

FEBRUARY 20, 2008
WAYNESBORO, PA 17268
REGULAR MEETING

Council President Craig Newcomer called the regularly scheduled meeting of the Waynesboro Borough Council to order at 7:23 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 Richard Starliper

Borough Staff – Lloyd R. Hamberger, II, Borough Manager
Denny Benschoff, Maintenance Superintendent
Dan Sheffler, Zoning-Code Enforcement Officer
S. Leiter Pryor, Director of Borough Utilities
Kevin Grubbs, Head of Engineering Services
Melissa Dively, Borough Solicitor (Salzmann Hughes, PC)
Dave Martin, Fire Chief

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

APPROVE MINUTES: Councilman Martin noted the following changes/corrections to the minutes of the February 6, 2008 regular meeting –

- Under Northeast Avenue One-Way Discussion, change Councilman Martin's motion to read "that the Borough of Waynesboro work with Washington Township, Senator Punt and Representative Rock, to obtain grant money for a traffic light, and if unable to obtain grant money, and if the State is willing to give half or a third, then the Borough and Washington 'pony-up' to pay the balance, with the borough covering up to \$75,000, with Washington Township matching \$75,000."
- Under Street Committee, change third paragraph to read "Councilman Martin made a motion to install 'no parking, except on Sunday' signs on King Street from Crown Court to the alley and on the east side of Elder Avenue to facilitate trucks going to the Furniture Market. The A.M.E. Church will install a concrete barrier to keep traffic from going onto their property. Councilman Stains seconded; the motion passed unanimously."

Councilman McCammon made a motion to approve the minutes of the February 6th meeting with the aforementioned changes. 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 appointments to the Emergency Services Alliance, as well as Library Board reappointments and resignations, will be discussed during

the “voting section” of the meeting.

PROPERTY AND PUBLIC SAFETY COMMITTEE: No report.

STREET COMMITTEE: No report.

INTERGOVERNMENTAL COMMITTEE: No report.

DOWNTOWN REVITALIZATION COMMITTEE: No report.

FINANCE COMMITTEE: Councilman Mumma noted that the Finance Committee will meet to discuss the Mayor’s request for additional money for either a vehicle or personnel.

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

“On February 16th, along with Councilman Greenawalt, I attended the Waynesboro Volunteer Fire Company’s 25th Annual Awards Dinner. As always, we can never say enough about all that the volunteers do. Thank you.

On February 17th, I had the privilege to present certificates to Daniel Carey and Dominic Moyer for their achievement of obtaining their Eagle Scout Award.

On February 19th, Chief Shultz and I, along with Congressman Bill Shuster’s field representative, Jeremy Shoemaker, talked about grants for the digital radios for the Police Department. I have also been in contact with the Ambulance Squad and Fire Department to obtain from them their needs. Once this information is received from them, I will forward their requests to Mr. Shoemaker. At this point, there is no guarantee of funds, but you never can tell.”

SOLICITOR’S REPORT: Melissa Dively noted it is her understanding that Councilman Martin would like to see the traffic study changes to the Subdivision/Land Development Ordinance “put on a fast track”. In order to do so and meet requirements of the Municipalities Planning Code, the Planning Commission must review the proposed ordinance change at least 30 days prior to the date of a public hearing (and the same timeframe for review by the Franklin County Planning Commission). At the Planning Commission’s last meeting, revisions and changes were suggested to the proposed ordinance. She noted that it could be the will of Council to set up a public hearing anticipating an approved revised ordinance from the next planning meeting. Clarification on the requirements were reviewed by Solicitor Dively. She noted that the public hearing notice could include a statement that the ordinance will be considered for adoption at Council’s meeting immediately after the hearing – this requires a seven-day notice period.

Ms. Dively explained that the Planning Commission was concerned with language in the proposed ordinance which indicated that the Borough would determine if a traffic study will be requested, and they (the Planning Commission) would also like that option. Discussion followed regarding the matter. It was noted that the Planning Commission can make recommendations, but they are still an advisory board only. Any final decisions on the matter will be up to Council.

Councilman Martin made a motion to schedule a public hearing (and consideration of the ordinance at the Council meeting immediately following the hearing) at Council’s first meeting in April. Councilman McCammon seconded; the motion passed unanimously.

PUBLIC COMMENT - ITEMS ON AGENDA: None.

VOTING ON ITEMS FROM COMMITTEE REPORTS: Councilman Mumma made a motion to reappoint Patricia Groff to the Library Board (said term would expire on 02/01/2011). Councilman Greenawalt seconded; the motion passed unanimously.

Councilman Mumma made a motion to accept the resignation of Michael Rea from the Library Board. It was noted that the Library Director will provide Council with a recommendation for his replacement at a later date. Councilman Greenawalt seconded; the motion passed unanimously.

Councilman Mumma made a motion to appoint Councilman Benjamin Greenawalt, Deputy Fire Chief Jody Sanders and/or Deputy Fire Chief Trayer Stoops to the Franklin County Emergency Service Alliance. Councilman Stains seconded; the motion passed unanimously.

UNFINISHED BUSINESS

FEDERAL AID REIMBURSEMENT AGREEMENT FOR CUMBERLAND VALLEY AVENUE/SECOND STREET: Mr. Hamberger presented a reimbursement agreement for C.V. Avenue/Second Street for Council's approval. The agreement has been reviewed and approved by the Solicitor. Councilman McCammon made a motion to approve the agreement, as presented. Councilman Stains seconded; the motion passed unanimously.

RESOLUTION NO. 2008-05 RE: AGREEMENT WITH PENNDOT FOR ACCEPTANCE OF SFX FUNDS: Mr. Hamberger presented proposed Resolution No. 2008-05 which authorizes the aforementioned reimbursement agreement. Councilman Mumma made a motion to adopt Resolution No. 2008-05. Councilman Martin seconded; the motion passed unanimously.

RESOLUTION 2008-05

**BOROUGH OF WAYNESBORO
RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT
WITH THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION
FOR ACCEPTANCE OF SFX FUNDS**

Complete copy on file at Borough Hall.

SCHOOL RESOURCE OFFICER: Mayor Starliper reported that he has received correspondence from an individual who is interested in the School Resource Officer's position. Per the agreement with the School Board, they are requesting to interview the applicant. Accordingly, Mr. Starliper requested that an interview be arranged with the Personnel Committee, Mayor and School Board representative. As there is only one training course for this position in the area (at Indiantown Gap in July/August, 2008), Mayor Starliper requested Council's approval (pending the interview) to send this individual to the appropriate training. Councilman Martin made a motion as such. Councilman Mumma seconded; the motion passed unanimously.

FLOWABLE BACKFILL: Councilman Martin noted that the Street Committee, Kevin Grubbs and Leiter Pryor are reviewing this matter. A report will be forthcoming.

CHIEF OF POLICE JOB DESCRIPTION: Mr. Hamberger noted that, during the application process for this position, several changes to the existing job description were considered. Items I & J under "Education and Experience" will be modified as follows –

I. Demonstrated responsible experience or a combination of education and experience equal to five years in management, public budgeting or other general administrative functions.

J. Three years experience or a combination of education and experience equal to three years in law enforcement administration.

Councilman Mumma made a motion to make the recommended changes. Councilman Martin seconded. It was noted that applicants for the Police Chief's position were previously advised that changes to the job description were being considered. The motion passed 5-1 (Councilman McCammon opposed).

Mr. Hamberger noted that he would like to schedule interviews for the position as soon as possible. Once Council selects a candidate, that candidate must go before the Civil Service Commission for a non-competitive examination. The Civil Service Commission then makes a recommendation to Council for action. In addition, if a Corporal or Sergeant is appointed to the Chief's position, a promotion examination will need to be held to replace that individual in the ranking. Interviews will be scheduled for Monday, February 24th, and Wednesday, February 26th.

Mayor Starliper suggested that candidates for the position be interviewed separately by local Police Chiefs. Discussion on the matter ensued, and it was the consensus of Council that the interviews include Council members only.

GRANT FUNDING (ROTARY PARKING LOT RENOVATION): Mr. Hamberger noted that the Borough has obtained a grant (with the assistance of Senator Terry Punt) in the amount of \$76,175 for renovations at the Rotary parking lot. He is also pursuing a secondary grant for follow-up work. Councilman Martin made a motion for the appropriate Borough officials to execute the required documents. Councilman McCammon seconded. Councilman Mumma questioned if there are any drainage situations which need to be considered prior to this work being done. President Newcomer noted there are not. The motion then passed unanimously.

CIVIL SERVICE UPDATE: Mr. Hamberger noted that the Civil Service Commission has provided Council with an official register for the position of Fire Apparatus Driver, however the list only contains one (1) individual who was certified. Section 1203 in the Civil Service Commission's rules and regulations states that Council may request a second test in order that they would have a three-person list from which to choose. The individual already certified could either keep that score or take the examination again. Mr. Hamberger commented that the individual scored "76", which is good on this test. Councilman Martin made a motion to move forward in the hiring process, using the existing list of eligibles (even though it only contains one). Councilman McCammon seconded; the motion passed unanimously.

CORRESPONDENCE FROM AUDITORS: Mr. Hamberger presented correspondence from Smith Elliott Kearns & Company, the Borough's auditors. When they provided a quote for services for the years 2007, 2008 and 2009, their estimated fees were \$17,500, \$18,000 and \$18,600, respectively. Since that time, however, new regulations have been imposed which require more work. Accordingly, they are requesting increases in their fees as follows: from \$17,500 to \$18,000; from \$18,000 to \$18,550; and from \$18,600 to \$19,100. Mr. Hamberger recommended approval. Councilman McCammon made a motion to approve their request, as outlined. Councilman Stains seconded. Councilman Martin noted concern with the fact that the audit services are provided from "out of town". Council agreed that proposals will be sought when the current contract with Smith Elliott Kearns & Company expires following the 2009 audit. A vote was called and the motion passed unanimously.

NEW BUSINESS

PLANNING COMMISSION ITEMS: Kevin Grubbs noted that the Waynesboro Planning Commission reviewed a subdivision/lot addition for Marshall Lanehart on S. Price Avenue. Waynesboro Planning

Commission recommended approval of the plans, contingent upon a revision to indicate the exact location of the sanitary sewer lateral for the existing dwelling on Tract #2. When those revisions have been received, the plans will be reviewed and brought to Borough Council for final signatures. Mr. Grubbs added that the Franklin County Planning Commission has also reviewed the plans and provided “no comment”. Councilman McCammon made a motion to approve the plans, with the contingency noted by the Planning Commission. Councilman Greenawalt seconded; the motion passed unanimously. (*Councilman Martin removed himself from the meeting at this point in time, due to a potential conflict of interest).

Kevin Grubbs noted that Craig Mahrle is proposing to construct six (6) residential units and one (1) commercial unit in the rear of 80 W. Main Street (the former Beck & Benedict Store). Revisions were requested at the Planning Commission’s previous meeting. After review, they recommended approval. The plans meet all standards of the Subdivision/Land Development and Zoning Ordinances. Councilman Stains made a motion to approve the plans, as presented. Councilman Greenawalt seconded. Discussion followed regarding parking requirements for the location. Parking spaces for this subdivision were created on the next lot (84 W. Main Street), but there was only room for 18 (20 were required). A variance was granted for relief of two (2) parking spaces by the Zoning Hearing Board. No Stormwater Management Plan was required because this development was under 5,000 s.f.; and a copy of the Condo Association documents has been received and reviewed by the Borough’s Solicitor. A vote was called; the motion passed 5-0 (Councilman McCammon abstained).

Kevin Grubbs noted that Otterbein Ministries is proposing the construction of a 50'x95' “sprung” building, to provide additional classroom facilities on their property on S. Potomac Street. The Waynesboro Planning Commission recommended approval of the plans to Council, contingent upon minor revisions being made. He explained that revisions were required to their Stormwater Management Plans – an inlet was moved from under the building into the parking lot. Kevin Grubbs noted that all stormwater issues have been reviewed and approved by the Borough’s consulting engineers. All ordinances and requirements have been met. Councilman McCammon made a motion to approve the Land Development Plans for Otterbein Ministries, as presented. Councilman Greenawalt seconded. A vote was called and the motion passed unanimously.

Kevin Grubbs presented Council with a draft ordinance for stormwater management revisions. The Planning Commission reviewed the ordinance and requested that the percentage release rates table supplied be included with the Plate A map which outlines the sub-areas of Waynesboro. That being done, the ordinance is being presented to Council for consideration, with the Waynesboro Planning Commission’s recommendation for proceeding with adoption. Councilman McCammon made a motion to proceed with adoption of the ordinance amending the Stormwater Management Ordinance. Councilman Greenawalt seconded; the motion passed unanimously.

Kevin Grubbs presented information regarding the proposed Electronic Message Board Ordinance. The Planning Commission has reviewed the matter and suggested the following changes: (1) A 15-second time interval for copy change; (2) Installation of the signs within the same zoning districts as the billboard signs; and (3) Allowing the signs to be located on Main Street from Grant Street to the west and Walnut Street to the east. The Planning Commission will review these revisions at their March meeting and will provide a recommendation to Council. At this time Councilman Martin spoke directly to the media, and clarified that he never said he wanted to put electronic signs on the downtown business. It was proposed that the signs be allowed east of Walnut Street, west of Grant Street, at Rutters on S. Potomac Street south, and where the billboards were allowed. He also informed Mr. Grubbs that the 15-second interval is not acceptable, and he suggested a 3-second interval instead.

Kevin Grubbs noted that the Planning Commission has reviewed (and recommended approval of) a proposed zoning change along W. Main Street from S. Price Avenue to the west. The units along Main Street will be changed from PR (Planned Residential) to RM (Medium Density Residential).

Councilman McCammon made a motion to proceed with the proposed re-zoning. Councilman Greenawalt seconded. Councilman Martin voiced his opinion that there should be fees involved when an individual requests a zoning change. It was noted that this request was generated by Council; and perhaps a fee for such requests in the future could be considered. A vote was called and the motion passed unanimously.

Kevin Grubbs discussed a request received from Dave Fair to vacate an alley east of 332 Northfield Avenue. His intention, after removal of the existing dwelling, is to subdivide the property and construct two (2) single-family dwellings. In order to do this, he will have to encroach within the alley area for the building setback requirements. He added that this is an unimproved alley that is not maintained by the Borough. After research of the matter, it was determined that Mr. Fair will need to discuss the matter with the Waynesboro Borough Authority. He explained that the Morningstar Heights Development has a six-inch sanitary sewer line coming through the alley (for which there is a conveyed easement). Mr. Fair would still like to have a portion of the alley vacated, and he would agree to give the WBA the easement to maintain the line. Councilman McCammon suggested that Mr. Fair go before the Zoning Hearing Board to request a variance. Kevin Grubbs recommended that he approach the WBA first to see if they would entertain this option. After additional discussion regarding the matter, Councilman Martin made a motion to table the matter until Mr. Fair has gone to the WBA for their comments. Councilman Mumma seconded; the motion passed unanimously.

FAIR HOUSING RESOLUTION (RESOLUTION NO. 2008-06): Mr. Hamberger presented proposed Resolution No. 2008-06 (Fair Housing Resolution), which is a requirement of the CDBG program. Councilman McCammon made a motion to adopt Resolution No. 2008-06, as presented. Councilman Greenawalt seconded; the motion passed unanimously.

RESOLUTION 2008-06
FAIR HOUSING RESOLUTION

LET IT BE KNOWN TO ALL PERSONS of the Borough of Waynesboro that discrimination in the sale, rental, financing of housing or land to be used for construction of housing, or in the provision of brokerage services because of race, color, religion, ancestry, sex, national origin, handicap or disability is prohibited by Title VIII of the Civil Rights Act of 1968 (Federal Fair Housing Law) and the Pennsylvania Human Relations Act. It is the policy of the Borough of Waynesboro to implement programs to ensure equal opportunity in housing for all persons regardless of race, color, religion, ancestry, sex, national origin, handicap or disability, or familial status (families with children). Therefore, the Borough of Waynesboro does hereby pass the following Resolution.

Complete copy on file at Borough Hall.

REQUEST TO HOLD SECOND ANNUAL CLASSIC CAR AND TRUCK SHOW (MAINSTREET WAYNESBORO, INC.): Mr. Hamberger presented a request from Mainstreet Waynesboro, Inc. to hold the Second Annual Classic Car and Truck Show on Saturday, June 21st, and requesting the closing of Main Street from Potomac to Walnut Streets between 8:00 a.m. and 4:00 p.m. Councilman McCammon made a motion to approve the request. Councilman Greenawalt seconded. It was noted that they have enlisted the assistance of the Waynesboro Fire Police for traffic control. The motion passed unanimously.

NPDES PERMIT RENEWAL (COLD SPRING ESTATES): Mr. Hamberger presented correspondence regarding Cold Spring Estates' renewal application for their NPDES permit. He noted that this is "pro forma". Comments should be forwarded to the DEP office listed in the letter.

PUBLIC IN ATTENDANCE - NON-AGENDA ITEMS:

Richard Rose, 118 W. Fifth Street – Mr. Rose noted that he was given a copy of the stormwater analysis at a previous meeting, and he has a lot of questions and comments regarding proposed recommendations. He had requested to be notified of any subsequent meetings with the consulting engineer; but was disappointed to learn (at 6:00 p.m. this evening) that the meeting was being held this evening. He felt it would have been common courtesy for a representative of the Borough to contact him and the other “handful” of residents who were interested in this matter. Council advised Mr. Rose that an additional meeting will be held on the following Wednesday (February 27th) at 6:00 p.m., and invited him to attend.

Barb Person, 227 W. Main Street, and Anna Root, 824 Stottlemeyer Road (representatives of Mainstreet Waynesboro, Inc. - The two were present to formally apologize to Council (and especially President Newcomer) for the way Mainstreet Waynesboro, Inc. was represented at Council’s last meeting. The Executive Committee of Mainstreet Waynesboro, Inc. reacted to information provided by a Board member, assuming it to be valid (and it turned out not to be). Mr. Brockman, who was out-of-town and unable to attend this evening’s meeting, also sent his apologies for the manner in which he presented that information to Borough Council. Furthermore, the remainder of the Board was unaware (and did not approve) of the manner in which he presented that information. Borough Council and Mainstreet Waynesboro, Inc. has always worked well together over the past few years; and they are hopeful that that will continue. Several members verbally noted their acceptance.

Frank Bittner, 842 Anthony Avenue - Mr. Bittner posed several questions regarding the School Resource Officer’s position. President Newcomer explained that the Borough was approached by the School District to apply for grant monies for a police officer to work within the school district, covering both the Middle and High Schools (and doing some educational programs at the elementary schools also). He also asked for clarification of the term “flowable backfill” – that was provided..

ADDITION TO FEBRUARY 6, 2008 MINUTES: Councilman Martin made a motion to further amend the minutes of the February 6, 2008 meeting to include correspondence from Washington Township dated February 5, 2008. Councilman Mumma seconded; the motion passed unanimously.

FOR INFORMATION ONLY

FRANKLIN COUNTY AREA DEVELOPMENT CORPORATION (FCADC) ANNUAL GENERAL MEMBERSHIP BREAKFAST MEETING: Council was given information regarding this meeting to be held on February 28th in Chambersburg. Those interested in attending were asked to contact Melinda Knott.

PENNSYLVANIA STATE ASSOCIATION OF BOROUGH TRainers (2008 LEADERSHIP SKILLS FOR ELECTED OFFICIALS): Mr. Hamberger provided training information to Council on Leadership Skills for Elected Officials. Those interested in attending were asked to contact Melinda Knott.

MODIFICATION TO FIRE APPARATUS DRIVERS’ MINIMUM STANDARDS: Mr. Hamberger noted that one of the reasons that only one (1) candidate was eligible for the Civil Service Register for Fire Apparatus Drivers was the requirement for FFI certification. The Civil Service Commission has recommended approval of this change, based upon comments from former Fire Chief Ron Flegel. The matter will be placed on Council’s agenda for the next meeting.

On a related matter, Mr. Hamberger advised that the civil service examination for Police Officer is scheduled for March 26th. An advertisement has been placed in *The Record Herald*; and he will ensure that it is posted at HACC.

PAY BILLS: Councilman Mumma made a motion to approve the payment of Check Nos. 45853 thru 45896 (Check Nos. 45851 and 52 were voided). Councilman Stains seconded; the motion passed

unanimously.

COUNCIL AND STAFF COMMENTS: Leiter Pryor reported that the Waynesboro Borough Authority has been working with Gannett Fleming on final design of the well treatment facility. They plan to advertise for bids on March 21st, open bids on April 23rd, award bids on May 20th, and break ground sometime in June or July.

Solicitor Dively requested Council's permission to legally review the framework of the procedures for amending Section 505 under the Municipalities Planning Code. She noted that Council does not want to have a challenge to an ordinance that may not have been enacted with the right stages. She noted that she will work on the requested amendment, but would like to be comfortable about the timeframe. Council concurred.

Fire Chief Dave Martin reported that the panel has been replaced on the fire alarm system at the S. Potomac Street Fire Station, and the system is "up and running".

Having no further business to discuss, the meeting adjourned at 8:48 p.m. on a Greenawalt/McCammon motion which passed unanimously.

Respectfully Submitted,

Melinda S. Knott
Administrative Assistant