

NOVEMBER 17, 2010
WAYNESBORO, PA 17268
REGULAR MEETING

Council President Craig Newcomer called the regularly scheduled meeting 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
Sam Wiser, Salzman Hughes PC (Borough Solicitor)
Kevin Grubbs, Head of Engineering Services
Jason Cohen, Assistant Borough Manager
Dave Martin, Fire Chief
Mark King, Police Chief

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

President Newcomer reported that Borough Council members held an executive session regarding a personnel matter prior to this evening's Council meeting.

APPROVE MINUTES: Councilman Greenawalt made a motion to approve the minutes of the November 3, 2010 meeting, as written. Councilman Stains seconded; the motion passed unanimously.

ACCEPT REPORTS: Councilman Greenawalt made a motion to accept the reports of the Code Enforcement Officer, Police Chief and Fire Chief, as presented. Councilman Driscoll seconded; the motion passed unanimously.

COMMITTEE REPORTS

PERSONNEL COMMITTEE: Councilman Mumma reported that he received a favorable performance evaluation for John Baumgardner, however no action was required. He will present two (2) other items during the "voting" section of the meeting.

PROPERTY AND PUBLIC SAFETY COMMITTEE: No report.

STREET COMMITTEE: No report. Councilman Martin noted that the Street Committee will meet on 11/24 at 9:00 a.m. in the second floor conference room of Borough Hall. During that meeting, they will discuss several intersections and other items of concern.

INTERGOVERNMENTAL COMMITTEE: No report.

DOWNTOWN REVITALIZATION COMMITTEE: No report.

FINANCE COMMITTEE: Mr. Hamberger noted that Council agreed on the tentative 2011 budget figures at their last budget meeting, and he presented them with an initial printing of the budget document for review. He requested authorization to advertise the tentative budget and proposed Tax Ordinance (with no tax increase) for adoption at Council's second meeting in December.

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

“On November 5th, along with Councilman Mumma, I attended the Ribbon Cutting Ceremony for the new News Agency; and we wish them well.”

Mayor Starliper then asked members of the Waynesboro Fire Police Association, Police Chief Mark King, and former Fire Police Captain Richard Jones to come forward. Mr. Jones was presented with a plaque for his many years of service as a fire policeman.

SOLICITOR'S REPORT: No report. Solicitor Wisner noted he will address several items as they come up on the agenda.

PUBLIC COMMENT - ITEMS ON AGENDA: None.

VOTING ON ITEMS FROM COMMITTEE REPORTS: Councilman Mumma noted that he received a favorable evaluation for Kim Green, and he made a motion to grant her an increase to salary level 7B, effective 11/09. Councilman Stains seconded; the motion passed unanimously.

Councilman Mumma noted he also received a favorable evaluation for Dan Sheffler, and made a motion to approve his increase to salary level 11E. Councilman Driscoll seconded; the motion passed unanimously.

Councilman Greenawalt made a motion to authorize the Borough Manager to advertise the tentative 2011 budget, as presented. Councilman Stains seconded; the motion passed unanimously. Councilman Greenawalt further motioned that the budget and proposed Tax Ordinance (with no tax increase) be advertised for adoption at Council's second meeting in December. Councilman Martin seconded; the motion passed unanimously.

UNFINISHED BUSINESS

UPDATE ON PENNVEST LOAN CLOSING/UPDATE ON BID AWARD (STORMWATER OUTFALL PROJECT): Solicitor Wisner reported that they are working with the contractor to assist in proper completion of their MBE/DBE solicitation effort (it had to be re-done, as it was not considered a complete effort by the State). He estimated that they are halfway through the process, and the appropriate paperwork should be provided no later than the end of next week. Mr. Wisner noted that the Borough's effort was reviewed and considered satisfactory.

Mr. Wisner advised that right-of-way acquisition continues; but the PENNVEST loan cannot be closed until a Notice-to-Proceed is issued and contracts/bonds are in place. Councilman Martin asked if the bid could be voided (and awarded to the next lowest bidder) if this information is not submitted in a timely manner. Solicitor Wisner responded affirmatively, as the bid was awarded contingent upon successful completion of the MBE/DBE requirements. If necessary, this will be discussed further at Council's next meeting. In the meantime, Councilman Martin requested that Council members be provided another copy of the bid results for their review. He added that the contractor should be made aware of Council's disappointment.

UPDATE ON FRANKLIN COUNTY AREA TAX BOARD: Jason Cohen reported that correspondence was received last week from the Franklin County Area Tax Board's Solicitor altering his opinion with

respect to bringing the outstanding nine (9) subdivisions onboard. His interpretation is that execution of the Supplemental Agreement by the majority of the existing member jurisdictions provides the necessary requirement for the additional jurisdictions to become members of the Board. Accordingly, it is their opinion (based upon review of all the associated documents) that the Borough of Waynesboro is now a member of the Franklin County Area Tax Board; and correspondence was issued to the Tax Office requesting a correlating opinion from their Solicitor. Representatives of the new jurisdictions (including Mr. Cohen, Mr. Hamberger and Councilman Greenawalt for the Borough of Waynesboro) intend to attend their next meeting on December 6th and will report back to Council. Mr. Cohen added it is also their belief that the voting structure has been altered by that agreement to allow for one (1) vote for each political subdivision. Mr. Hamberger commented that the 2011 budget will be discussed during that meeting; and as the new communities have not yet had an opportunity to review it, it will be recommended that the budget be re-opened.

NEW BUSINESS

WAYNESBORO AREA SCHOOL DISTRICT (FAIRVIEW AVENUE STORMWATER MANAGEMENT PLAN): Kevin Grubbs stated that Borough Council members received copies of the Land Development and Stormwater Management Plans submitted by the Waynesboro Area School District for the Fairview Avenue Elementary School. He explained that they plan to install an additional parking lot alongside the school and a blacktop walkway behind the public portion of the Borough's right-of-way for the sidewalk along Third Street. At their meeting held on 11/08, the Waynesboro Planning Commission recommended approval of the plans, as revised. Mr. Grubbs noted that the plans comply with all requirements of the Borough's Zoning, Subdivision/Land Development and Stormwater Management Ordinances. A typographical error on the plans was noted – *East Third Street* should be *West Third Street*. Councilman Martin made a motion to approve the plans, provided that bonding be received to ensure completion of the work, as well as a letter from the School Board stating that James Robertson (Superintendent) is authorized to execute documents pertaining to this project. (This was requested in an attempt to preclude problems as were experienced in the past when the School Board noted the Superintendent was not authorized to execute documents pertaining to another matter). Councilman Mumma seconded. Kevin Grubbs requested that the approval be made contingent upon these conditions. Councilman Martin amended his motion to include these items as contingencies for the approval. Councilman Mumma seconded; the amended motion passed unanimously.

CROWN COURT SUBDIVISION PLAN FOR 22 TOWNHOUSE UNITS: Kevin Grubbs stated that Christopher Unger is proposing to subdivide 22 townhouse units located at the end of Crown Court (off King Street). The Subdivision Plan, along with the proposed Homeowners' Association Agreement, by-laws and Articles of Incorporation, were reviewed by the Waynesboro Planning Commission and the Borough's Solicitor. The Planning Commission recommended approval of the plan, contingent upon final language for the HOA. (Mr. Grubbs indicated that Sam Wiser, Adam Schellhase and Steve Patterson have been working together regarding this matter.) It was noted that these are pre-existing units. It was also noted that there are water and sewer utilities in the area of the private road, which is one of the major reasons for the HOA (to ensure that the Borough can gain access for repairs/replacement of the utilities). Mr. Grubbs added that the Waynesboro Borough Authority reviewed the plan, and recommended a minor addition.

Councilman Stains made a motion to approve the plan as recommended. Councilman Martin seconded, but indicated the need for a cul-de-sac for use by garbage trucks, snow plows, etc. to turn around. Mr. Unger noted there is a gravel turn-around reserved for that use on the plan. Because it is currently listed as a gravel parking lot, Mr. Unger suggested it could be changed to a gravel cul-de-sac. Discussion ensued regarding the possibility of the HOA removing the cul-de-sac in the future; however Solicitor Wiser stated that it is reserved on the plan for a parking turn-around and the HOA cannot alter it without coming back to the Borough.

On the Solicitor's advice, Councilman Stains amended his motion that approval of the plan be contingent upon a change in the plan notation to indicate a gravel turn-around, not a parking facility (or similar language which satisfies the requirement); and contingent also upon receipt of the recorded HOA as approved by the Borough. Councilman Martin seconded; the amended motion passed unanimously.

ARRANGEMENTS FOR DAVID GROVE'S FUNERAL: Due to the recent death of DCNR Officer David Grove and the subsequent logistic arrangements for his viewing and funeral, Mayor Starliper indicated that several items need to be approved by Council. The items requiring action for Sunday, November 21st, were as follows –

- Parking be permitted on both sides of Old Mill Road
- Parking be permitted on both sides of Cemetery Avenue
- No parking signs be erected on both sides of Second Street from Virginia Avenue to Summitview Elementary School
- Virginia Avenue be closed from Second Street to the alley at the Virginia Avenue Fire Station

Mr. Starliper noted that approximately 1,000 people are expected to attend the funeral on Sunday, and it has been speculated that 2,000 or more people will attend the viewing on Friday from 1-8 p.m. Because Main Street will be blocked on Friday evening for the Tree Lighting Ceremony, informational signs will be erected to assist visitors in locating the Grove-Bowersox Funeral Home.

Councilman Greenawalt made a motion to approve the aforementioned items with regard to parking and no parking, as requested by the Mayor. Councilman Mumma seconded; the motion passed unanimously. Mayor Starliper thanked Police Chief Mark King and Sergeant Mike Bock for their efforts in coordinating these events.

PUBLIC IN ATTENDANCE - NON-AGENDA ITEMS: None.

FOR INFORMATION ONLY: Mr. Hamberger advised that he sent a letter of commendation to Police Chief King for two (2) of his officers. He explained that during the weekend of November 6th, the furnace in Borough Hall suffered a fuel line break resulting in the pooling of fuel oil on the furnace room floor. Officers Hannah and Taylor observed this and contacted Mr. Hamberger immediately. He noted that their quick reaction to the incident most likely saved the Borough from a more severe problem.

PAY BILLS: Councilman Mumma made a motion to approve the payment of Voucher Lists dated 11/10 and 11/11. Councilman Stains seconded; the motion passed unanimously.

COUNCIL AND STAFF COMMENTS: Councilman Driscoll commented to Richard Jones that he has never actually met him before, but has been waving to him every morning for the last eight (8) years at Summitview. He wishes he had taken the time to introduce himself earlier.

On behalf of the Borough, Councilman Martin thanked Richard Jones for his many years of service with both the Fire Department and the Fire Police.

Assistant Borough Manager Jason Cohen reported that he is working on bid documents to take care of the roofing issues at Borough Hall, the funds for which were appropriated in the 2010 budget. He is hopeful that the projects will be completed no later than the end of January, 2011.

Fire Chief Dave Martin stated that the installation of a security system at the Potomac Street Station is being pursued (similar to the one at the Virginia Avenue Station). He explained that, in the recent past, there have been some visitors during the night which have disturbed the drivers on-duty. Mr. Martin also congratulated Richard Jones on his retirement and thanked him for “having their backs” for many, many years.

Police Chief Mark King thanked Richard Jones for his service, as well as his friendship, over the years.

Councilman Greenawalt offered congratulations to Richard Jones on his many years of service to the Borough of Waynesboro and the surrounding communities.

Councilman Stains also offered congratulations to Richard Jones for his tenure with the Fire Police and everything he has done for the community in this respect. In addition, Mr. Stains encouraged members of the community to “come out” on Sunday to stand along the processional route in tribute to Officer Grove.

Councilman Mumma echoed previous comments.

Mayor Starliper commented that he has known Richard Jones for many years, and the service he has given to the community is greatly appreciated. He reiterated Councilman Stains’ comments regarding community support during the funeral procession along Main Street for Officer Grove.

President Newcomer noted his appreciation to Richard Jones for his assistance in the emergency services area, but also remarked that every child in the Waynesboro area for the past 35 years remembers him ... and that is something to be said. Mr. Newcomer also voiced his sympathies to the Grove family for their loss.

Having no further business to discuss, the meeting adjourned at 8:06 p.m. on a Greenawalt/Driscoll motion which passed unanimously.

Respectfully Submitted,

Melinda S. Knott
Administrative Assistant