

DECEMBER 19, 2007
WAYNESBORO, PA 17268
REGULAR MEETING

Council President Craig Newcomer called the regularly scheduled meeting of the Waynesboro Borough Council to order at 7:48 p.m. with the following in attendance:

Borough Council Members – Allen Porter, Jason Stains, Richard George, Craig Newcomer, Charles McCammon and Allen Berry

Mayor Richard Starliper

Borough Staff – Lloyd R. Hamberger, II, Borough Manager
Denny Benshoff, Maintenance Superintendent
Kevin Grubbs, Head of Engineering Services
Melissa Dively, Borough Solicitor (Salzmann Hughes, PC)
Ray Shultz, Police Chief
Ron Flegel, Fire Chief

Mr. Newcomer apologized to the public for the delay in beginning the meeting, however Council was conducting interviews in the first floor conference room, which took longer than was anticipated.

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

APPROVE MINUTES: Councilman Stains made a motion to approve the minutes of the November 29, 2007 special meeting, as written. Councilman Porter seconded; the motion passed unanimously. Councilman Stains made a further motion to approve the minutes of the December 5, 2007 regular meeting, as written. Councilman Porter seconded; the motion passed unanimously.

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

COMMITTEE REPORTS

PERSONNEL COMMITTEE: Councilman Berry reported that he received a performance evaluation for Harry Grove (which required no action), and three (3) other items which 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 AND FINANCE COMMITTEE: Council President Newcomer noted that Council will consider adoption of the proposed 2008 budget later in the meeting.

MAYOR’S REPORT: Mayor Starliper noted that Council previously approved the appointment of Tammy Shank as a Police Officer, contingent upon her successful completion of physical and

psychological evaluations. Those having been completed, Mayor Starliper requested Council's approval of a January 7th start date for Ms. Shank. Councilman McCammon made a motion to approve the Mayor's request regarding Officer Shank. Councilman Stains seconded; the motion passed unanimously.

MAYOR'S PRESENTATIONS: Mayor Starliper read a letter from Franklin County District Attorney John Nelson commending Corporal Mark King's dedication in providing investigative services which led to the recent conviction of a dangerous predator in the area. He noted that Corporal King's assistance and efforts should be recognized and commended; and Mayor Starliper presented him with a Proclamation.

Mayor Starliper also presented Proclamations to members of the Waynesboro Fire Police, an organization which has provided valuable assistance to the Borough and its citizens for 75+ years.

SOLICITOR'S REPORT: No report.

PUBLIC COMMENT - ITEMS ON AGENDA: None.

VOTING ON ITEMS FROM COMMITTEE REPORTS: Councilman Berry made a motion to approve a step increase for S. Leiter Pryor to salary level 20E. Councilman McCammon seconded; the motion passed unanimously.

Councilman Berry made a motion to re-appoint Dennis Cordell to the Waynesboro Recreation Board; said term to expire on 12/31/2012. Councilman McCammon seconded; the motion passed unanimously.

Councilman Berry made a motion to re-appoint Lee Layman to the Waynesboro Borough Authority; said term to expire on 01/01/2013. Councilman McCammon seconded; the motion passed unanimously.

Councilman Berry made a motion to appoint Don Smith to the Main Street Facade Improvement Program's Design Review Committee. Councilman McCammon seconded; the motion passed unanimously.

UNFINISHED BUSINESS

ADOPT 2008 BUDGET: Mr. Hamberger reported that the tentative budget has been advertised and placed on public display in accordance with Pennsylvania law. Councilman McCammon made a motion to approve the 2008 budget, as presented. Councilman Porter seconded; the motion passed 5-1 (Councilman George opposed).

CONSIDERATION OF 2008 TAX ORDINANCE: Mr. Hamberger presented the proposed Tax Ordinance for 2008, which has been duly advertised and placed on public display. He added that the ordinance calls for the same tax millage rate as 2007. Councilman McCammon made a motion to adopt the 2008 Tax Ordinance, as presented. Councilman Porter seconded; the motion passed unanimously.

ORDINANCE NO.

AN ORDINANCE OF THE BOROUGH OF WAYNESBORO, COMMONWEALTH OF PENNSYLVANIA, fixing the tax rate for the fiscal year 2008.

Complete copy on file at Borough Hall.

AUTHORIZE 511 TAXES: Mr. Hamberger noted that Council will need to authorize that all current 511 taxes, including the newly-adopted Local Services Tax, shall remain in force and effect for 2008. Councilman McCammon made a motion as such. Councilman Porter seconded; the motion passed unanimously.

DISCUSSION OF RE-ORGANIZATION MEETING (JANUARY 7, 2008): Mr. Hamberger noted that the Borough Code mandates that Council re-organize on the first Monday in January following November elections for Council. Accordingly, Waynesboro Borough Council will hold their re-organization meeting on Monday, January 7th, and no meeting will be held on Wednesday, January 2nd.

QUINCY TOWNSHIP FIRE AGREEMENT: Mr. Hamberger explained that representatives have been discussing the fire service agreement with Quincy Township officials. As the cost to provide fire protection to Quincy Township residents was more than was received as part of the current contract, the Borough requested an increase (from \$13,800 to \$15,000), however Quincy Township offered \$7,500. Council did not find this offer to be acceptable, but Quincy Township has requested they reconsider. It was noted that the current contract expires on January 1st.

Councilman George made a motion to reject Quincy Township's counter-offer and make a final offer to be that of the existing contract for one (1) year. Councilman Stains seconded. Councilman McCammon commented that, whether there is a contract or not, the Waynesboro Fire Department will have to respond and will not be paid for it. Mr. Hamberger clarified, however, that they would be responding on a mutual-aid basis (second due), instead of first-due as is the case with the current contract. A vote was called and the motion passed unanimously.

AWARD BID FOR ALUMINUM SULFATE (DELTA CHEMICAL CORPORATION): Mr. Hamberger noted that the bids have been reviewed and it was confirmed that Delta Chemical Corporation did provide a required bid bond. Accordingly, he recommended that the bid for aluminum sulfate be awarded to Delta. Councilman George made a motion concurring with the Borough Manager's recommendation. Councilman Stains seconded; the motion passed unanimously.

COST OF CLOSING PROSPECT AND SUNNYSIDE AVENUES: Mr. Hamberger reminded Council that portions of these streets are being closed for the Hospital's expansion project, and he asked if it is Council's desire to recoup some of the costs involved in building these streets since they are being taken out-of-service. Kevin Grubbs has prepared information for Council's review on the costs incurred when these streets were rebuilt in 2004 and 1990; and Mr. Hamberger asked for Council's guidance on the matter. Councilman George made a motion to refer the matter to the Street Committee for review and recommendation. Councilman Stains seconded; the motion passed unanimously.

NOISE ORDINANCE: Solicitor Melissa Dively noted that Council requested that she do research on the matter in response to a request by a resident for a discretionary exemption to the current Noise Ordinance in the Borough. She found no other restrictions regarding amplified music that would preempt this ordinance; and the item was placed on the agenda for this meeting because the resident wanted to be present when the matter was discussed further.

Jason Bartholow, the individual making the request, was present. He explained that he operates a DJ service, which requires that he test his speakers occasionally (3-5 times per year for approximately 10 minutes). The Police Department was called during his last testing session, and he discussed the matter with Police Chief Shultz in an attempt to make a satisfactory compromise. They agreed that when future testing is required, Mr. Bartholow will contact the Police Department to inform them when

the testing will be done ... guaranteeing that it will be between the hours of 12-5 p.m., for no more than 10 minutes at a time, 3-5 times per year.

Mr. Hamberger requested clarification on the type of testing that is done. Mr. Bartholow stated he tests speakers and/or sub-woofers to determine how they respond to various frequencies. He estimated the decibel levels to be approximately 131 decibels at a 3' distance, but stated he is unsure of the decibel level at 50'. Mr. Bartholow noted that he has been doing this for approximately 20 years and has only heard complaints from the Police Department on three occasions.

Mayor Starliper asked if the testing must be conducted at Mr. Bartholow's place of business (outside) or if it can be done indoors. Mr. Bartholow explained that most of his events are held outside; and the equipment could be tested indoors, but other complications would be involved, such as interference with walls, pipes, etc. Councilman McCammon asked what, if any, effect this testing has on animals. Mr. Bartholow stated that sub-woofers would have less an effect on animals than the higher frequencies; but he owns a golden retriever, and has seen no effects on his own pet.

Chief Shultz added that the agreement reached between he and Mr. Bartholow was meant to be a "temporary" solution until the matter was brought to Council and either approved or rejected.

It was noted that the current ordinance states that "the operating of any such machine or device in such manner as to be plainly audible at a distance of fifty feet from the source shall be *prima facie* evidence of a violation". Solicitor Dively noted, however, that the ordinance allows for Council to approve specific exemptions and "other temporary exemptions" from time to time. Accordingly, she offered that it is within Council's discretion to create an exemption condition if they wish. Councilman Stains made a motion to accept Mr. Bartholow's request, as outlined. Councilman Porter seconded. Mayor Starliper recommended that the approval be granted for a period of one (1) year, at which time the matter will be reviewed to determine if it should continue. Councilmen Stains and Porter agreed to a modification to the motion as recommended by the Mayor. A vote was called and the amended motion passed unanimously.

RENFREW BOARD APPOINTMENTS: Mr. Hamberger noted that the Renfrew Board is recommending the appointment of Ed Hykes to fill the vacancy created when Delmos Oldham resigned. Further, they recommended that Allen Porter be appointed as an alternate representative for Mr. Hykes. Councilman George made a motion to approve the recommendation regarding Renfrew Board appointments, as indicated by the Borough Manager. Councilman McCammon seconded; the motion passed unanimously.

LETTER OF SUPPORT (FRANKLIN COUNTY EMERGENCY SERVICES ALLIANCE): Mr. Hamberger stated that the Franklin County Emergency Services Alliance is attempting to seek funding to purchase radios for various organizations to be in conformance with the future upgrade at the dispatch center, and they are requesting that the Borough write a letter of support endorsing this action. Councilman George made a motion to authorize Mr. Hamberger to write a letter in support of their efforts. Councilman Porter seconded; the motion passed unanimously.

NEW BUSINESS

PLANNING COMMISSION APPOINTMENT: Mr. Hamberger noted that Allen Porter has expressed an interest in being appointed to fill a vacancy on the Waynesboro Planning Commission. Councilman McCammon made a motion to table the matter until Council's next meeting, as another individual has also expressed an interest in this position. Councilman George seconded; the motion passed 5-1 (Councilman Newcomer opposed).

2008 HOLIDAY SCHEDULE FOR BOROUGH EMPLOYEES: Mr. Hamberger noted that, in the past when Christmas falls on either a Tuesday or Thursday, Council has agreed to take Columbus Day and make the following or preceding Friday or Monday a holiday. Since Christmas is on Thursday in 2008, he recommended that the holiday schedule reflect December 25th and 26th as the Christmas holiday for Borough employees. Councilman Stains made a motion to approve removing Columbus Day and adding December 26th to the list of holidays for 2008. Councilman Porter seconded; the motion passed unanimously.

CHRISTMAS TREE PICK-UP: Mr. Hamberger reported that curbside Christmas tree pick-up has been scheduled for the week of January 7th through January 11th. Trees will be picked up on residents' normal trash collection day during that week. Also, due to the holiday, the trash collector will begin their route a hour earlier than normal on Christmas Eve (but will back-track to ensure that no trash is missed).

REQUEST FOR NEIGHBORHOOD BLOCK PARTY (MAY 10, 2008): Mr. Hamberger presented a request from the St. Mary's Episcopal Church to hold a block party on May 10th. They would like to close off S. Broad Street from E. Second Street to Pen Mar Street. The matter will be reviewed by the Police Chief and Fire Chief, and placed on Council's agenda for the January 7th meeting. Representatives of the church were in the audience and noted that they plan to have craft and food booths during the event, which they hope will promote a positive atmosphere in Waynesboro.

PUBLIC IN ATTENDANCE - NON-AGENDA ITEMS:

Frank Bittner, 842 Anthony Avenue – Mr. Bittner asked for an update on “what is happening” in Borough Hall. Mr. Hamberger advised that a fire/security alarm system is being installed, as well as painting and various aesthetic improvements.

Carole Malin, Mainstreet Waynesboro, Inc. – Ms. Malin noted that she was not able to attend Council's last meeting, but reported that the Tree Lighting Ceremony held in downtown Waynesboro on December 1st was very successful (with an estimated 300-400 people in attendance). She noted appreciation for the assistance provided by the Fire and Police Departments.

Jason Bartholow – Mr. Bartholow asked why several of the newly-placed pedestrian crossing signs were removed recently. It was noted that some were moved for snow plowing, but some were also “misplaced” by unknown individuals.

LETTER TO MAPPING COMPANY: Pursuant to past discussions on the matter, President Newcomer noted that a letter has been prepared for mailing to Land & Mapping Services, requesting that a courtesy discount be provided in lieu of the fact that promised information was not provided in a timely manner. Council concurred with the wording of the proposed correspondence, and instructed Mr. Hamberger to mail the letter.

PAY BILLS: Councilman Stains made a motion to approve the payment of Voucher Lists VL-07-36 and 37. Councilman Porter seconded; the motion passed unanimously.

COUNCIL AND STAFF COMMENTS: Members of the staff and Council wished each other and the public “Happy Holidays”.

LAND DEVELOPMENT PLAN - PERSUNS: Kevin Grubbs reported that the Planning Commission met on December 10th and reviewed Land Development Plans submitted by the Martin Investment Group on behalf of the Persuns (1912 Hoover House), which involved a rear lot addition for more parking. The Franklin County Planning Commission provided “no comment” on the matter; and the

Waynesboro Planning Commission requested a minor addition to a note on the plan (which has been completed). Accordingly, they are recommending approval of the plans, as submitted. Councilman Stains made a motion to approve the Persun Land Development Plan. Councilman George seconded. President Newcomer directed Kevin Grubbs to ensure that Council is given adequate notification of plans approved by the Planning Commission so they may view the plans prior to the Council meeting when their decision/action is required. A vote was then called and the motion passed unanimously.

STORM SEWER STUDY: Kevin Grubbs noted that the consulting engineer has recommended two (2) options for the outfall section of Cemetery Avenue (between Maple and S. Church Streets): 1. installation of gabions, and 2. installation of a concrete aqua-duct. He requested Council's permission to proceed with bidding for estimates for this work, but asked which option Council wished to pursue. Mr. Grubbs noted he would prefer to utilize concrete, but the possibility of requesting bids for both options was mentioned. Councilman Stains made a motion to authorize the staff to proceed with bidding for both options, as discussed. Councilman Berry seconded; the motion passed unanimously.

Kevin Grubbs also reported that he was informed by Dennis Black that, bearing no serious problems, the storm sewer study will be completed by the end of January (and their recommendation(s) provided for Council's review and consideration prior to the first meeting in February).

Chief Shultz informed Council members that he recently attended the DARE graduation at Summitview Elementary School, which marks the completion of Patrolman Travis Carbaugh's first semester of instruction for fourth and fifth graders. In addition, he and Sergeant Mike Bock attended a news conference with Washington Township and State Police representatives to kick-off the "Smooth Operator Aggressive Driving Program", which will provide funding to pay officers to conduct enforcement for aggressive driving during specific times and on specific roads. That program will begin in the near future.

Mayor Starliper confirmed that the Borough's leaf pick-up program will end for the season this week. Residents who would like leaves picked up should contact the Maintenance Department as soon as possible.

Also, the Mayor noted that he has contacted the Pennsylvania State Police because of complaints received about speeding in the Borough. They have agreed to utilize their radar equipment in the Borough, and he advised that they will catch violators who are traveling in excess of 6 mph over the speed limit. He added that this will be done until the state legislature realizes that Boroughs also need the authority to use radar in order to protect the safety of their citizens.

Having no further business to discuss, the meeting adjourned at 8:43 p.m. on a George/McCammon motion which passed unanimously.

Respectfully Submitted,

Melinda S. Knott
Administrative Assistant