

OCTOBER 15, 2008
WAYNESBORO, PA 17268
REGULAR MEETING

Council President Craig Newcomer called the regularly scheduled meeting of the Waynesboro Borough Council to order at 7:35 p.m. with the following in attendance:

Borough Council Members – Benjamin Greenawalt, 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
Kevin Grubbs, Head of Engineering Services
Melissa Dively, Borough Solicitor (Salzmann Hughes, PC)
Jody Sanders, Deputy Fire Chief
Mark King, Police Chief

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 October 1, 2008 special meeting and regular meeting, 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. Councilman Martin requested that the number of cases solved be included in the Police Chief's Report. Chief King noted that the numbers shown in parentheses are arrests, but he will attempt to have the information clarified in more detail. The motion passed unanimously.

COMMITTEE REPORTS

PERSONNEL COMMITTEE: Councilman Mumma noted that he will present motions on several matters during the "voting" section of the meeting.

PROPERTY AND PUBLIC SAFETY COMMITTEE: No report.

STREET COMMITTEE: Councilman Martin reported that Council members received a list of alleys paved by the Maintenance Department. He added that there was an allotted amount of money for the alleys, and they were able to complete six (6).

INTERGOVERNMENTAL COMMITTEE: Mr. Hamberger reported that Comcast's rates are "going up".

DOWNTOWN REVITALIZATION COMMITTEE: President Newcomer advised that Mainstreet Waynesboro, Inc. held a meeting with state officials on Monday, which he reported was very successful. He added that they are still working with several businesses (restaurants) in hopes of them locating downtown.

FINANCE COMMITTEE: No report.

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

“On October 4th, I swore in the newest member of the Waynesboro police force, John Fleagle.

Later in the day, along with Chief Dave Martin, Zoe of Zoe's Chocolates, and Elsie of Neverland Games, I helped to judge the chili cook-off competition. The other judges were the many individuals who bought tickets to have the opportunity of voting for their favorite. Also, the four of us judged the scarecrows that were and are on the street light poles on Main Street.

On October 5th, I was invited to give the Crop Walk walkers their send-off. This year marks the 37th year for Waynesboro to be involved. Waynesboro's Crop Walk is the second oldest in the United States.

My thanks and congratulations to Mainstreet and the Crop Walk individuals for their participation.”

SOLICITOR'S REPORT: No report.

PUBLIC COMMENT - ITEMS ON AGENDA: None.

VOTING ON ITEMS FROM COMMITTEE REPORTS: Councilman Mumma made a motion to hire Michael Ely as Mechanic, at the rate of \$15.95/hour (less 5% during his six-month probationary period), subject to successfully passing a pre-employment drug/alcohol test and securing a CDL during his probationary period. Councilman Greenawalt seconded. Discussion followed regarding his credentials, and it was noted that Mr. Ely was highly recommended by his past and present employers. A vote was called and the motion passed unanimously.

Councilman Mumma made a motion to hire Scott Crum, Jr. as Driver/Operator-Laborer, at the rate of \$11.91/hour (less 5% during his six-month probationary period), subject to successfully passing a pre-employment drug/alcohol test and securing a CDL during his probationary period. Councilman McCammon seconded; the motion passed unanimously.

Councilman Mumma made a motion to re-appoint Deborah Hoff and Donald Weller to the Planning Commission; said terms would expire on October 20, 2012. Councilman Martin seconded; the motion passed unanimously.

Councilman Martin noted he was informed that Orville Strasser, 138 Cleveland Avenue, passed away. Accordingly, Mr. Martin made a motion to remove the handicapped parking space in front of his residence. Councilman Greenawalt seconded; the motion passed unanimously.

UNFINISHED BUSINESS

YELLOW RIBBONS FOR FAMILY READINESS GROUP: President Newcomer noted that he spoke with Karen Keefer regarding their request. She asked that the yellow ribbons be put on the lampposts and remain there until the soldiers return home. She advised that the ribbons will be checked weekly to ensure that they are in good condition, and will be replaced as needed. Councilman Martin made a motion to approve the request with those restrictions. Councilman Greenawalt seconded. After further discussion regarding the date the ribbons can be put in place, Councilman Martin amended his motion

to allow the ribbons, beginning on October 16th, until they return home (in approximately October, 2009). Councilman Greenawalt seconded the amended motion; the motion passed unanimously.

BURN REQUEST (M & H CONSTRUCTION, INC.): Mr. Hamberger presented correspondence from M & H Construction, Inc. regarding their attempt to clean-up the former Benju property at 220 S. Potomac Street Rear. They are clearing weeds, brush and debris from the site and would like to burn it on-site. Mr. Hamberger presented proposed Resolution 2008-22, for Council's consideration. Deputy Fire Chief Jody Sanders noted no problems with the request. Councilman McCammon made a motion to approve the request. Councilman Mumma seconded. Councilman Martin opened discussion on the amount of brush to be burned. Mike Henicle estimated there are 20-25 trees, plus shrubs, etc. Councilman Martin noted he feels this is a very congested area for a burn because of the resultant smoke. Deputy Chief Sanders suggested that they make small piles and attempt to keep the smoke to a minimum. Mr. Hamberger added that the Fire Chief (or his representative) has the right to shut down the burn if there are complaints or the smoke becomes excessive. He advised Mr. Henicle that approval for the burn would be limited to three (3) days. Councilman Greenawalt stated he feels that Council would be opening themselves up to future requests for the same by developers. President Newcomer responded that the requests are considered on a case by case basis. He noted that the area needs cleaned up and he is in favor of the request. Discussion followed regarding other entities which have requested an exception; and it was noted that the School District has burned debris in the past. It was pointed out, however, that their burn was in a much less congested area. A vote was called, and the motion passed 3-2 (Councilmen Martin and Greenawalt opposed).

RESOLUTION NO. 2008-22

WHEREAS, Section V, Subsection 9 of Borough Ordinance No. 956, known as the "Air Pollution Control Ordinance of 1994", provides that Borough Council may from time to time adopt exceptions to the open burning prohibition in the Borough of Waynesboro by resolution, and

Complete copy on file at Borough Hall.

NEW BUSINESS

PLANNING COMMISSION ITEMS: Kevin Grubbs presented a Land Development Plan for Paul and Victoria Funk, 140 N. Church Street. He explained that they are converting a single-family dwelling to a duplex unit (over and under). They meet all requirements of the pertinent ordinances, as well as the Zoning Hearing Board's requirements for a setback encroachment variance. The Waynesboro Planning Commission has recommended the plan for approval. Councilman McCammon made a plan to approve the Funk plan, as presented. Councilman Greenawalt seconded; the motion passed unanimously.

CONSIDER "WEED ORDINANCE" FOR ADOPTION: Mr. Hamberger presented the proposed "Weed Ordinance" for Council's consideration. The ordinance has been duly advertised, and Mr. Hamberger recommended it be effective upon adoption. Councilman Mumma made a motion to adopt the proposed Weed Ordinance, as presented. Hearing no second, however, the motion died.

AWARD BIDS FOR ROTARY PARKING LOT TEXTURIZING: Mr. Hamberger reported that bids for the Rotary Parking Lot Texturizing were opened. The apparent low bidder was Craig Paving, who bid \$3.67/s.f. for pavement texturizing/colored spray coating and \$.40/s.f. for sand mortar joints/seals. The staff has reviewed the bids and is recommending approval. Councilman McCammon made a motion to award the bids to Craig Paving. Councilman Greenawalt seconded; the motion passed unanimously.

RENEW LOCAL SERVICES TAX (LST): Solicitor Dively noted that this is an administrative matter, but will clarify that from this year forward, the LST is renewed yearly. She added that there are no changes to the tax itself. Councilman Martin made a motion to authorize advertisement of the proposed ordinance. Councilman Greenawalt seconded; the motion passed unanimously.

PUBLIC IN ATTENDANCE - NON-AGENDA ITEMS:

George Link, 531 S. Church Street - In regards to the Weed Ordinance, Mr. Link complained that he has been “fighting this problem for four years”. His property is adjacent to the former Landis Tool Company site. They sold a piece of property that was handled by the “Great American Bunkbed Company”, which is now defunct. The property has not been mowed for some time, and is now in excess of approximately 2' at his property line. He has observed rodents/snakes in his garage (which he never had before). Mr. Link noted that Councilman Martin was kind enough to have it mowed the last time (on July 29th).

Code Enforcement Officer Dan Sheffler explained that, with the current Property Maintenance Ordinance, he must give the property owner(s) notice and time to remedy the situation before issuing citations. The “new” ordinance would permit him to issue citations immediately when the grass/weeds are above 10”, which should get the mowing done more expeditiously.

After further discussion on the matter and the proposed “new” Weed Ordinance, Councilman Martin advised that he has the property listed for sale and will see that it is mowed.

Frank Bittner, 842 Anthony Avenue - Mr. Bittner commended Council members on approval of the request to place yellow ribbons in Center Square for the soldiers who are at war.

FOR INFORMATION ONLY

REMINDER ON FRANKLIN COUNTY DRUG TASK FORCE FALL BREAKFAST (NOVEMBER 7, 2008): Mr. Hamberger reminded Council members of the upcoming Drug Task Force Breakfast to be held on November 7th. RSVPs are requested by October 31st. Individuals interested in attending were asked to contact Melinda Knott as soon as possible.

PASSING OF PSAB COLLEAGUE: Mr. Hamberger informed Council members that Don Carman, President of the Pennsylvania State Association of Boroughs, passed away recently as the result of an auto accident. Council members offered condolences to his family.

UPDATE ON PAVING PROJECTS: Kevin Grubbs explained several problems which caused a delay on the C.V. Avenue project. He reported that PENNDOT approved their request for a time extension (to October 31st) for applying wearing course, and he anticipates paving to take place the following week.

Mr. Grubbs also reported that all water services have been repaired, and Fayetteville Contractors will apply the base coat on North Street the following morning. In addition, the upper part of N. Broad Street is being excavated at this time, and things are “going smoothly”.

Mr. Hamberger added that the Maintenance Department should be commended for their assistance on these projects, particularly C.V. Avenue (which is quite complicated). Mr. Grubbs informed Council that Frick Company will be moving a large piece of equipment in the near future, which should sufficient test the weight limit on the newly-applied base on C.V. Avenue. He noted that the equipment will be moved prior to application of the top coat, in case any damage occurs.

PAY BILLS: Councilman Mumma noted that Check Nos. 47115 and 47163 will be voided, and he made a motion to approve the payment of Check Nos. 47116 thru 47168. Councilman Greenawalt seconded. Councilman Martin questioned the \$6,000 payment on Check No. 47130 – Mr. Hamberger explained that this was for curb/sidewalk work (a lien has been placed on the property for repayment by the property owner). A vote was then called, and the motion passed unanimously.

COUNCIL AND STAFF COMMENTS: Kevin Grubbs advised Council of several problems encountered with the Rotary parking lot project. Because of the wattage, they had to increase the amount of lighting required. Allegheny Power has a “double-head acorn” light, but the gentleman who can provide specifications and pricing for these lights is out-of-town. In addition, due to the cooler temperatures (particularly in the morning), there may be a problem with getting the street print accomplished. It was suggested that the lot could be paved this fall and the street printing done in spring. Trenching for the lights will need to be done, and Mr. Grubbs was instructed to obtain whatever information possible from Allegheny Power and/or the manufacturer to proceed with the double-head lighting.

Solicitor Dively requested that Council hold an executive session after the meeting to discuss personnel issues.

Police Chief King reported he was informed that LTAP’s report on the Walkable Communities Pilot Program will be available for review in approximately 2-3 weeks.

Councilman Mumma noted that discussions have been held between the Personnel Committee and former Police Chief Shultz, Chief King and Borough Manager Hamberger regarding the job description for Kim Green. His plans are to provide information to Council for action at their next meeting.

President Newcomer noted that he had the privilege of a personal experience with part-time Police Officer L. Paul Williams. He found him to be very professional and feels he is an asset to our Police Department. He is hopeful that, sometime in the near future, he can move into a permanent position. Mr. Hamberger advised that the civil service examination for Police Officer is scheduled for October 20th.

Council then adjourned to executive session at 8:27 p.m. They reconvened and adjourned at 9:10 p.m. on a Greenawalt/Mumma motion which passed unanimously.

Respectfully Submitted,

Melinda S. Knott
Administrative Assistant