introduced Matt Maple and Brett Reichard of the DeMolay Chapter, recipients of the Proclamation. Mayor Starliper began by announcing this was the "DeMolay Month Proclamation"; and whereas the order of the DeMolay is a character building organization of young men from 12 to 21 years of age; and whereas, these young men are preparing themselves to become better citizens and leaders for tomorrow; and whereas the DeMolay help develop these traits of character, which have strengthened good men in all ages; and whereas the organization has carried out the aforementioned goals for 91 years through programs such as athletic competition, social activity, civic service and charitable projects; and whereas members of the George Washington Chapter will observe the year 2010 as the 91st Anniversary of the order of the DeMolay so as to exemplify all citizens here and everywhere of their many activities and tender recognition for their millions of senior DeMolay's now. Therefore, by the powers invested in me I proclaim that March 2010 be observed as the DeMolay month. I call upon the citizens to join in saluting the young men of this order in expressing our grateful appreciation for the fine example set by them contributing to the welfare of our community. Being the 3rd day of March 2010, Richard A. Starliper, Mayor, (Applause from the public in attendance followed). Mayor Starliper further acknowledged that this came about from Councilman Stains.

PUBLIC IN ATTENDANCE – NON – AGENDA ITEMS: Councilman Martin noted he received a request from the Waynesboro Historical Society. They are restoring the Oller House roof and are requesting two parking spaces in front to accommodate a job trailer during the restoration beginning around April 1st and will last approximately 8 weeks. I move that with the following items that the electrical service to the trailer be overhead and not laying on the ground so as to cause someone to fall and that the trailer not be there during the Memorial Day Parade on May 31st. Councilman Mumma

requested to state Memorial Day Weekend May 29th through the 31st, which Councilman Martin amended his motion. Councilman Mumma seconded; the motion passed unanimously.

FOR INFORMATION ONLY

REPORT ON CUMBERLAND – FRANKLIN COUNTY BOROUGH'S ASSOCIATION MEETING:

Councilman Mumma reported that Mayor Starliper, Lloyd Hamberger along with his wife and myself and my wife attended the Cumberland – Franklin County Boroughs Association meeting. Representative Sheryl DeLozier reported on the State budget and we had several comments by individuals from the audience in reference to that, which led to some very interesting discussions. Some of the items approved were a \$1,000 scholarship for 2011. Went through some resolutions, which some of them were approved such as radar for local communities as we will continue to pursue that. Recommendations were made for municipalities who have no police force to be able to receive reimbursement from the State Police. The Mayors be authorized to receive gratuities when they perform marriages, currently they are not allowed to receive anything. Recommended to legislature to consider approving some action for gratuities. We recommended a resolution for pensions back to 2001 and what this means is back in 2001 the legislatures after a midnight vote gave away the shop concerning pensions and it is now coming back to bite us so we want the Legislatures to do something about this. Recommended to deny a resolution to turn over the Pennsylvania Turnpike to PennDOT and were concerned with all the requirements that have to be done to the Sewer Treatment Facilities because of the Chesapeake Bay and requested more results for the amount of money that has to be spent. The Waynesboro Borough Authority will have to spend 12 million dollars, but the results are insignificant in our area to justifying this amount of spending. The Waynesboro area will be the host for the September meeting of the Borough's Association, which will be held the last Tuesday of the month.

Mayor Starliper noted that these resolutions will be given to the Resolution Committee of the Pennsylvania State Association of Borough's and it will be up to them in deciding if these items will be on the agenda for the April meeting.

PAY BILLS: Councilman Mumma noted he has a lot of bills dated 03/03/10 and made a motion to approve the bills. Councilman Stains seconded. Councilman Martin questioned a bill for 02/10/10, Line Item #30 for \$10,013.34 and Line Item #36 for \$10,133.00 made out to Dave Ford. Lloyd Hamberger explained that was for the purchase of a Utility Truck for the Maintenance Department through the State's Piggy-Back Program, which is broken down into thirds through the Capital Reserve for Sewer, Water and the General Fund. Only one-third of that was from tax money and two-thirds from water and sewer money. With no further questions the motion passed unanimously.

COUNCIL AND STAFF COMMENTS: Councilman Martin thanked the two young gentlemen and remarked that it's nice to see our young people do things and get rewarded for them. Since you sometimes only hear of the bad things but I think the majority of our kids are very fine young people.

Chief King stated that Tuesday, March 9, 2010 at the Waynesboro Middle School there will be a seminar for parents, students, grandparents and anyone interested in attending on Sexting involving cell phones. School Resource Officer Travis Carbaugh and the District Attorney's Office will be in attendance to discuss this issue. On Saturday, March 13, 2010 from 7:30 a.m. to 11:00 a.m. the Waynesboro High School will host the annual Health Fair and the some of the officers from the Waynesboro & Washington Township Police Department will be present handing out information for the Drug Awareness Program and Crosswalk Safety.

Lloyd Hamberger noted that the Borough has received the grant information and agreements for additional Taser Guns, which has been executed and submitted.

Councilman Stains thanked the Mayor and Council for the Proclamation with the DeMolay Chapter. Councilman Stains currently serves as the local Advisor for the Chapter and stated that local is coming from a broad spectrum with the local Chapter being located in Chambersburg and we have members that come from Cumberland and Franklin Counties and we do appreciate the recognition.

Councilman Stains asked if the Borough has an ordinance for vehicles parked on streets that are not cleared out after snowstorms that are just sitting there? Lloyd Hamberger replied that as long as they have a current registration and are legal they could park there.

Councilman Mumma thanked everyone for attending and stated that he trusts that the majority of you are satisfied with the building code. There is going to be some tweaking and that this is a tremendous amount of information to have to digest. Councilman Mumma also thanked the young gentlemen on their Proclamation.

Mayor Starliper echoed the same sentiments to the two gentlemen. He also discussed his recent trip to San Francisco, California that the Police Department there does not have Taser Guns and they're working on acquiring funding. Their crosswalk lights are the same as we have here with the exception they use a chime with different sounds for walking and not walking.

Council President Newcomer congratulated the two young men and also commended both for their activities in the community.

With no further business to discuss, the meeting was adjourned at 8:05 p.m. on a Driscoll/Stains motion, which passed unanimously.

Respectfully Submitted,

Kevin D. Grubbs,
Head of Borough Engineering Services