

AUGUST 20, 2008
WAYNESBORO, PA 17268
REGULAR MEETING

Council President Craig Newcomer called the regularly scheduled meeting of the Waynesboro Borough Council to order at 7:33 p.m. with the following in attendance:

Borough Council Members – Benjamin Greenawalt, Jason Stains, C. Harold Mumma, Craig Newcomer, Charles McCammon and Ronald Martin

(Mayor Starliper was absent)

Borough Staff – Lloyd R. Hamberger, II, Borough Manager
Denny Benshoff, Maintenance Superintendent
Dan Sheffler, Zoning-Code Enforcement Officer
Kevin Grubbs, Head of Engineering Services
Melissa Dively, Borough Solicitor (Salzmann Hughes, PC)
Mark King, Police Chief
Dave Martin, Fire Chief

PLEDGE OF ALLEGIANCE: Councilman Harold Mumma led those present in the Pledge of Allegiance.

APPROVE MINUTES: Councilman Martin suggested a change be made on page 5, in the discussion regarding the opinion of residents on Third Street from Myrtle Avenue to Clayton Avenue and the parking situation. Councilman McCammon made a motion to approve the minutes of the August 6, 2008 regular meeting, as amended. Councilman Greenawalt seconded; the motion passed unanimously.

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

EXECUTIVE SESSION: Council adjourned to executive session at 7:36 p.m. for the purpose of discussing a personnel issue. They returned to regular session several minutes later.

COMMITTEE REPORTS

PERSONNEL COMMITTEE: Councilman Mumma noted that he will take action on the following items during the “voting” section of the meeting --

- Transfer Doug Whittington to the position of Park Maintenance Supervisor (he has been doing the job since Terry Barkdoll's retirement). This was an internal posting, for which Mr. Whittington was the only applicant.
- Hire Amanda Chamberlain as a Lifeguard at Northside Pool.
- Hire two (2) individuals as part-time Police Officers (John Fleagle and Lyle J. P. Williams), subject to final background checks.

- He received a successful performance evaluation for Mike Benshoff, however no action was required.
- Dinah Shockey (Library Director) recommends Patricia O'Connor to fill a vacant position on the Library Board.
- Accept resignation from Police Department.

PROPERTY AND PUBLIC SAFETY COMMITTEE: No report.

STREET COMMITTEE: Councilman Martin noted that he will make a motion on one (1) item during the “voting” section later in the meeting.

INTERGOVERNMENTAL COMMITTEE: Councilman Stains noted that he has one (1) item to be discussed under “For Information Only” on the agenda.

DOWNTOWN REVITALIZATION COMMITTEE: Council President Newcomer noted that he will give a report later in the meeting.

FINANCE COMMITTEE: Councilman Mumma reported that the Finance Committee is in the process of evaluating responsibilities of the Borough’s office personnel and non-union employees of the Police Department. This will be an ongoing process over the next several weeks.

MAYOR’S REPORT: No report, as the Mayor was absent.

SOLICITOR’S REPORT: No report.

PUBLIC COMMENT - ITEMS ON AGENDA:

Harry Morningstar, Jr., 205 Clayton Avenue - Mr. Morningstar noted that representatives of the Design Committee of Mainstreet Waynesboro, Inc. have met with Police Chief Mark King, Head of Engineering Services Kevin Grubbs and Maintenance Superintendent Denny Benshoff to discuss security and lighting at proposed trees in the Rotary parking lot. They have “geared down” their original plan considerably – they feel it is an acceptable compromise, and are hopeful that it meets with Council’s satisfaction.

Discussion was held regarding a donor mentioned at the last meeting for the additional trees. Mr. Morningstar commended that the donor would prefer to remain anonymous, and Councilman Martin asked how much money has been committed. Discussion ensued regarding the number of trees to be donated, as well as the type of trees to be used. Mr. Morningstar stated that, to provide a sense of unit, he feels the same type of trees planted along Main Street should be used. Councilman Mumma suggested that non-deciduous trees be used, as these would require less maintenance and would provide greenery all year long. Mr. Morningstar countered, however, that evergreens may cause an obstruction of the light. Councilman Martin again asked how much money has been committed, and Mr. Morningstar assured him that money for the additional 20 trees will not be a problem.

Joanna Wildeson (Mulberry Laundry Center) - Ms. Wildeson noted that her business is located on the Rotary parking lot. She pointed out that four (4) of the proposed trees will eliminate much of the parking for her establishment.

Dave Martin (Waynesboro Volunteer Fire Department) - Mr. Martin noted that the volunteers have held their annual carnival for 40 years on the Rotary parking lot (the average net income over the last several years has been approximately \$20,000/year). This money is used to provide funding for apparatus and equipment for use by the Waynesboro Fire Department. In 2005, the volunteers

committed to the purchase of a new aerial truck, for a total purchase price of nearly \$900,000; and annual payments of \$37,000 are being made jointly by the two (2) fire companies. Although the Rotary parking lot is scheduled for paving and upgrades, its location next to the fire station, social room, and rented storage garage makes it convenient for annual fundraisers. The volunteers hope that this desirable site would be able to be utilized in the future for fundraising events.

Councilman Martin noted that previous Council members have stated that the carnival cannot be held at the site once the parking lot is repaved. One of the reasons for this statement was because of driving pins into the blacktop. Dave Martin noted that various fundraising events could be held there (including a carnival), but there would not need to be heavy rides which require the pins in the blacktop. The area could also be used for fairs, car shows, etc.

President Newcomer commented that this plan has been talked about for years, and it has been discussed with representatives of the Fire Department numerous times. He noted that Mont Alto Fire Department holds their annual carnival in Quincy, and raises over \$100,000. He questioned why the Waynesboro Fire Department limits themselves to such a small area. Dave Martin noted that Mont Alto is taking in a lot of money, but they aren't making much because of their expenses. Waynesboro Fire Department makes enough money at this location to offset their expenses. They are also looking at alternative fundraising methods, including a street fair with vendors and/or a car show. Mr. Newcomer noted that Council would like to help them do that as well. The Rotary parking lot is important to the revitalization of our downtown. Dave Martin responded that the volunteers are not against the upgrades, they would just like to know that they will be permitted to use the parking lot for their fundraising events. Mr. Newcomer noted that Council will certainly work with them in this regard.

VOTING ON ITEMS FROM COMMITTEE REPORTS: Councilman Mumma made a motion to appoint Patricia O'Connor to the Library Board. Said term would expire on February 1, 2011. Councilman Stains seconded; the motion passed unanimously.

Councilman Mumma made a motion to hire Amanda Chamberlain as a Lifeguard as Northside Pool for the remainder of the season. Councilman McCammon seconded; the motion passed unanimously.

Councilman Mumma made a motion to transfer Doug Whittington from the Maintenance Department to the position of Park Maintenance Supervisor, effective immediately. As he was already removed from probationary status, there will be no probationary period for this position. Councilman Stains seconded; the motion passed unanimously.

Councilman Mumma made a motion to hire Lyle J. P. Williams as a part-time Police Officer, at the rate of \$14.75/hour. It was noted that this hiring is subject to a final background check. Councilman Stains seconded; the motion passed 5-1 (Councilman McCammon opposed).

Councilman Mumma made a motion to hire John Fleagle as a part-time Police Officer, at the rate of \$14.75/hour. This hiring is also subject to a final background check. Councilman Martin seconded; the motion passed 5-1 (Councilman McCammon opposed).

Councilman Mumma made a motion to accept the resignation of David Haugh from the Police Department, effective September 14th. Councilman Greenawalt seconded. Discussion followed regarding his reasons for leaving. Councilman Mumma noted that the Personnel Committee will request an exit review, if Mr. Haugh is willing. Chief King noted that Mr. Haugh began employment with the Department in 2005. It is his understanding that he is looking for employment with a larger department where there are more opportunities. Chief King noted that he is sorry to lose him. The motion passed unanimously.

Councilman Martin reported that he and Kevin Grubbs met recently with Ed Milligan, plant manager at Johnston Controls. They explained to him that, due to the increase in blacktop prices, the project has increased by \$40,000 and “blew our reserve”. Mr. Milligan was asked to review the matter to determine if they could “help us out”. Discussion was held regarding ingress and egress for their trucks, and it was recommended that the first parking meter on the south side of W. Main Street (the first one from S. Grant Street down) be removed, and the stop bar be moved back to ensure that trucks with heavy loads can adequately make the turn. Kevin Grubbs noted that he submitted this plan to PENNDOT, but they are requiring three (3) parking spaces, not one (1). Councilman Martin added that these measures are only being taken on a temporary basis until C.V. Avenue is completed. Councilman Martin made a motion to take the necessary action as outlined. Councilman Stains seconded; the motion passed unanimously.

UNFINISHED BUSINESS

HOUSING STUDY: Mr. Hamberger noted that Council members previously received information regarding the proposal for a housing study, and a copy was forwarded to the Franklin County Housing Authority for their review. The fee for the study is not-to-exceed \$10,400. Councilman Martin made a motion to accept the proposal submitted by Spotts, Stevens & McCoy (SSM). Councilman Mumma seconded; the motion passed 5-1 (Councilman McCammon opposed).

ELECTRONIC MESSAGE SIGN ORDINANCE: (Ronald Martin recused himself from the discussion on this matter.) Mr. Hamberger noted that the proposed ordinance was advertised for Council’s consideration at this meeting, and a public hearing was held regarding the matter on August 6th. Councilman Mumma made a motion to approve the proposed ordinance as advertised. Councilman Greenawalt seconded; the motion passed 4-1 (Councilman McCammon opposed).

(Councilman Martin returned to the meeting.)

ORDINANCE NO.

AN ORDINANCE TO AMEND ORDINANCE NO. 937 OF THE BOROUGH OF WAYNESBORO BY REVISING AND ADDING THERETO PROVISIONS RELATING TO THE CHAPTER ON ZONING AS IT RELATES TO ELECTRONIC MESSAGE BUSINESS SIGNS

Complete copy on file at Borough Hall.

REVISED TRAFFIC ORDINANCE: Kevin Grubbs noted that this proposed ordinance will update recent actions taken by Council with regard to traffic and parking regulations. Council received a copy at their last meeting, and requested that the action taken regarding parking on Myrtle Avenue be included. Councilman Greenawalt made a motion to approve the advertisement of this proposed ordinance for consideration at Council’s meeting on September 3rd. Councilman Mumma seconded; the motion passed unanimously.

NEW BUSINESS

REQUESTS FROM MAINSTREET WAYNESBORO, INC. RE: MARKET DAY ACTIVITIES AND FINAL “FRIDAY AFTER FIVE” EVENT: Kevin Grubbs noted that he received information late yesterday regarding these requests. “Friday After Five” is scheduled for September 5th from 5-8 p.m., during which time various outdoor events have been planned. Mainstreet Waynesboro, Inc. is requesting to place a banner across Main Street advertising this event (as well as the Market Day celebration to be held on October 4th). In order to apply for a permit from PENNDOT, Council will need

to pass a resolution approving the request. Councilman McCammon made a motion to approve the requests for "Friday After Five" and Market Day activities, as well as the proposed banner across Main Street advertising the events, as presented. Councilman Stains seconded. Councilman Martin suggested that information be provided to Susquehanna Bank regarding the proposed street closing.

Mr. Grubbs noted that the Borough has had problems in the past with displaying banners, and they have been exploring alternative methods for fastening the banners. Allegheny Power has been providing a community service to other communities by erecting permanent poles for banners. He will pursue the matter further and report back to Council with additional information in the near future. A vote was called, and the motion passed unanimously.

2007 CDBG PROGRAM MODIFICATIONS: (Council President Newcomer recused himself.) Mr. Hamberger noted that Council held the required public hearing prior to this meeting, and Council needs to decide if they wish to transfer \$10,000 from the 2007 administrative portion of the CDBG grant to a line item for Maranatha. Councilman Stains made a motion to approve a modification of the 2007 CDBG Program to provide funding for Maranatha. Hearing no second, the motion died.

(President Newcomer returned.)

WEED ORDINANCE: Mr. Hamberger noted that he would like to review this matter with the Solicitor, but explained that they found a "glitch" in the current Weed Ordinance. It is superceded by the Property Maintenance Code, which requires a long procedure of notification (the old Weed Ordinance said that at 10", you can issue a citation). He proposed that the previous ordinance be re-adopted, to provide the Code Enforcement Officer with a more rapid way of enforcing the ordinance. Councilman McCammon made a motion to authorize preparation of a revised Weed Ordinance, as discussed by the Borough Manager. Councilman Greenawalt seconded; the motion passed unanimously.

PUBLIC IN ATTENDANCE - NON-AGENDA ITEMS: None.

FOR INFORMATION ONLY

ASSET BUILDING LUNCHEON (AUGUST 26, 2008) SPONSORED BY WABEC, WAYNESBORO AREA COMMUNITIES THAT CARE AND ROTARY CLUB OF WAYNESBORO: Council received an invitation to an Asset Building Luncheon on August 26, 2008. Mr. Hamberger requested that anyone interested in attending let him know.

FRANKLIN COUNTY AREA DEVELOPMENT CORPORATION INDUSTRY APPRECIATION DINNER (SEPTEMBER 4, 2008): Councilmen were invited to attend the FCADC Industry Appreciation Dinner on September 4th. Ben Greenawalt, Harold Mumma, Charles McCammon, Craig Newcomer and Lloyd Hamberger will attend.

PENNSYLVANIA STATE ASSOCIATION OF BOROUGH FALL LEADERSHIP CONFERENCE (OCTOBER 17-19, 2008): Those interested in attending the PSAB Fall Leadership Conference were asked to contact Melinda Knott as soon as possible.

CHANNEL CHANGES (COMCAST): Councilman Stains reported on several channel changes, as indicated in Comcast's August 12th correspondence.

KEYSTONE OPPORTUNITY ZONE (KOZ) - Tool Company: Councilman Martin - discussed several years ago. Tool Company is leaving. Would like for myself and Craig Newcomer and someone else to go to School Board and ask them to join us in this effort. Would help on redevelopment of area. LRH - was approved by Franklin County and Borough of Waynesboro in 2004. School Board turned down.

Alleviation of property taxes for so many years as incentive to do certain types of development in KOZ. Councilman Martin made a motion. Councilman Greenawalt seconded; the motion passed unanimously.

ENGINEER'S REPORT - ALLEY OFF OF FAIRVIEW AVENUE: Kevin Grubbs noted that he and Melissa Dively researched the matter. The drawing on file (referenced by Mr. Leatherman at the last meeting) was of the original subdivision for the western portion of Fairview Avenue, showing this as an alley. Solicitor Dively reported that it was the collective memory of all Borough personnel who were asked that the alley has not been maintained, repaired or used in any fashion by the Borough as an open street for at least 21 years (and maybe further back). She noted that the Borough could consider it to have been opened at some time, but abandoned for a significant amount of time; and then could go through the process of formally abandoning the alley. Mr. Grubbs noted that a large portion of the alley remains grass and earth, and the other part is paved to the rear of Eugene Leatherman's property. Ms. Dively added that it was never dedicated as a public street or alley. It would appear that it was never opened by the Borough and remained a private alley that was created with the original subdivision. She noted that she could review deeds for the adjacent properties to determine if it is referenced as a public alley in those.

Eugene Leatherman questioned if he could put a gate up to the blacktopped parking area, and Solicitor Dively noted he was asking for a legal opinion that has nothing to do with her position as Solicitor for the Borough. Councilman Martin recommended that he confer with an attorney regarding the matter.

FACADE IMPROVEMENT PROGRAM APPLICATION - REAL KILL, 33 E. MAIN STREET: Mr. Hamberger presented a Facade Improvement Program application for Real Kill, 33 E. Main Street. The application has been approved by the Design Review Committee and by the State. Councilman McCammon made a motion to grant final approval of the application, as presented. Councilman Greenawalt seconded; the motion passed unanimously.

MACHINE COMPANY METER PIT: Mr. Hamberger noted that Machine Company's water meter pit on Fifth Street, which houses their two (2) main water meters, was damaged several months ago by a car and has since been barricaded off. Machine Company is in the process of having it repaired, but they are asking for assistance in repairing the street. Councilman Martin noted that Machine Company is a good employer in the Borough, and accordingly made a motion that the Borough's Maintenance Department take care of the street repair. Councilman Stains seconded; the motion passed unanimously.

TRINITY HOUSE TAX APPEAL: Mr. Hamberger noted that he received information late last week regarding a tax appeal for Trinity House, and a pre-trial memo was required to be filed by the Borough Solicitor. Melissa Dively explained that, traditionally two bodies take the lead in these matters (usually the School District and County, because they have the largest stake), but the Borough is named as a defendant. Mr. Hamberger added that the Borough usually defers to the School District and County, and approves their decision on the settlement.

Councilman Stains made a motion to affirm authorization for the Solicitor to sign the required pre-trial memo on behalf of the Borough in the Trinity House tax appeal matter. Councilman Martin seconded, but noted that the Borough should be more involved in the future. He requested a copy of the appraisals, and Ms. Dively noted that she will request a copy of the application on behalf of the taxing authorities. A vote was called and the motion passed unanimously.

COG MEETING: Mr. Hamberger reported that he and Councilman Mumma attended a Council of Governments (COG) meeting recently, during which time PA prevailing wage regulations were discussed. He explained the concept of prevailing wages and gave an example that, previously, if governments did less than 2" of blacktop it was considered maintenance (and prevailing wages did

not apply). Now, any project over \$25,000 (if done by an independent contractor) is considered prevailing wage. The COG has requested that the municipalities take an aggressive stand and attempt to get the legislature to look at the entire concept of prevailing wages, as the current regulations increase the cost of government construction tremendously. They would like to see the limit raised from \$25,000 to maybe \$300,000-\$500,000; and if there is to be a wage determination, it should be based on local wages. Various Borough and Township associations will be asked to assist in this endeavor.

ROTARY PARKING LOT TREES: Kevin Grubbs reported on the meeting held with Harry Morningstar Jr., following discussion at the last Council meeting. Much of the original plan for the Rotary parking lot was incorporated into a new plan, which now includes 24 trees, 164-10x20' parking spaces, plus three (3) handicapped parking spaces, and a brick border around the parking lot.

Councilman McCammon made a motion to keep the same motion made several weeks ago, for a maximum of eight (8) trees. Councilman Greenawalt seconded. Councilman Martin then suggested that the plan be modified to remove the trees from the center and those which are blocking the parking area for the Mulberry Laundry Center, and to include only six (6) trees. He requested that Councilman McCammon amend his motion as such (adding that additional trees could be added later, if Council so desired). Councilman McCammon amended his motion accordingly. Councilman Greenawalt seconded the amended motion.

Council President Newcomer commented that Council made a decision several weeks ago for eight (8) trees, which was decided upon because of money. Now the community is offering to pay for additional trees, and Council is looking at putting in less. He noted he feels there is some sort of "hidden agenda", and asked why they don't want the trees. Trees are aesthetically good for parking lots, and the major reason the Rotary parking lot upgrade project was begun was for aesthetics. He stated that he is against the idea of removing more trees from the plan.

Councilman Martin stated that he wants to accommodate the Fire Company's desire to use the parking lot for fundraising events - he is not going to turn his back on them, because they save the Borough a lot of money. In addition, he has asked repeatedly where the money is coming from (Mr. Morningstar noted that he has a donor, but has not stated how much money has been committed). He feels that the projects needs to move, and trees can be added later. He added that he finds it hard to believe that no one will come to Waynesboro is there aren't 26 trees in the Rotary parking lot.

Councilman Mumma noted that he is in favor of adding landscaping, especially since Kevin Grubbs assured Council at the last meeting that adding a few extra trees would not affect the schedule for getting this project done. He questioned Fire Chief Martin if the extra trees would be a significant hindrance to the Fire Company in their plans for fundraising events. Mr. Martin noted that it would depend on the type and size of the trees, and if parking area will be limited. Mr. Mumma also noted he feels that light blockage from the tree limbs would be very minimal, and he reiterated his feeling that there should be some evergreens included. He added that he feels strongly that trees need to be added, as long as he is guaranteed that it will not hold up the project.

Joanne Wildeson again reminded Council that she would prefer for the four (4) trees near her business to be removed from the plan.

Councilman Stains noted his agreement with President Newcomer – eight (8) trees were agreed upon because of funding, and Kevin Grubbs was asked at that time if trees could be added in the future if/when money becomes available. He felt that the original plan was grandiose, but feels that this revised plan is much more scaled back. He disagrees with a comment he heard that additional trees will add crime – that will happen anyway, and the Police Department works hard to control it in the community. He understands Councilman Martin's comments that they aren't being told how much money has been committed, but he feels that Council should take Mr. Morningstar's word that he has

adequate funding for the additional trees requested. Mr. Stains feels that the trees should be included in the plan (except the four blocking parking at the Mulberry Laundry Center).

A vote was called on the current motion on the floor – that being for six (6) trees. Voting in favor were Councilmen Martin, Greenawalt and McCammon. Voting in opposition were Councilmen Stains, Mumma and Newcomer. Being a tie vote (3-3), the Mayor normally votes to break the tie; however the Mayor was absent from this meeting. Solicitor Dively researched the situation, and noted that a tie vote is considered a negative.

Councilman Mumma then made a motion to proceed with 24 trees, provided that Council is guaranteed this will not hinder the project and the cost of the additional trees will be taken care of by the donor. Councilman Stains seconded. Voting in favor were Councilmen Stains, Mumma and Newcomer. Voting in opposition were Councilmen Martin, Greenawalt and McCammon. Being a tie vote (3-3) again, the tie vote is a negative.

Councilman Martin then made a motion to take the trees out of the center of the parking lot and leave in 12 around the perimeter. President Newcomer asked if he would amend his motion that Council could add trees later if there is a donor. Councilman Martin replied negatively. He noted that that could be discussed as “new business” at a later date. Councilman McCammon seconded the motion. Mr. Newcomer asked the Solicitor if the motion goes forward, can Council change it if they have the potential for more trees at a later date. Ms. Dively answered that that is not a part of the motion. Mr. Newcomer explained that he would like to ensure that discussion on additional trees is not closed. Ms. Dively noted that Council can always bring it up at another time. A vote was then called; and the motion to proceed with 12 trees, taking out the trees in the center of the parking lot, passed unanimously.

Kevin Grubbs asked for clarification on the matter – does Council want the corridor in the center to remain or be made into additional parking spaces? Councilman Martin made a motion to remove the four (4) trees and put parking back in at the top of the lot (near the Mulberry Laundry Center), leaving in the corridor (without trees) in the center. Councilman McCammon seconded; the motion passed unanimously.

PAY BILLS: Councilman Mumma made a motion to void Check Nos. 46813 and 46838, and 46760 thru 46765; and to approve the payment of Check Nos. 46814 thru 46863, and 46766 thru 46812. Councilman Greenawalt seconded; the motion passed unanimously.

COUNCIL AND STAFF COMMENTS: Councilman Martin noted that the Street Committee will meet on Wednesday, August 27th, at 9:00 a.m., in Borough Hall’s first floor conference room. He also noted that the report from Accredited Services shows that a building permit was issued for Turkey Hill on July 31st.

Kevin Grubbs reported that the crosswalk at Fairview Avenue and Main Street was relocated to the top of the hill to provide better visibility. PENNDOT noted, however, that they would not approve a permit to put in a handicapped curb on the north side unless the one on the south side is moved to align with the north (even though PENNDOT put it in). He has received an estimate of \$1,345 to put the handicapped curb at the correct location on the south side. Councilman Martin made a motion to approve the expenditure, but noted that Representative Todd Rock will be requested to attend the next Street Committee meeting to discuss difficulties being experienced with PENNDOT’s permitting requirements. Councilman Greenawalt seconded; the motion passed unanimously.

Chief Martin reported that work to transfer the pick-up truck acquired from the Water Plant into a brush truck is almost complete. The unit will be placed into service on Thursday, August 28th, at 7:00 p.m., at the Virginia Avenue Fire Station. He invited Borough officials to attend.

Mr. Hamberger noted that the next Tri-County Boroughs Association meeting will be held on September 30th, in New Cumberland. Those wishing to attend were asked to contact him.

Having no further business to discuss, the meeting adjourned at 9:12 p.m. on a Mumma/McCammon motion which passed unanimously.

Respectfully Submitted,

Melinda S. Knott
Administrative Assistant