

DECEMBER 5, 2007
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 – Allen Porter, Jason Stains, Richard George, Craig Newcomer, Charles McCammon and Allen Berry

Mayor Richard Starliper

Borough Staff – Lloyd R. Hamberger, II, Borough Manager
Dan Sheffler, Zoning-Code Enforcement officer
Melissa Dively, Borough Solicitor (Salzmann Hughes, PC)
Ron Flegel, Fire Chief
Kevin Grubbs, Head of Engineering Services

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 November 20, 2007 meeting, as written. Councilman Stains seconded; the motion passed unanimously.

COMMITTEE REPORTS

PERSONNEL COMMITTEE: Councilman Berry reported that he will discuss several items during the “voting section” of the meeting.

PROPERTY AND PUBLIC SAFETY COMMITTEE: No report. Councilman McCammon mentioned, however, that the issue regarding the Building Inspector is not on the meeting agenda. President Newcomer noted that the matter can be discussed during “Unfinished Business”.

STREET COMMITTEE: Councilman Porter reported that the Street Committee met and discussed the following items --

- Recommendation to post signs on the Rotary parking lot regarding a 72-hour parking limit and sweeping schedule
- Proposed 2008 street projects –
 - (1) S. Welty Road from bridge to Borough line
 - (2) Fairview Avenue from W. Main Street to W. Sixth Street
 - (3) E. Second Street (depending on when construction at the High School is to the point where the street can be done)
- Status on two (2) crosswalks on N. Grant Street

INTERGOVERNMENTAL COMMITTEE: No report.

DOWNTOWN REVITALIZATION AND FINANCE COMMITTEE: No report. President Newcomer reported that the proposed 2008 budget is currently on public display.

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

“On November 28th I attended the Chamber of Commerce's mixer at the Susquehanna Bank Branch at Rouzerville.

On the 2nd of December, I was privileged to be the oration speaker at the Waynesboro Elks Lodge Memorial Service for their absent brothers.

Tonight, along with other Council members, I attended the annual Holiday Dinner at the Virginia Avenue Fire Company Station.”

SOLICITOR'S REPORT: Solicitor Melissa Dively noted that Dan Sheffler had requested that she review an outdoor wood-burning ordinance. After further review by the staff, information may be presented to Council for consideration.

PUBLIC COMMENT - ITEMS ON AGENDA: None.

VOTING ON ITEMS FROM COMMITTEE REPORTS: Councilman Berry noted that he received a favorable evaluation for Stacie Noll, however no action was required at this time. He also received favorable evaluations for Michael Pryor and Gordon Cruickshanks. Accordingly, he made a motion to approve step increases for Michael Pryor to salary level 12E and for Gordon Cruickshanks to 18D. Councilman Porter seconded; the motion passed unanimously.

Councilman Berry made a motion to approve the following Board re-appointments:

- 1) Michael Forney - Recreation Board - term to expire on 12/31/2007 (new term would expire on 12/31/2012)
- 2) Jon Fleagle - Handicapped Grievance Committee - term to expire on 01/06/2008 (new term would expire on 01/06/2010)
- 3) Eric Boyer - Handicapped Grievance Committee - term to expire on 01/06/2008 (new term would expire on 01/06/2010)
- 4) O. June Mumma - Vacancy Board - term to expire on 01/06/2008 (new term would expire on 01/06/2009)

Councilman Stains seconded; the motion passed unanimously.

Councilman Berry read a letter of resignation from Police Officer Bryan Chappell, Jr., effective December 15, 2007, and made a motion to accept his resignation. Councilman Porter seconded; the motion passed unanimously. Councilman George suggested that the Borough Manager forward correspondence to Officer Chappell thanking him for his service to the Borough.

Councilman Porter made a motion to approve the preparation and installation of signs on the Rotary parking lot to indicate: (1) a limit for parking a maximum of 72 hours at one time; and (2) the proposed sweeping schedule for the lot (and the necessity to clear the lot for this purpose for one hour one time per month, preferably from 7:30 a.m. to 8:30 a.m. on a particular day, with provisions being made for

towing any violators). Councilman George seconded. Mr. Hamberger added that he will work with the Solicitor on the proper wording for these signs. The motion passed unanimously.

UNFINISHED BUSINESS

AWARD BIDS FOR WATER TREATMENT CHEMICALS: Mr. Hamberger noted the following staff recommendations for award of the water treatment chemical bids –

- Liquid Chlorine #2000 cylinder - Univar USA, Inc.
- Liquid Chlorine #150 cylinder - Univar USA, Inc.
- Hydrofluorosilicic Acid - Univar USA, Inc.
- Sodium Polyphosphate - Shannon Chemical Corporation
- Caustic Soda (684 lb. Drum) - Univar USA, Inc.
- Caustic Soda (220-gallon tote) - Univar USA, Inc.
- Caustic Soda (50% bulk delivery) - George S. Coyne Chemical Co., Inc.
- Caustic Soda (25% bulk delivery) - George S. Coyne Chemical Co., Inc.
- Hydrated Lime - Brenntag Northeast, Inc.
- Activated Carbon - Univar USA, Inc.
- Potassium Permanganate - George S. Coyne Chemical Co., Inc.
- Liquid Polymer - Univar USA, Inc.
- Aluminum Sulfate - Delta Chemical Corporation

Councilman George made a motion to award the bids as presented by the Borough Manager. Councilman Stains seconded. Discussion ensued regarding receipt of the appropriate bid bond from Delta Chemicals; and Councilman George amended his motion awarding the bids (with the exception of the bid for Aluminate Sulfate to Delta Chemical Corporation), as presented by the Borough Manager. Councilman Stains seconded the amended motion, which then passed unanimously.

RECOMMENDATION ON PROPOSALS FOR CDBG CONSULTANT: Mr. Hamberger noted that the two (2) proposals received for consulting services were reviewed, and he is recommending awarding the contract to Mullin and Lonergan Associates. He added, however, that the staff would like to meet with Rettew Associates in the near future to discuss their expertise in stormwater management items. Councilman Porter made a motion to award the contract for CDBG consulting services for the years 2008, 2009 and 2010 to Mullin & Lonergan Associates, Inc. Councilman McCammon seconded; the motion passed unanimously.

DISCUSSION ON NOISE ORDINANCE: Solicitor Dively reported that she reviewed the Federal Noise Control Act with regard to the request for an exception to the Borough's Noise Ordinance. The type of activity outlined in the request is not regulated by the federal act, so the Borough's ordinance would apply (and the request, therefore, is at Council's discretion). Mr. Hamberger noted that the gentleman who submitted the request would like to be in attendance when Council discusses the matter. He was instructed to place the item on the agenda for Council's next meeting and invite the individual to attend that meeting.

DISCUSSION REGARDING BUILDING INSPECTOR: In response to Councilman McCammon's earlier request to discuss the matter, President Newcomer noted that he had requested specific information regarding the complaints to be reviewed. Some information was received ... and he added that those items which were not presented prior should would not be discussed. Solicitor Dively advised that, under the Sunshine Act, Council is permitted to hold an executive session for the purpose of discussing the evaluation of the performance of a public officer (and discussion on the matter can be held publicly, at the request of said officer). Michael Cermak was consulted. He commented that he had not been told about any complaints and has no idea what will be discussed.

Council adjourned to executive session at 7:47 p.m. When they returned to regular session, President Newcomer noted that he had received written permission from Michael Cermak for discussion on the matter to be held publicly. He added that all parties involved were present.

Items discussed were:

1. Michelle Cordell, 143-145 N. Potomac Street – Mr. McCammon explained that two (2) new services were installed at this property and inspected by Mr. Cermak. He explained that 12' of 200 amp cable was installed inside the building (which should only be 5'). President Newcomer stated that he researched the matter and determined that the Electrical Code changed in 2005 (which was after the time of the inspection) and the inspection is still valid. Councilman McCammon disagreed with Mr. Newcomer, stating that the property owner doesn't know the Code and this was a violation. Mr. Newcomer noted that he has spoken with the property owner, and she "doesn't want to do anything about this".
2. Beck & Benedict – Mr. McCammon noted that renovations were done to the second and third floors of the building, and the "wrong boxes" were used. He stated that Mr. Cermak was informed about this, but "never did anything about it". He further explained that three-phase panels were installed, but "a bar" was removed by Mr. Cermak (the work subsequently passed inspection by an inspector from Accredited Services). Mr. Cermak answered that Craig Mahrle (the property owner) had installed three-phase panels, which are not permitted in any dwelling unit. Mr. McCammon disagreed, noting that three-phase at the meter and single-phase through the apartments is permitted. Again, President Newcomer commented that the property owner should bring this matter to Council ... or the Appeals Board, as that is the correct process.
3. Linda Barkdoll (E. Main Street) – Mr. McCammon noted that he did work at a property on E. Main Street and discovered that the service line was installed 30' inside the middle of the cellar with no disconnect. This work was inspected by Mr. Cermak. President Newcomer questioned if this property is in the Borough; and Mr. McCammon noted it is in Washington Township. Solicitor Dively advised that Council's review of Mr. Cermak's conduct is limited to inspections performed within the Borough.
4. Rose Manor – Mr. McCammon remarked on Mr. Cermak's handling of the recent situation at Rose Manor (when residents were evacuated from the building). President Newcomer questioned where this complaint was coming from, as Rose Manor wrote a very nice article in *The Record Herald* about Mr. Cermak's service. In addition, he has spoken with the owner who voiced "no problems". Mr. Cermak responded that the Building Code specifically says many times "at the discretion of the Building Code official". He felt his actions were appropriate, adding that "If anything happened to any of those people, it would have been on me".

Councilman McCammon also re-opened discussion on the incident discussed previously with Council regarding a post at a Main Street building being repaired by Carroll Woodring. He added comments about the entrance door at Representative Todd Rock's office on E. Main Street. Kevin Grubbs intervened, noting that it was decided to install handicapped accessibility after work to the front of the building was already completed. He stated that the handicapped ramp could only be installed with the door hinged the way it is now.

Mr. McCammon then stood and commented that he was "getting nowhere" and was going to leave Council Chambers. President Newcomer stated that Council was not done yet.

Councilman George noted that the complaints voiced so far by Councilman McCammon have dealt with people who have not filed any complaints with Council. Mr. McCammon stated that Carroll Woodring had discussed his situation with Council; and Mr. George noted that the matter was resolved to Mr. Woodring's satisfaction. He asked if Mr. McCammon has had any problems with Mr. Cermak, personally, while doing electrical work.

Mr. McCammon discussed work he performed at 24-26 W. Third Street. He noted that Mr. Cermak had initially inspected (and passed) his installation at "24", but subsequently had the power company turn the power off. He received a letter stating that the existing wire was not sun-resistant. He then painted the wire with sun-resistant paint, but still couldn't get power re-connected. He was instructed to remove the copper wire and replace it with aluminum (which was done), and the power company restored power. Mr. Cermak affirmed that the first side passed inspection and he was called when Allegheny Power discovered that the wrong hub was used and two screws were missing (but were covered with pipe "dope"). He admitted that it should not have passed inspection. The owner contacted Mr. McCammon to correct the error, but it was not fixed satisfactorily and the meter was eventually removed. Mr. Cermak explained that the second side of the duplex was wired wrong (and again covered with pipe "dope"). He added that he has photographs of the work on record. Mr. McCammon and the property owner were notified; and after some time, Gary Decker (Decker's Electrical) corrected the wiring and the property was re-energized. Mr. McCammon denied that he was contacted about this matter, but admitted that the wrong hub was used and two screws were missing. Discussion ensued about the copper wire that was removed from the property, and Mr. McCammon insinuated that Mr. Cermak "collects copper wire" because of its high value.

Mr. Cermak stated that he has withheld his comments during former meetings out of respect for Council; but since the meeting was public, he reported that Mr. McCammon visited his office after the violation notices were received for the work at 24-26 W. Third Street and attempted to intimidate his staff by using his authority as a Councilman. He stated that Mr. McCammon was "screaming and yelling" in front of the customers, and instructed him to pass the inspection anyway.. Mr. McCammon denied the allegations. Mr. Cermak noted that he has informed Mr. McCammon on numerous occasions that if his customer has a complaint, they should present it to the Appeals Board.

Councilman George stated that the individuals who have the concerns should present them directly to Council. In almost every instance discussed, however, when Mr. McCammon brought up "their concerns", the people said that they don't have a problem. Mr. McCammon suggested that "they are afraid". Again, Councilman McCammon announced that he was "leaving Council Chambers" in protest of Council's position. He then walked in front of Mr. Cermak in the audience and asked who helped him to get his business started. Mr. Cermak responded that he had; but questioned Mr. McCammon, "who fired you because you wanted cash instead of checks?" Mr. McCammon denied his accusations and then left the room. Mr. Cermak stated that he does business in many municipalities with no complaints; but in Waynesboro, "every complaint seems to come to Chip McCammon".

President Newcomer stated, for the record, that Councilman McCammon chose to leave the meeting at this time. He then asked Mr. Cermak if Mr. McCammon had ever used his position of authority against him in a way to damage his credibility. Mr. Cermak responded that Mr. McCammon has attempted to intimidate he and his staff, but he has stood firm in his decisions. If something is wrong, he will turn it in. He informs people about the Board of Appeals; and encourages them to present their case to the proper authority, as he will totally support their decision.

Councilman George questioned if Mr. McCammon had asked Mr. Cermak to pay him in cash. Mr. Cermak replied "yes, multiple times". He added that he (Mr. McCammon) conducted inspections while working for him and had the checks mailed to the Borough. President Newcomer then stated that he has a copy of a letter from Charles McCammon, using Borough letterhead while employed by Mike Cermak, requesting the owner of a property to mail a check to the Borough in his name, which he apparently cashed. Solicitor Dively questioned if this letter was written under the auspices of working

for Mr. Cermak, and Mr. Cermak added that Mr. McCammon had written on the letter “retired from this position”.

Councilman George then requested that the Solicitor review the discussion to determine if she feels there is some form of violation which Council should review further. She noted she would do that, if it is the will of Council. Mr. George then made his request a formal motion. Councilman Berry seconded; the motion passed 5-0 (unanimous).

Council President Newcomer suggested that Council make a motion to the effect that any further items discussed about inspections go to the Appeals Board; and these will not be discussed in Council Chambers anymore. Councilman George made the motion. Councilman Stains seconded. A vote was then called on the motion. It passed 5-0 (unanimously).

Solicitor Dively clarified her understanding of the motion directing her to review discussion held this evening to determine if there has been a violation in ethics or a conflict of interest (or anything that would fall into that type of category). Council concurred.

Councilman George noted that he presented a proposed complaint form at Council’s last Joint Committee meeting to be used if an individual has a complaint. When filed, copies would be provided to the person complaining, the person being complained about, and all Council members. He noted that if someone “doesn’t have the nerve to fill it out”, Council’s time should not be wasted. Councilman Berry made a motion to approve the proposed complaint form (and the procedure outlined), as presented. Councilman Stains seconded; the motion passed unanimously.

NEW BUSINESS

QUINCY TOWNSHIP AGREEMENT: Mr. Hamberger noted that he, Councilman McCammon and Fire Chief Flegel met the previous evening with representatives of Quincy Township to discuss the Borough’s proposal on fire protection costs. They were informed that Council’s offer of \$15,000 was relatively firm, and he is currently awaiting their response.

INVITATION TO RENFREW YULETIDE CELEBRATION: Council members received an invitation to attend Renfrew’s Yuletide Christmas Candlelight Celebration to be held on December 7th and 8th from 6-8 p.m.

PUBLIC IN ATTENDANCE - NON-AGENDA ITEMS: None.

FOR INFORMATION ONLY

BUDGET ON DISPLAY (ADOPTION DECEMBER 19TH): Mr. Hamberger reported that the proposed 2008 budget, as well as the proposed Tax Ordinance for 2008, are on public display and have been advertised for adoption at Council’s meeting on December 19th.

“THANK YOU” FROM CHAMBER OF COMMERCE: Mr. Hamberger noted that a letter of appreciation was received from the Chamber of Commerce for Council and the staff’s assistance during their recent holiday parade and tree-lighting ceremony.

PAY BILLS: None.

COUNCIL AND STAFF COMMENTS: Councilman Berry personally apologized to the Borough’s constituents and members of the public for the embarrassing comments made during this meeting. He feels that this reflects badly on all of Council, and the public deserves better. He thanked the public for their continued support.

Dan Sheffler requested that the media publish a reminder for property owners to shovel their sidewalks within 24 hours after the last snowfall. He also noted that applications for the Board of Appeals (referenced earlier in the meeting) may be obtained from his office.

In addition, Mr. Sheffler advised that the Appeals Board held a re-organization meeting recently. During that meeting they appointed a Chairman, Vice-Chairman and Secretary; and hired Attorney Clint Barkdoll as their Solicitor. He added that there is currently a vacancy on the Board.

Kevin Grubbs reported that a representative from Dennis Black Engineering will meet with him the following day at 1:30 p.m. to review data for entry in the Storm-CADD. He also noted that he has discussed the proposed dedicated left-turn arrow for the Broad Street intersection with PENNDOT officials. They are reviewing the matter to determine if this will cause any delay in the project. They will meet again with Borough representatives (Mr. Hamberger requested that members of the Street Committee attend this meeting). They agreed to schedule the meeting for December 11th at 10:00 a.m.

Kevin Grubbs presented a proposed Deed of Dedication for a street extension in Cold Spring Estates (a portion of W. Third Street from Golden Spring Drive to Fir Spring Drive). He noted that Council approved this previously by ordinance, however the executed Deed of Dedication is required for recording. Council concurred.

Kevin Grubbs stated that the Waynesboro Planning Commission will review an ordinance proposed by the Solicitor regarding the rental property inspection program at their upcoming meeting on December 10th. Proposed revisions to the Stormwater Management Ordinance (which provide more restrictive controls for run-off rates) and the Land Use Plan will be reviewed at that meeting as well..

Councilman Porter noted that there seems to be considerable public interest in the delayed hearing (and results which may be obtained by negotiations) with regard to the George Clopper property on W. Sixth Street. He also noted that Council is doing all they can to make the Rotary parking lot an safe, clean and attractive area for off-street parking. He stated that these improvements are in the best interest of downtown development, and he encouraged residents to use the parking lot as much as possible.

Councilman Stains also apologized to the public for some of the unprofessional comments from the podium this evening, as well as in the past.

Councilman George thanked Jennifer Fitch for the article she wrote in *The Morning Herald* regarding Councilman Allen Porter. He commented that the story was well-deserved and well done.

Mayor Starliper stated that the Borough will be losing their “eye in the sky”, referring to the fact that Merle Biser is retiring and selling his business. He reminded residents that if they have complaints about items in the Rotary parking lot (abandoned vehicles, etc.) they are to contact the Police Department.

Council President Newcomer noted that, after discussing Councilman McCammon’s complaints openly at this meeting, he is hopeful that Council can move forward and work on things for the better of the Borough. He also commented favorably on the article written about Councilman Porter, as he has served the Borough well for a long period of time. He added that Mr. Porter has already expressed interest in continuing to serve the Borough after his tenure on Council. Mr. Hamberger noted that he is willing to fill a vacant position on the Planning Commission, and Council can take care of his appointment at their next meeting.

Having no further business to discuss, the meeting adjourned at 8:56 p.m. on a George/Stains motion which passed unanimously.

Respectfully Submitted,

Melinda S. Knott
Administrative Assistant