

APRIL 2, 2008
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, Ronald Martin and Charles McCammon (Jason Stains was absent)

Mayor Richard Starliper

Borough Staff – Lloyd R. Hamberger, II, Borough Manager
Denny Benschoff, Maintenance Superintendent
Kevin Grubbs, Head of Engineering Services
Melissa Dively, Borough Solicitor (Salzmann Hughes, PC)
Jody Sanders, Deputy Fire Chief
Ray Shultz, Police Chief
Mark King, Police Sergeant

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

APPROVE MINUTES: Councilman McCammon made a motion to approve the minutes of the March 19, 2008 meeting, as written. Councilman Greenawalt seconded.

Regarding the matter with Mr. Fair, Councilman Martin noted that he didn't recall Council voting on waiving the alley abandonment fee; however, the minutes indicated that it was unanimously agreed to waive the fee. He recalled that Councilman Stains made the motion, which was seconded by Councilman Mumma, and then there was discussion. He stated it was his recollection that "the whole thing was rescinded" or "Council voted to table it" ... but they never voted to waive the fees.

President Newcomer recalled that Council discussed the possibility of "looking at waiving the fees" and that when it came up for discussion again, they would discuss it further. Councilman McCammon asked Mr. Fair if that was how he understood it; and Mr. Fair stated it was not. He stated he understood that Mr. Newcomer said the fees would be waived (and Councilman McCammon noted he remembered it that way also). Mr. Newcomer confirmed that he said he thought the fees should be waived when they were in discussion (as did Councilman Stains); but when the motion was finalized, Council decided to table it. He added that Council can still have a voice regarding waiving the fees when it comes up for a vote in the future. Councilman Mumma noted that he and Councilman Stains' intentions were to hold further discussion on the waiving of fees. Mr. Newcomer further explained that Council cannot discuss a matter until there is a motion and a second. After discussion, the motion can then be amended. He noted that the amendment on this matter was to table the issue to the Street Committee. Mr. Newcomer added that his opinion about the \$2,000 fee has not changed; but it should be clarified that the vote was not made to waive the fees, but to discuss the matter further.

Discussion ensued regarding the newly-established fee and the procedures to be followed when adopting new fees. Mr. Hamberger noted that the conversation regarding this matter at the last meeting was quite confusing. He feels that it was unclear which part of the discussion was to be included in the motion. Council agreed. Mr. Newcomer also noted that he was informed that an adjoining property owner will take care of the fee (if it is charged).

Mr. Newcomer then asked for a motion from the floor to accept the March 19th minutes with the exception of the paragraph regarding this discussion. Council members will review the tape of the meeting and take action on the excerpt at their next meeting. Accordingly, Councilman McCammon amended his motion to approve the March 19th Council meeting minutes, with the exception of the paragraph regarding Mr. Fair's request for alley abandonment. Councilman Mumma seconded the amendment; the motion passed unanimously.

COMMITTEE REPORTS

PERSONNEL COMMITTEE: Councilman Mumma noted that he will make a motion later in the meeting regarding a re-appointment to the Shade Tree Commission.

PROPERTY AND PUBLIC SAFETY COMMITTEE: Councilman McCammon noted concern regarding a hydraulic lift that is located on the parking lot behind Sheetz. He questioned if it is safe practice for the boom to be in the air all the time. Denny Benshoff noted that most contractors do this to ensure that children cannot climb onto the equipment. Dan Sheffler was asked to check into the matter.

STREET COMMITTEE: Councilman Martin reported that the Street Committee earlier in the day and discussed/reviewed the following items --

- Jay-walking – Chief Shultz and (Chief-to-be) Mark King will give a presentation and update about the legal ramifications of jay-walking according to the Pennsylvania Motor Vehicle Law.
- Site visibility at S. Price and S. Phillips Avenue, coming from Third Street to the north. Will review further.
- Handicapped ramps are being installed on N. Grant Street for crosswalks.
- Kevin Grubbs reported that he has obtained PENNDOT's approval to establish a crosswalk at Sunnyside Avenue to the Waynesboro Mall. Handicapped ramps will need to be installed at this location.
- Stop sign on Fairview Avenue at Fourth Street – received 21 signatures from residents of Fourth Street and the immediate neighborhood who wanted it to stay the same. Will recommend no change.
- Kevin Grubbs will present information later about crosswalks (painting them with yellow paint and hash marks).
- Discussion with Dave Fair regarding the alley abandonment. He was directed to provide a surveyor's drawing to Council, and his attorney is to provide a letter regarding who has interest in the alleys to the Borough Solicitor. The matter cannot move forward without that information. Ms. Dively noted that she received the information regarding owners last week and will research the matter.
- Two (2) additional depressed curbs to be installed at Mulberry Avenue, to line up with the new walkway. A motion on the matter will be presented later.
- Mr. Hamberger noted that PENNDOT is planning on using a brick-like texture in Center Square (much like the walkway), as they don't like bricks in the highway. A texturized concrete will be used for the sidewalks. Kevin Grubbs has reviewed their proposal and

found it to be acceptable in accordance with the Borough's current ordinance. It was also noted that there will be improvements on Main Street this year, but no re-paving will be done until 2009. Mr. Hamberger added that drainage problems in the Square were discussed with PENNDOT representatives.

- Request for "no parking" signs on the north side of Ninth Street from Church Street to the first alley. A motion will be made later in the meeting.

INTERGOVERNMENTAL COMMITTEE: President Newcomer noted that Council members received an invitation from Washington Township to the grand opening of the Dunlap Family Skate Park at Pine Hill Recreation Area on April 5th at 11:00 a.m.

DOWNTOWN REVITALIZATION COMMITTEE: President Newcomer noted that a meeting was held on April 9th with members of Waynesboro Borough Council, Waynesboro Planning Commission and Mainstreet Waynesboro Inc. to discuss the proposed Waynesboro Downtown Master Plan.

FINANCE COMMITTEE: No report.

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

"On March 30, 31 and April 1, I attended the Spring Legislative Conference in Grantville. Some of the topics covered were: how to successfully lobby your state legislature, the impact of the new Open Records Law, project management, the Chesapeake Bay Tributary Strategy, legislative updates and the PA Liquor Control Board regulations and management."

Mayor Starliper presented a request from Chief Ray Shultz regarding re-advertising the civil service examination for Police Officer, and the hiring of three (3) new officers. (A copy of the request will be forwarded to Council members for review.) Mr. Hamberger noted that the Civil Service Commission meets the following night, at which time they will establish a date in April for the examination. Council concurred.

SOLICITOR'S REPORT: No report.

PUBLIC COMMENT - ITEMS ON AGENDA: Stephen Monn informed Council members and the public that if they are interested in viewing the first draft of the Downtown Master Plan, it is available on Mainstreet Waynesboro's website, which is www.wbopa.com.

VOTING ON ITEMS FROM COMMITTEE REPORTS: Councilman Mumma made a motion to approve Harry Morningstar's re-appointment to the Shade Tree Committee (said term to expire on 03/04/2013). Councilman Greenawalt seconded; the motion passed unanimously.

Councilman Martin made a motion to approve the installation of two (2) ADA handicapped ramps in the sidewalks at Sunnyside Avenue/Waynesboro Mall and at the Mulberry Avenue walkways. Councilman McCammon seconded. Discussion followed regarding alignment of the crosswalks with the walkway, and Kevin Grubbs explained that the crosswalk will be made wider. A vote was called and the motion passed unanimously.

Councilman Martin made a motion to install "no parking" signs on the north side of Ninth Street, from S. Church Street to the alley between on S. Church Street and Maple Street. Councilman McCammon seconded; the motion passed unanimously.

UNFINISHED BUSINESS

CONSIDER ORDINANCE RE: TRAFFIC STUDY FOR ADOPTION: Mr. Hamberger noted that the public hearing has been held, and the proposed ordinance was advertised for consideration at this meeting. Councilman Martin made a motion to adopt the proposed ordinance. Councilman Greenawalt seconded; the motion passed unanimously.

ORDINANCE NO.

AN ORDINANCE OF THE BOROUGH OF WAYNESBORO, FRANKLIN COUNTY, PENNSYLVANIA, AMENDING THE SUBDIVISION & LAND DEVELOPMENT ORDINANCE NO. 944, OF THE BOROUGH OF WAYNESBORO.

Complete copy on file at Borough Hall.

RESOLUTION NO. 2008-10 AUTHORIZING SUBMITTAL OF 2008 CDBG APPLICATION: The required public hearing was held, and Council needs to authorize submission of the proposed 2008 CDBG application. Councilman McCammon made a motion to approve Resolution No. 2008-10, as presented. Councilman Greenawalt seconded; the motion passed unanimously.

RESOLUTION 2008-10

RESOLUTION OF THE COUNCIL OF THE BOROUGH OF WAYNESBORO
AUTHORIZING SUBMITTAL OF AN APPLICATION FOR STATE COMMUNITY
DEVELOPMENT BLOCK GRANT (CDBG) FUNDS FOR FISCAL YEAR 2008

Complete copy on file at Borough Hall.

AWARD STONE BIDS: Mr. Hamberger explained that St. Thomas Development was the low bidder on all stone products except for 2A stone (delivered); however, that is the stone most used. Accordingly, the staff is recommending a split bid. Councilman McCammon made a motion to award the stone bids (except 2A delivered) to St. Thomas Development, Inc.; and the 2A stone (delivered) to Valley Quarries. Councilman Greenawalt seconded; the motion passed unanimously.

UPDATE ON STORMWATER STUDY: Kevin Grubbs distributed information from the consultants (Dennis Black Engineering) showing the outfall on Cemetery Avenue and the new design, including two (2) new storm sewer boxes under Maple and Church Streets. A meeting regarding classification of the outfall channel will be held with DEP and the Corps of Engineers on Tuesday, April 8th, at 9:30 a.m. at the site. He read a project update report from the consultants, in which they recommended proceeding with an open channel vs. a concrete channel in order to keep the project moving.

NEW BUSINESS

REQUEST TO USE NORTHWEST QUADRANT OF CENTER SQUARE FOR GALA CANCER AUCTION: Mr. Hamberger presented a request to use the northwest quadrant of Center Square for the Gala Cancer Auction to be held on April 26th. They would like to display larger auction items in that area from 7:00 a.m. on April 26th through 12:00 p.m. on April 26th. In addition, they are requesting to place "no parking" signs on Main Street in front of the Eagles Club so that the auctioneers can maneuver their computer equipment for the event. Councilman McCammon made a motion to approve the requests. Councilman Greenawalt seconded; the motion passed unanimously.

REQUEST FOR ACTIVITIES (MAINSTREET WAYNESBORO, INC.): Mr. Hamberger presented requests from Carole Malin for the following activities, for which specific details were included in her

correspondence dated March 25th:

- Flower and Bake Sale in Center Square on May 9th and 10th
- Flower Beautification Program
- “Friday After Five” Program

Councilman Martin made a motion to approve the requests, as outlined. Councilman McCammon seconded; the motion passed unanimously.

PUBLIC IN ATTENDANCE - NON-AGENDA ITEMS:

Carlene Willhide, Executive Director of Chamber of Commerce – Ms. Willhide introduced the Chamber’s newest employee, Vicky Grubbs.

DONATION OF EQUIPMENT: Councilman Martin noted that the Borough has been using his “bucket truck” for a period of time; and as he has purchased a new one, he would like to donate the 1989 Chevrolet to the Borough. Mr. Hamberger noted that the vehicle comes in handy when changing traffic signal bulbs and Christmas decorations. Councilman McCammon made a motion to accept the equipment. Councilman Greenawalt seconded; the motion passed 4-0 (Councilman Martin abstained).

FOR INFORMATION ONLY

MAINSTREET WAYNESBORO, INC. ANNUAL DINNER MEETING (APRIL 21, 2008): Council members were invited to attend the upcoming Annual Dinner Meeting for Mainstreet Waynesboro, Inc. Those interested in attending were asked to inform Melinda Knott. Carole Malin provided information on the speaker for the evening, Carol Aubitz of Excelsior Marketing. She feels that her presentation will be quite interesting.

TRI-COUNTY BOROUGH ASSOCIATION MEETING (APRIL 29, 2008): The next Tri-County Boroughs Association meeting will be held on April 29th in Marysville. Those interested in attending were asked to contact Melinda Knott.

RETIREMENT RECEPTION: Council members were also invited to attend a retirement reception for Barry Dallara, School District Superintendent. RSVP’s are requested by April 3rd.

BIOSOLIDS BIDS: Mr. Hamberger reported that bids were opened for the contract for hauling and land application of biosolids. Leiter Pryor, Director of Utilities, is recommending they be awarded to Dennis Little Enterprises, at a rate of \$.0329/gallon. Councilman Greenawalt made a motion to award the bids as recommended by Mr. Pryor. Councilman Mumma seconded; the motion passed unanimously.

PAY BILLS: Councilman Mumma noted that Check Nos. 45966 and 45867 were voided; and he motioned to approve Check Nos. 45968 thru 46101. Councilman Greenawalt seconded; the motion passed unanimously.

COUNCIL AND STAFF COMMENTS: Kevin Grubbs requested that Council consider a change to the usual markings for crosswalks. They are normally cross-hatched diagonally and painted solid white (with a space between each diagonal line). He noted they would like to paint a yellow line in the space between the white lines to make more the crosswalks more visible, as well as erect additional and/or relocate signs. He stated that Chambersburg Borough uses this same program, and it is very successful. Council concurred.

Chief Shultz gave a presentation regarding jay-walking. He reported that he contacted Senator Punt and the Department of Transportation's Legal Department for assistance in interpreting and clarifying various sections of the Vehicle Code. He stressed the importance of the words "should" and "shall" – "should" is an action that is advisable but not required; and "shall" is an action that is required. The following information was given:

Section 3113 - Pedestrian-control signals

WALK - Pedestrian facing the signal SHOULD proceed across the roadway in the direction of the signal & SHALL be given right-of-way by the drivers of all vehicles. ***If pedestrian is walking with WALK signal, drivers shall give right-of-way or upon conviction pay a fine of \$50.00.*

DON'T WALK - Pedestrian SHOULD not start to cross the roadway in the direction of the signal, but any pedestrian who has partially completed his crossing on the WALK signal SHOULD proceed to a sidewalk while the DON'T WALK signal is showing. ***No penalty stated for pedestrian, therefore municipality must establish a violation by local ordinance for enforcement.*

FLASHING WALK - Pedestrian facing the signal is cautioned there is possible hazard from turning vehicles, but pedestrian may proceed across the roadway in the direction of the signal & SHALL be given the right-of-way by drivers of all vehicles. ***If pedestrian is walking with WALK signal, drivers shall give right-of-way or upon conviction pay fine of \$50.00.*

FLASHING DON'T WALK - Pedestrian SHOULD not start to cross the roadway in direction of the signal, but any pedestrian who has partly completed crossing during the WALK signal shall proceed to a sidewalk & all drivers of vehicles SHALL yield to the pedestrian. ***No penalty stated for pedestrian, therefore municipal must establish a violation by local ordinance for enforcement.*

Section 3543 - Pedestrians crossing at other than crosswalks

GENERAL RULE - Every pedestrian crossing a roadway at any point other than within a crosswalk at an intersection or any marked crosswalk shall yield the right-of-way to all vehicles upon the roadway.

BETWEEN CONTROLLED INTERSECTIONS IN URBAN DISTRICT - Between adjacent intersections in urban districts at which traffic-control signals are in operation, pedestrians shall not cross at which place except in a marked crosswalk.

Section 102 - Definitions

URBAN DISTRICT - The territory contiguous to and including any street which is built up with structures devoted to business, industry or dwelling houses situated at intervals of less than 100 feet for a distance of a quarter of a mile. Upon presentation of a drawing of the downtown (Main Street) from S. Potomac Street to Broad Street, Chief Shultz explained that pedestrians can cross anywhere at the alley intersections (plus Walnut and Cottage Street) where there are no traffic controls and not be in violation, because they are not adjacent intersections with control signals.

Chief Shultz explained LTAP, a free program through PENNDOT, which will meet with Borough officials and give advice/recommendations on traffic safety, maintenance of roadways, etc. Accident information will be reviewed and evaluated, and a report would be generated with recommendations for pedestrian safety for Council's consideration. A public workshop could also be held in which the recommendations would be reviewed in-depth. If Waynesboro decides to proceed, they would be the second or third Borough in PA to participate in the "Walkable Communities Program". Their first available date to meet with Borough officials would be during the week of May 19th. Councilman

Martin made a motion to move forward with the program described. Councilman Mumma seconded; the motion passed unanimously.

President Newcomer suggested that drawings of the proposed Center Square be reviewed with LTAP. Discussion followed regarding various scenarios. Stephen Monn, a member of the Waynesboro Planning Commission, advised that specific information be obtained regarding configuration of the walk lights on the new traffic signals for review also.

Chief Shultz advised Council members that the Franklin County Sheriff's Department has requested to use the Police Department's frequency for their portable radios (should they have an emergency in this area) to communicate with the Borough's Police Department or County Communications. He noted that the Police Department has that agreement with all the other municipalities throughout Franklin County. Council noted no problems.

Chief Shultz reported that all equipment has been mounted in the police vehicles for installation of the computers, and he is waiting on a technician from Integrian to put them into operation. He also noted that he has been working on obtaining price quotations for the tasers, and they should be ordered the following day.

Having no further business to discuss, the meeting adjourned at 8:38 p.m. on a McCammon/Martin motion which passed unanimously.

Respectfully Submitted,

Melinda S. Knott
Administrative Assistant