

APRIL 16, 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, Jason Stains, C. Harold Mumma, Craig Newcomer, Ronald Martin and Charles McCammon

Mayor Richard Starliper

Borough Staff – Lloyd R. Hamberger, II, Borough Manager
Denny Benschhoff, Maintenance Superintendent
S. Leiter Pryor, Director of Borough Utilities
Kevin Grubbs, Head of Engineering Services
Melissa Dively, Borough Solicitor (Salzmann Hughes, PC)
Mark King, Police Chief Appointee (effective May 2, 2008)
Ray Shultz, Police Chief
Dan Sheffler, Zoning-Code Enforcement Officer
Dave Martin, Fire Chief

MOMENT OF SILENCE - ARDIE WINTERS: A moment of silence was held for former Councilman Ardie Winters, who passed away on Monday, April 14th.

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 April 2, 2008 (public hearings and regular meeting) and the April 9, 2008 (joint meeting on Downtown Master Plan), as written. Councilman Greenawalt seconded; the motion passed unanimously.

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

COMMITTEE REPORTS

PERSONNEL COMMITTEE: Councilman Mumma noted that he will present a motion later in the meeting regarding the hiring of several cashiers and lifeguards for Northside Pool.

PROPERTY AND PUBLIC SAFETY COMMITTEE: Councilman McCammon noted that he will present a motion later regarding Fire Chief Martin's request for appointment of Ron Flegel as a relief driver (on a volunteer basis) for the Waynesboro Fire Department.

STREET COMMITTEE: Councilman Martin noted that he will present several motions later in the meeting.

INTERGOVERNMENTAL COMMITTEE: No report.

DOWNTOWN REVITALIZATION COMMITTEE: Council President Newcomer reported that the recent Mainstreet Waynesboro, Inc. meeting went well. The group is in the process of looking for a new Downtown Manager. The recent Chocolate Extravaganza was a success; and upcoming events include the Mother's Day Flower and Bake Sale, as well as the Classic Car Show. In addition, Harry Morningstar, Jr. suggested several other projects for the future; and progress continues on the beautification of downtown (hanging flower baskets). Mr. Hamberger added that several Council members will be attending Mainstreet's Annual Dinner on Monday, April 21st.

FINANCE COMMITTEE: No report.

MAYOR'S REPORT: Mayor Starliper noted that he attended the retirement dinner for Barry Dallara (WASD Superintendent) held on April 10th.

He also provided a report from the Department's Drug Investigator – in the 2½ months he has been “on the job”, he has served 3 search warrants that have resulted in 13 drug arrests in the Borough and 1 search warrant for the Borough of Greencastle that has resulted in 5 arrests. There are currently 15 open drug-related cases (3 with active confidential informants); over ½ lb. of marijuana (with a value of \$1100.00) has been seized; and over \$350.00 in forfeitures in the courts.

In addition, the Mayor reminded Council members about the meeting with LTAP scheduled for May 23rd at 8:30 a.m. to discuss the Downtown Walkable Communities Program.

SOLICITOR'S REPORT: No report.

PUBLIC COMMENT - ITEMS ON AGENDA:

Frank Bittner, 842 Anthony Avenue - Mr. Bittner commented favorably on the detailed police report provided.

A member of the public asked why the item regarding electronic signs is listed under “Unfinished Business”, as the Planning Commission is still reviewing it. President Newcomer noted that it was discussed previously and was placed on the agenda for an update. The gentleman asked if Council was planning to take action on it this evening, and Mr. Newcomer explained that the process of taking action on the item is quite involved. He noted that if a member of the public would like to speak about this, now would be the time to do it.

Tom McCloud, 527 Green Street – Mr. McCloud commented that he “doesn't like electronic signs”, but he is aware of the fact that (legally) they must be permitted somewhere in the Borough. He suggested that Council be as restrictive as possible, because he doesn't feel that they add anything to making the community look better. President Newcomer stated that Council members have discussed this, and most have that same sentiment. He explained the common perception that the signs will be permitted in downtown Waynesboro, but he clarified that that has never been considered. Council needs to look at bringing in more businesses, because there is no room to grow and no more residential land for tax purposes.

Jerry Casto, 403 Clayton Avenue – Mr. Casto raised concern about the map on display indicating locations where the signs might be permitted. Councilman Martin noted that this map was reviewed by the Planning Commission at their meeting on Monday evening, and Council would like to have an opportunity to explain it further. Stephen Monn, a member of the Planning Commission, suggested that Council reserve some time for public comment after their presentation. Mr. Casto added that he didn't feel they would get a chance to comment. President Newcomer agreed to the request.

Melinda Anglin, 403 Clayton Avenue - Ms. Anglin asked if Council could address Tom McCloud's comment that these signs are "legally" required. Solicitor Dively explained that signs are legal uses in zoning and constitutional concepts. A municipality may not "zone out" a legal use simply because they don't find it aesthetically appealing. That is why billboards have to be regulated and allowed somewhere. Electronic signs have not been deemed illegal – therefore they have to be allowed somewhere, but you can regulate them.

President Newcomer attempted to clarify a misconception that members of the public will not be heard. He noted that Council members cannot "knock on everyone's door" to find out how they feel about certain matters, but the public is welcome to attend Council meetings. In addition, councilmen may be contacted at home by telephone. He added that Council is here "for the people in this town".

VOTING ON ITEMS FROM COMMITTEE REPORTS: Councilman Mumma made a motion to appoint the following individuals at Northside Pool --

Cashiers - Erica Compher and Abigail Schuler

Lifeguards - Andrew Dinterman, Angela Holmes, Kegan Crider, Emily Doescher, Caroline Unger, Paige Tanner, William Smith, Allison Doub, Jared Mummert, Kelby Reed, Hannah Sanders, Molly Sanders, Miles Nelson, Sarah Mitchell and Matthew Hinojos

Councilman Stains seconded; the motion passed unanimously.

Councilman McCammon made a motion to approve Ronald Flegel as a relief driver (on a volunteer basis) for the Fire Department. Councilman Greenawalt seconded; the motion passed unanimously.

Councilman Martin reported that correspondence was received from the Brothers of the Brush regarding their proposed July 4th parade. The parade will begin at 10:30 a.m. and travel from C.V. Avenue to the Kmart parking lot. He made a motion to approve the parade request, as presented, provided that they contact the Police and Fire Departments regarding assistance. Councilman McCammon seconded; the motion passed unanimously.

Councilman Martin presented a letter from Allegheny Power regarding their plans to update the street lighting north of Main Street from mercury vapor lamps to high pressure sodium lights in 2008. There is no cost to the Borough for the replacement; but there will be an increase in the light lumen level, as well as the monthly cost of \$10.94 to \$11.67 each. Councilman Martin made a motion to approve the street light transition program proposed by Allegheny Power. Councilman McCammon seconded; the motion passed unanimously. It was also noted that they plan to remove/replace all mercury vapor lights over the next four (4) years.

Councilman Martin noted that he received a request for "no parking" signs on Myrtle Avenue (specifically, at the Nancy Funk, John Keller and John Haugh residences). The curbs have been painted yellow on either side of their driveway entrances, but the Police Department has advised that they cannot enforce the "no parking" issue unless there are signs posted. Accordingly, Councilman Martin made a motion to erect "no parking" signs on Myrtle Avenue at the Haugh, Keller and Funk residences (until the High School construction project has been completed). He added that if more residents request the same, they will review their requests at that time. Councilman Greenawalt seconded; the motion passed unanimously.

Councilman Martin advised Council members that the Borough of Mont Alto has requested that the Maintenance Department sweep their streets as has been done in the past. Denny Benschhoff noted that he can accommodate their request and bill them for the equipment/operator, but Councilman Martin recommended that

(due to the increased gasoline prices) a fuel charge be added. He made a motion as such. Councilman McCammon seconded; the motion passed unanimously.

PUBLIC INPUT SESSION - MEMORIAL PARK GRANT: (A public input session was advertised for this evening's meeting to discuss the Borough of Waynesboro's application for a grant from the Community Conservation Partnership Program for Renovation of Memorial Park.)

Mr. Hamberger stated that the Borough is applying for a grant to upgrade Memorial Park. The staff has been working with the Memorial Park Board, the Waynesboro Recreation Board and members of Council to develop a proposed plan for the project. The grant requires that the Borough "put forth" what they plan to do during a public forum and ask for comments. He added that the grant does not deal with "anything green" (i.e. no plants, no trees, no grass, no bushes) – it is a development grant, not a landscaping grant. Mr. Hamberger noted that the proposed work should cost approximately \$109,000, of which the Borough must contribute 50%. The remainder will be provided in matching funds from the state if the Borough is successful in their application.

Mr. Hamberger explained that the main cost of the proposed project will be completion of the existing walkway (which ends by the tot lot along Walnut Street) to make a walking path within the park. The consultants working on the Borough/Township Joint Comprehensive Plan pointed out that Waynesboro needs to improve its walkability; and the proposed Comprehensive Plan calls for adding bike trails, greenways, and walkable areas away from traffic. He mentioned that the walkway will be ideal for the many residents who like to walk – and particularly amenable to those with baby strollers or walkers, as it will be level and "at grade". Some of the equipment will be replaced because it is thought to be dangerous (i.e. swings), but most of the other equipment was recently replaced with grants provided by Senator Terry Punt and Representative Pat Fleagle several years ago. Due to new safety regulations, Mr. Hamberger explained that the surface of the play area must be improved by putting in an approved, engineered-type of mulch (which must be deeper, etc.) He noted that that alone will cost "tens of thousands of dollars". In addition, parts of the park are not handicapped accessible – and they plan to extend part of the walkway into the tot lots, bench and seat areas, etc. Also, the outfield fence on the major league field will be replaced.

The Borough plans on offsetting part of their share of the costs by doing some of the work themselves (in-kind), so not all the costs will be additional tax dollars. The Waynesboro Recreation Board and Memorial Park Board have agreed to assist by contacting some non-profit organizations in town to see if they would be willing to donate equipment and/or contribute toward the paving. Mr. Hamberger added that the grant application for the project is due on Friday, April 25th. He noted he has "high hopes", because the plan is excellent and will be competitive ... but a lot of other communities will also be applying.

Don McBride, Chairman of the Memorial Park Board, was present. Mr. McBride noted that the Board supports the proposed plan. They haven't made any financial commitment toward swings yet, but they are considering it. Mr. Hamberger added that the Waynesboro Recreation Board Chairman was unable to attend the meeting this evening due to a schedule conflict.

Comments from the public were then requested.

Elena Kehoe, 16 Eastland Circle – Ms. Kehoe stated that she is a member of the Washington Township Planning Commission and the Borough/Township Joint Comprehensive Plan Study Group. She stated she feels that the renovations are a "great idea", as the Joint Comprehensive Plan has identified Memorial Park as an important community asset and they are in support of improving walkability. She offered to provide any needed letters of support to be sent with the grant application. Mr. Hamberger stated that Mike Christopher (Township Manager) will provide a letter of endorsement, and Glenn Neuhs (Spotts, Stevens and McCoy - consultants for the Joint Comprehensive Plan) will provide materials outlining the importance of walkability in town.

Betty Martin, 124 E. Fifth Street – Ms. Martin noted she greatly supports the walking path.

Margaret Schmelzer, 128 W. Main Street – Regarding Mr. Hamberger’s comment that the grant cannot be used for “anything green”, Ms. Schmelzer questioned if the areas disturbed for the walkway can be repaired. Mr. Hamberger clarified that they are permitted to repair what is dug up, but nothing can be added. Ms. Schmelzer suggested using rubber mulch (which she recently purchased from the EPA), to possibly save some money. She also noted that some states (for instance, Maryland) make it from recycled tires. Mr. Hamberger noted that if the grant is received, they will bid for the materials to be utilized in order to obtain the cheapest price.

Tom McCloud, 527 Green Street – Mr. McCoud asked how the large trees alongside the existing walkway will be addressed, because the trees (and their roots) are part of the problem at this time. Mr. Hamberger admitted that they “haven’t figured that out yet”, and may need to obtain a professional opinion regarding the matter. He added, however, that they are not interested in harming the trees. Several Council members voiced their agreement.

QUINCY TOWNSHIP FIRE SERVICE AGREEMENT: Council President Newcomer reminded Mr. Hamberger to contact Quincy Township to make arrangements to begin negotiations for the fire service agreement for 2009.

UNFINISHED BUSINESS

MINUTES OF MARCH 19, 2008: (After discussion at the last Council meeting regarding these minutes, a recording of the meeting was provided to each Council member for review.)

Councilman Martin commented that a lengthy (and somewhat confusing) discussion was held at the March 19th meeting regarding Mr. Fair’s request for alley abandonment, as well as a waiver of fees. He feels that Council members were unclear on the actual motion they were voting on, so he proposed (and motioned) that if Mr. Fair can supply the drawings requested by Kevin Grubbs showing the location of the alleys and adjacent property owners by May 21st, he would not be charged the \$2,000 fee; after May 21st, however, he would no longer be “grandfathered”. Mr. Fair agreed that he could provide the information by the following week. Councilman Mumma seconded.

Councilman Stains noted that he was not able to attend the last Council meeting when confusion on the motion was discussed, but he recalled that he made a motion to waive the fees based on prior practices of Council. He added that, regardless if Mr. Fair can meet the proposed May 21st deadline, the motion to waive the fee was already made and passed. Discussion ensued regarding the matter and the reason for the misunderstanding. Cindy Fair voiced her feeling that the waiver had been granted, adding that members of the public also agreed.

A lengthy discussion followed, and Mr. Hamberger stated that the March 19th minutes need to be clarified first of all. He added that a motion is just a policy of Council, and it can be changed at any time.

Councilman Martin made a motion to withdraw the motion made this evening regarding Mr. Fair’s fee. Councilman Mumma seconded. Councilman Stains reiterated his original motion (made on March 19th) to waive the \$2,000 fee for Mr. Fair’s property and “grandfather” him in for his development. Councilman Mumma seconded; the motion passed unanimously to ratify the minutes as written.

President Newcomer advised Mr. Fair that the fee has been waived, but he requested that he attempt to meet the May 21st deadline discussed. Mr. Fair agreed, noting that his engineer is currently working on the drawings requested.

PAVING MATERIALS BID: Mr. Hamberger reported that the low bidder for Superpave wearing course was Fayetteville Contractors; but the low bidder for Superpave base course, cold patch and Superpave wearing course (delivered) was Valley Quarries. Councilman McCammon made a motion to award the bids as recommended. Councilman Greenawalt seconded; the motion passed unanimously.

UPDATE ON STORMWATER STUDY: Kevin Grubbs noted that a progress update was received from Dennis Black Engineering, which he reviewed in detail. He described a high-tech matting material which is being proposed ... he plans to have samples for public view at Council's next meeting. The material has a strength somewhat comparable to concrete, but requires less maintenance and is less expensive. It is an approved material through DEP and the Corp of Engineers. In addition, there is a new material for piping which will reduce costs by one-third.

Mr. Hamberger noted that the staff met with a representative of PENNDOT in an attempt to convince them to participate in the costs of drains for Center Square and on S. Potomac Street. They seemed "receptive within their legal limits". He added that permitting for the project will be "tricky", and the process is extremely involved. It is anticipated that permitting will take approximately 6-12 months, but DEP is attempting to decrease that timeframe slightly.

ELECTRONIC SIGNS: Kevin Grubbs reported that this matter was reviewed by the Planning Commission at their last meeting. They requested that he prepare a map indicating the way the ordinance is currently proposed (not permitting the use of electronic signs within 100' of any residential area, which basically leaves the Commercial and Hospital-Office zones). Originally, the four (4) locations proposed were the same in which billboards were permitted – GC district to the west along Route 16, GC district along Route 316 across from Allegheny Power, GC section on N. Church Street and the industrial area along State Hill Road. After discussion and subsequent requests, they revised the proposed ordinance to prohibit the signs within 100' of any residential zone. At Monday evening's meeting, the Planning Commission decided to review the ordinance and re-visit the matter at next month's meeting. He added that the signs are not proposed for any Town-Center or Downtown Business districts. Comments received from the public, Mainstreet Waynesboro Inc. and the Chamber of Commerce all seem to agree.

President Newcomer suggested that Council members who want to speak on this matter do so prior to public comment. To clarify, he asked if any Council members feel that the electronic signs should be in the Town-Center district. All members responded negatively. Solicitor Dively also added that, in the draft being considered by the Planning Commission, the signs may not exceed 32 s.f. in size, would not project beyond the property line, would not be erected within 75' of a public street or intersection, and a 15-second frequency is the minimum permitted.

Councilman Martin proposed that the signs be no larger than 32 s.f. in size; would be allowed in the GC zone west of Franklin Street, in the GC zone on S. Potomac Street, in the GC/HO zones from Clayton Avenue east, and in the "billboard sign areas"; and that the change on the signs be every 3 seconds. (He mentioned that the Chamber of Commerce's sign changes every 3 seconds.) He noted that he does not support the 75' setback from an intersection or the 100' from any residential area, because that would prohibit the signs at either the Waynesboro Mall or S. Potomac Shopping Center. Mayor Starliper asked if there have been any requests for the electronic signs at either shopping center. Mr. Martin stated that the Waynesboro Mall will be going through an "uplift" shortly and may have need for such a sign. He feels there is a "gross inequity" when the Chamber of Commerce has one (flashing sign), but CVS (across the street) is prohibited from doing so. Mr. Martin requested Council's support of his proposal; and direction for the Solicitor to prepare a proposed ordinance for review by the Franklin County and Waynesboro Planning Commissions.

Councilmen McCammon and Greenawalt provided no comments.

Councilman Stains stated that he was on Council when the issue of electronic signs was discussed with regard to CVS and the Chamber. He feels that it is beneficial for community events to be posted on the Chamber's sign, but has heard comments from the public that they shouldn't be permitted to do so. Regardless of his personal feelings, Mr. Stains noted that he ran for Council "for the community". Since he has been "bombarded" over the last few days with comments in opposition of the signs, he will vote for those people and "say no" to the electronic signs.

Councilman Mumma also noted that he has received numerous e-mails and telephone calls. He feels that he must represent the people of Waynesboro in all his decisions, including looking at the tax base which needs to continue to be generated "down the road". Some decisions of past Councils (from decades ago) have been made because they looked at their current situation and forgot about the future – i.e. the storm sewer issue. Because they didn't plan for the future, the taxpayers are "paying for it" now. No more land can be assessed to keep the tax base; and once all the land is used, taxes will need to be raised. He stated that long-range planning might suggest permitting the signs in some selected areas (but he doesn't agree with every area proposed by Councilman Martin). He stressed the need to regulate size and timing for any signs erected. Summing up, Councilman Mumma proposed that the signs be permitted east of town, but is not sure if they are needed south or west of town. He suggested that, if Rutter's would want an electronic sign, they should be given the opportunity to erect one. Mr. Mumma noted that his mind is not completely made up, but "this is the way he is leaning".

Mayor Starliper stated that he received several telephone calls providing negative input on this matter. He noted he doesn't feel that electronic signs will help to promote business in downtown Waynesboro. Businesses are already established – and if someone specifically requests a sign like this, it could be considered. He added that, at this point, if there is a 3-3 tie, he "will vote against it". He added that the 75' at intersections and 100' at residences, as recommended, are good in his estimation.

Councilman Stains commented that he would rather hear from a business that is coming into the area and saying that this (an electronic sign) is something that would draw them in. However, he stated that when he drives through other communities (not knowing their ordinances or regulations), he notices that establishments such as McDonald's blend in and are able to co-exist with the existing town's history without "flashy" signs. He hopes that this would not "make or break" a business's decision to move into our town.

President Newcomer noted that he has talked with many citizens and expressed his views regarding the matter. His home is just outside of Rutter's on Third Street, and a flashing sign at that location would affect his house tremendously. He recounted another telephone conversation from a gentleman who mentioned a very nice location in Hagerstown, MD, near the former Sears building. There is a beautiful development near a very clean area with electronic signs. He noted that he would welcome that type of addition to the Waynesboro area. President Newcomer stated that he doesn't represent himself in his Council seat, but his constituents; and, just as the Mayor stated, if the matter were to come to a vote, he would vote against it based on their comments.

Stephen Monn, 126 W. Main Street – Mr. Monn, Secretary of the Waynesboro Planning Commission, commented first as a Planning Commission member. He explained that the intent of the Planning Commission's work was to make the Sign Ordinance (particularly the part dealing with electronic signs) better able to stand up to a constitutional challenge in court. This had been done several years ago with off-premises advertising (the billboard section) and changes were made in order to protect it constitutionally. Before those changes, you could not have off-premises advertising in the Borough, meaning your sign had to be on the lot with the business that was running it. Under advisement of counsel, this task was undertaken for billboards; and it was discovered that the electronic portion of the ordinance was in the same shape. Since signs fall under the realm

of free speech in Pennsylvania courts, it is a very sensitive area. So the Planning Commission decided to clear up that “cloudy” area and changed some definitions to make the definitions of these types of signs more clear. They originally decided to allow them, but only in the same four (4) areas where off-premise billboards were allowed. They also decided that the rate of change would be set at 15 seconds, because that seemed to be a timeframe that would hold up in court. Under “push and suggestion of allowing it in other places”, that is where the map on display came from. This is not from the Planning Commission itself; and he guaranteed that “at least one member” will be ready to propose going back to the original change (to make it constitutional, but not to allow these signs anywhere but the same four areas). Kevin Grubbs explained the four (4) areas mentioned: GC area from Frick Avenue to Borough line on the west end at Route 16, the GC area across from Allegheny Power, the GC area on Route 997 (N. Church Street) north of King Street; and the industrial area on State Hill Road at Ninth Street and Old Mill Road.

A member of the public asked if flashing multi-color signs will be allowed, or just single-color scrolling writing. Solicitor Dively responded that, from the current draft, it will be a sign that utilizes flashing, scrolling or intermittent lights, create text or images ... and goes on to discuss the 15-second limit.

Another member of the public asked if the signs would be flashing, scrolling, etc. 24-hours a day? Stephen Monn noted that the Planning Commission didn’t feel there would be a problem in the four (4) areas they designated; but it certainly could create a problem in other areas if they were more widespread.

Tom McCloud asked, if the areas are expanded to S. Potomac Street and the Waynesboro Mall, could each business within that mall have a flashing sign? Melissa Dively noted that it would depend on how the parcel was zoned. Stephen Monn added that it would have to follow all the other restrictions in the Sign Ordinance (he gave examples). Councilman Martin noted that his philosophy is that one (1) sign be permitted at Waynesboro Mall and one (1) at the South Potomac Shopping Center for all the tenants. He further suggested that none of the businesses in the areas proposed by Mr. Monn would want to erect a sign which costs \$30,000.

Stepping out of his role as a Planning Commission member, and speaking as a resident of Main Street, Mr. Monn noted that he finds these types of signs distasteful. He noted that there are only two (2) of these in the Borough or the Township – if these were such an important component for a business, he finds it strange that neither Lowes nor Walmart has any sort of flashing signs on their premises. They feel no need to have flashing, changing signs to attract business ... which indicates they are not a key to a successful business.

More discussion was held on the CVS and Chamber sign issue.

Lynn McBride, Rinehart Drive (Washington Township) – Ms. McBride mentioned the comment made earlier that the businesses in the areas where the Planning Commission is proposing that electronic signs be allowed would not put up one of these signs. But Councilman Mumma noted that we have to look at things, not just for today, but for the future. In 15 or 20 years, there may be a business in those areas that wants those signs. So, if they are allowed so that the ordinance is constitutional, and a business wants those signs, then they can position themselves in the area where the signs are allowed.

Melinda Anglin, 403 Clayton Avenue – Ms. Anglin shared a memory about driving from work in Montgomery County to her home in Waynesboro (an almost pristine community). But then the Welty Bridge changed, and now there is a truck rental facility on State Hill Road (where she assumes there will some day be a flashing sign). She feels that the wonderful feeling she once had will be ruined.

Ms. Anglin also asked if the lights being replaced along Main Street will have “helmets”. She noted concern about the brightness. Mr. Hamberger explained that they are replacing the bulbs in the overhanging street lights (not the decorative lights along Main Street).

Margaret Schmelzer, 128 W. Main Street – Ms. Schmelzer noted her concern that, even though Council says now that the electronic signs will not be permitted in downtown, someday someone may use the other areas as leverage to get them approved. She worries that, perhaps, the car dealership across the street from her Bed & Breakfast may want one ... if constitutionally they are allowed to have the sign, then constitutionally she feels should be allowed to say how bright it is and how long it is on. Her business, and the integrity of her business, depends on the night's sleep that people get. She explained that out-of-town guests stay at their home when visiting relatives, attending funerals, etc. She noted that they have already changed the blinds in their front room three (3) times to block out existing light. Ms. Schmelzer commented that the electronic signs do not go with the cohesiveness of the Downtown Master Plan (as was discussed at a recent meeting).

Councilman McCammon recalled when the F & M Bank was built at S. Broad and Main Streets. One day a flashing sign appeared. They were sent a letter advising that it was not permitted, and the sign (which was quite expensive) was removed. But the business is still there ... apparently the flashing sign was not needed after all.

Councilman Martin noted that, as the signs are very expensive, there will not be very many of them. He stated that one of the reasons he ran for Council is that Waynesboro needs to be pro-growth. Waynesboro doesn't have the land that Washington Township has; and if we don't use what we have to attract businesses and jobs here, taxes will have to be raised. Members of the public agreed that they need to be pro-growth, but aesthetic and historic as well.

Council President Newcomer suggested ending the discussion and moving forward.

MODIFICATION TO CIVIL SERVICE COMMISSION RULES AND REGULATIONS RE: POLICE: Mr. Hamberger stated that the Civil Service Commission has recommended modifications to the minimum qualifications for applicants for the Police Officer examinations (excluding the requirement for Act 120 certification). The amendments were offered to Council for their consideration. Councilman McCammon made a motion to approve the proposed modification to the Civil Service Commission's Rules and Regulations, as presented. Councilman Greenawalt seconded; the motion passed unanimously.

NEW BUSINESS

PLANNING COMMISSION ITEMS: Kevin Grubbs reported on the following items, which were discussed at the Planning Commission's most recent meeting –

- Walnut Knolls (Re-subdivision) – Re-subdivision involving Lots #74-83, changing proposed duplexes to townhouse units. The plans were reviewed by the Waynesboro Planning Commission and Franklin County Planning Commission; approval was recommended, contingent upon minor revisions regarding the designation of two (2) parking spaces for each unit and dimensions/setback lines being shown on the plans. The requested revisions have been made. Councilman McCammon made a motion to approve the plans, as presented. Councilman Greenawalt seconded; the motion passed unanimously. (Councilman Martin abstained, due to a conflict of interest.)
- Jedidiah Youth Ministries, 69 W. Main Street (Conversion) – Moving office to first floor with existing blind manufacturing business. A wall to divide each business will be constructed. The Planning Commission requested that plans be submitted; and they were reviewed and recommended for approval. Councilman McCammon made a motion to approve the proposed conversion plans, as presented. Councilman Greenawalt seconded; the motion passed unanimously.

- Wanda Kell, 801 S. Potomac Street – Revised Subdivision/Land Development Plan (constructing a duplex unit on an empty lot). Required revisions have been completed, and the Planning Commission has recommended approval. Mr. Grubbs noted that the owner has applied for a Highway Occupancy Permit for driveway aprons; and PENNDOT is requiring that 20' of the curbing on each side of the driveway be painted yellow. Councilman McCammon made a motion to approve the plans, as presented; and further, to have the required painting completed by the Borough's Maintenance Department (with the property owner being billed for the paint used). Councilman Greenawalt seconded; the motion passed unanimously. (Councilman Martin abstained, due to a conflict of interest.)
- Jeffrey Howe, 366 Ringgold Street – Lot addition – Mr. Howe obtained property from his neighbor, Mr. William McCarrey. Currently, Mr. Howe's garage in the rear of his property encroaches onto Mr. McCarrey's property. The plan was reviewed and recommended for approval by the Waynesboro Planning Commission and Franklin County Planning Commission. Councilman McCammon made a motion to approve the plan, as presented. Councilman Greenawalt seconded; the motion passed unanimously.
- Brimington Farm Development (Subdivision) – Lots 131 and 132 are being combined into one (1) single-family lot. The Waynesboro Planning Commission and Franklin County Planning Commission have recommended approval. Councilman McCammon made a motion to approve the plans, as submitted. Councilman Stains seconded; the motion passed unanimously.

Kevin Grubbs also reported that the proposed ordinance regarding outdoor furnaces in the Borough has been reviewed by the Waynesboro Planning Commission, and they requested that the Solicitor make several revisions. He presented the modified ordinance for Council's review. It was suggested that Council discuss the matter at their next meeting. Council concurred.

PARK RULES AND ROTARY PARK RENTAL AGREEMENT/FEE STRUCTURE: Mr. Hamberger noted that, as Phase I of the Rotary Park has been completed and Phase II is almost complete, the Recreation Board has recommended revisions to the Park Rules and Regulations. He reviewed the specific changes, which involved rental of the Rotary Park and the use of gas grills in park areas. Councilman McCammon made a motion to approve the revised Park Rules and Regulations, as presented. Councilman Greenawalt seconded; the motion passed unanimously.

Mr. Hamberger then presented a proposed Rental Agreement for the Rotary Park, which includes a rental fee of \$25.00 (½ day) and \$45.00 (full day). Solicitor Dively has reviewed and approved the proposed agreement. Councilman McCammon made a motion to approve the Rental Agreement (including fees), as presented. Councilman Greenawalt seconded; the motion passed unanimously.

RESOLUTION RE: MEMORIAL PARK GRANT: Mr. Hamberger noted that the proposed Memorial Park grant application was discussed earlier in the meeting. He presented a resolution binding the Borough to provide matching funds, and authorizing the Council President (Craig Newcomer) to execute the signature page of the grant application. Councilman McCammon made a motion to approve Resolution No. 2008-12, as presented. Councilman Stains seconded; the motion passed unanimously.

RESOLUTION NO. 2008-12

WHEREAS, the Borough of Waynesboro ("Applicant") desires to undertake the following project: MEMORIAL PARK RENOVATION PROJECT; and

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

WHEREAS, the application package includes a document entitled “Terms and Conditions of Grant” and a document entitled “Signature Page for Grant Application and Grant Agreement”; and

WHEREAS, the applicant understands that the contents of the document entitled “Terms and Conditions of Grant”, including appendices referred to therein, will become the terms and conditions of a Grant Agreement between the applicant and the Department if the applicant is awarded a grant; and

NOW THEREFORE, it is resolved that:

Complete copy on file at Borough Hall.

MEMO RE: BILLABLE HOURS CALCULATION: Mr. Hamberger explained that a list of billable hour calculations must be submitted with the Memorial Park grant application. It has been the Borough’s policy to add 40% to labor costs and 10% to material costs (which Council approved in the past); and current Council will need to re-affirm this as the Borough’s practice. He added that this will need to be reviewed in the future because current labor costs are significantly higher. Councilman McCammon made a motion to re-affirm the current billable hours calculation (40% to labor costs and 10% to material costs), as described by the Borough Manager. Councilman Greenawalt seconded. Councilman Martin questioned if equipment rental fees should also be included, suggesting that an additional fuel charge be added to those rates. Mr. Hamberger advised that he and Denny Benschhoff will review the matter and make recommendations for Council’s consideration at their next meeting. The motion then passed unanimously.

REQUEST TO BURN BRUSH AT GOLF COURSE: Mr. Hamberger noted that the Borough has accumulated a large pile of brush at the golf course, and they would like to burn it. As burning is not permitted, except as a special exception, he presented proposed Resolution 2008-11 for this purpose. Councilman McCammon made a motion to approve Resolution 2008-11, as presented. Councilman Greenawalt seconded. Mayor Starliper suggested that a clause be included that the fire should be observed by an adult. The motion passed unanimously.

MEMORANDUM OF UNDERSTANDING (WKR D LIMITED FAMILY PARTNERSHIP): Leiter Pryor presented a proposed Memorandum of Understanding between the WKR D Limited Family Partnership and Waynesboro Borough Authority regarding utility line installation at C.V. Avenue. He noted that the proposed document has been reviewed by the WBA, its Solicitor and the Borough Solicitor; but the Gsells (WKR D) have indicated they “have a problem” with the indemnification clause in the agreement. Council agreed that the indemnification is necessary, and decided to table the matter.

PUBLIC IN ATTENDANCE - NON-AGENDA ITEMS:

Frank Bittner, 842 Anthony Avenue - Mr. Bittner posed several questions regarding the rental property inspection program outlined in the newspaper, including who will oversee the program (Council will appoint the person), if there will be an inspection checklist (yes, a standard inspection form will be completed for each apartment), and where he can obtain a copy of the International Property Maintenance Code (at Borough Hall’s front desk or in the Code Enforcement Office). Mr. Bittner also questioned why several “squares” have been cut into the sidewalk on Main Street from Fairview to Tritle Avenues. Mr. Hamberger noted that street lights are being placed there. Mr. Bittner also asked for an update on the use of flowable backfill. Councilman Martin

responded that no decision has been made regarding that matter – they are still in discussions with the Waynesboro Borough Authority at this time.

Gene Martin, 124 E. Fifth Street - Mr. Martin commented that the proposed rental property inspection program appears to be an attempt to generate revenue and (perhaps) harass the landlords. He stated that the apartments should not only be inspected when tenants move into an apartment, but also when they move out and “tear it up”. Councilman Martin suggested that Mr. Martin attend the Planning Commission meeting (held on the second Monday of each month at 7:30 p.m.) when this matter will be discussed further.

Jerry Casto, 403 Clayton Avenue – Mr. Casto spoke about the “horrible” condition of Fourth Street between Clayton and Myrtle Avenues. It was his understanding that the street was going to be repaved two (2) years ago, but it hasn’t happened yet. Councilman McCammon advised Mr. Casto to bring the matter to the Street Committee, which meets on the first Wednesday of each month at 10:00 a.m. in the first floor conference room of Borough Hall.

John Fitz, Wayne Band – Mr. Fitz noted that the Wayne Band meets in Council Chambers of Borough Hall three (3) Mondays each month. There has been some conflict recently on the second Monday of the month, at which time they practice at the Grace Brethren Church. He presented a letter requesting additional financial support from the Borough for consideration during their budget negotiations for 2009.

FOR INFORMATION ONLY

ANNUAL SPRING MEETING (FRANKLIN COUNTY ASSOCIATION OF TOWNSHIP OFFICIALS): Council members received an invitation to attend the Franklin County Association of Township Officials’ Annual Spring Meeting on May 22nd. Those wishing to attend were asked to contact Melinda Knott.

Dan Sheffler also noted that he provided information to Council members regarding PSAB meetings on Rental Property Inspection Programs. The one closest to Waynesboro is on May 22nd also; and he suggested that some of the Council members may want to attend.

PAY BILLS: Councilman Mumma noted that Check Nos. 46102 and 46171 were voided; and he motioned to approve Check Nos. 46103 thru 46170 and 46172 thru 46230. Councilman Greenawalt seconded; the motion passed unanimously.

COUNCIL AND STAFF COMMENTS: Councilman Martin noted that the primary elections in Pennsylvania are on Tuesday, April 22nd; and he has been approached by a candidate asking for the Borough’s support. He feels that this may be beneficial, because many requests are made of the state officials on behalf of the Borough. He personally would like for the Borough Council to support Rich Alloway. As he is new to Council, however, he was unsure if this could be done. Council asked for advice from the Solicitor. Ms. Dively noted that she has never been asked this before, and would hesitate to give an opinion before researching the matter. Council agreed to table the matter, and Councilman Martin encouraged the public to “get out and vote”. President Newcomer stated that he has no problem in voicing his personal opinion that Mr. Alloway is the only candidate who has not been involved in “mud slinging”.

Fire Chief Dave Martin reported that George Rowe IV began work as a Fire Apparatus Driver the previous morning. He publicly thanked the volunteers for providing funding (\$9,000) to replace the hydraulic pump on the Rescue Truck.

Police Chief Ray Shultz noted that Integrian is scheduled to complete work next week on installation of computers in the police vehicles. In addition, the tasers have arrived; an officer is scheduled for training/certification as an instructor on May 7-8.

Councilman Greenawalt reported that he and Kevin Grubbs recently attended the dedication ceremony for the new skateboard park at Pine Hill.

Mayor Starliper commented favorably on the recent article in the newspaper about yard sale signs; and he reminded residents that the signs cannot be placed on utility poles or Borough property. He reported that tonight is Chief Ray Shultz's last official Council meeting, but he will be requested to return to the next meeting. Mr. Starliper also commented on an article by Shelly Houck in the *Borough News* magazine regarding the procedure for a Council member to abstain from voting on an issue. She reported that the official must verbally state the reason for the abstention, as well as submitting a written memorandum stating the same to the secretary or whoever is taking the minutes. This requirement is in Section 1103-J of the State Ethics Law.

President Newcomer complimented Chief Shultz on the Drug Task Force report. He also thanked the public for their attendance and input.

Having no further business to discuss, the meeting adjourned at 10:04 p.m. on a McCammon/Mumma motion which passed unanimously.

Respectfully Submitted,

Melinda S. Knott
Administrative Assistant