

OCTOBER 3, 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  
Denny Benshoff, Maintenance Superintendent  
Dan Sheffler, Zoning-Code Enforcement Officer  
Kevin Grubbs, Head of Engineering Services  
Melissa Dively, Borough Solicitor (Salzmann Hughes, PC)  
S. Leiter Pryor, Director of Borough Utilities  
Ron Flegel, Fire 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 September 10, 2007 special meeting and the September 19, 2007 regular meeting, as written. Councilman Porter seconded; the motion passed unanimously.

**COMMITTEE REPORTS**

**PERSONNEL COMMITTEE:** Councilman Berry noted that he has one (1) item to discuss during the “voting” section of the meeting.

**PROPERTY AND PUBLIC SAFETY COMMITTEE:** No report.

**STREET COMMITTEE:** Councilman Porter noted that the Street Committee met on October 1<sup>st</sup> and discussed the following items –

- Sweeping the Rotary parking lot – the plan is to sweep the lot in two (2) sections every other week (details will be worked out with Denny Benshoff). A motion will be presented later in the meeting.
- Parking in the Rotary parking lot for long periods of time -- this was discussed at Council’s last meeting. A motion will be presented later in the meeting.
- Changing W. Second Street (between Cleveland Avenue and Potomac Street) to one-way eastbound -- Kevin Grubbs will conduct a traffic study to verify the type and quantity of traffic on that street.

- Parking of motor homes and large trailers on streets – Mr. Hamberger will be requested to research other municipalities' ordinances regarding the matter.
- Request for signs directing motorists to the new parking lot behind the Presbyterian Church – no recommendation at this time. Mr. Porter will discuss the matter further with church representatives.
- One-way sign on Mulberry Avenue – since Mulberry Avenue is no longer open to vehicular traffic, the existing one-way sign at Gay Street will need to be removed.
- Blacktop in the sidewalk area on Walnut Street – the Street Committee has been advised that C.W. Builders will be replacing the blacktop with concrete in the near future.
- Letter from St. Andrews Church – they are requesting that Main Street be closed at Broad Street (for Market Day and Oktoberfest) instead of Clayton Avenue, as was approved at the previous Council meeting. After much review and discussion, the Street Committee feels that, due to the amount of pedestrian traffic (much of which is small children), they are not recommending any change from what they approved previously.

**INTERGOVERNMENTAL COMMITTEE:** No report.

**DOWNTOWN REVITALIZATION AND FINANCE COMMITTEE:** Council President Newcomer noted that Mr. Hamberger distributed preliminary budget items for Council's review.

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

“On September 22<sup>nd</sup>, I had the privilege of marrying Virginia Payne and Timothy Roos. I wish them the very best.

On the 23<sup>rd</sup>, along with others from the Borough office, we walked for the American Heart Association. (Melinda Knott reported that the total amount collected by the Borough's team was \$1,462.00.)

On September 24<sup>th</sup>, I attended the ground-breaking and luncheon for the Community Center at Fort Ritchie. Just a note ... Councilman Berry attended also, but in a different capacity, as the company he works for is a tenant.

Also on the 24<sup>th</sup>, I participated at Mowrey Elementary School in their special assembly entitled “Character Counts”.

On the 25<sup>th</sup>, along with Borough Manager Hamberger and Councilman Newcomer, I attended the Tri-County Boroughs' Association meeting.

The Greater Chamber of Commerce's Quarterly Breakfast meeting was held on the 28<sup>th</sup> at Penn State Mont Alto. Dr. Gnage and Theresa Shank were the speakers.

On the 29<sup>th</sup>, the grand opening celebration of the Cermak Professional Building was held.

I attended the dedication of the cupola on the Waynesboro School District property between the Middle and High Schools.

On the 2<sup>nd</sup> of October, along with Lloyd Hamberger, Craig Newcomer and Allen Porter, I was at the dedication of the Skateboard Park at Pine Hill.”

**SOLICITOR’S REPORT:** Solicitor Melissa Dively noted that Council was provided a proposed Local Services Tax Ordinance, made necessary by changes to the EMS Tax Law. She explained that if Council wishes to increase the amount assessed on that tax, action will need to be taken no later than December 1<sup>st</sup>.

Mr. Hamberger explained that the legislature has seriously changed the rules and regulations regarding the EMST. One particular change is that the tax can now be deducted on a per-pay basis. If Council wishes to re-enact the current tax with minor changes, it is a fairly easy process. If they want to change the rate, however, there are more stringent requirements. He requested that Council review the ordinance and be prepared to discuss the matter at their upcoming budget meeting.

Melissa Dively clarified that the ordinance she drafted will repeal the previously-enacted ordinance – so whatever Council does, a new Tax Ordinance will need to be enacted (and the three-week post-enactment advertising requirement would apply).

The matter will be on Council’s agenda for discussion at the budget meeting to be held on October 11<sup>th</sup>. Since Council will be meeting several times during budget deliberations, Mr. Hamberger also suggested that the Joint Committee meeting scheduled for October 10<sup>th</sup> be rescheduled. President Newcomer suggested that it be held prior to the next Council meeting (October 17<sup>th</sup>) at 6:30 p.m. Council concurred.

**PUBLIC COMMENT - ITEMS ON AGENDA:** None.

**VOTING ON ITEMS FROM COMMITTEE REPORTS:** Councilman Berry corrected his previous statement – he has three (3) items to discuss which will require action.

Mr. Berry noted that George “Steve” Waltz’s term on the Waynesboro Planning Commission is due to expire on October 20, 2007. Mr. Waltz is not seeking re-appointment, however, due to health concerns. Mr. Hamberger was instructed to write a letter of appreciation to Mr. Waltz for his service.

Councilman Berry made a motion to accept John Lockwood’s notice of retirement from his position as Water Plant Operator, effective February 1, 2008. Councilman McCammon seconded; the motion passed unanimously. A letter thanking him for his years of service will be sent.

Councilman Berry noted that the Personnel Committee discussed the options for replacement of the Fire Chief, due to Ron Flegel’s planned retirement – to continue with a part-time Fire Chief and full-time Fire Apparatus Driver or to hire a full-time Fire Chief/Driver .... and they feel it is best to maintain the current status (a full time Driver and part-time Chief). Councilman Berry made a motion to proceed accordingly. Councilman Porter seconded. It was noted that the Chief does not necessarily have to be a Driver, as anyone can apply who possesses the appropriate qualifications. A vote was called and the motion passed unanimously. Councilman Berry made a further motion to authorize the Civil Service Commission to proceed with an examination for Fire Apparatus Driver. Councilman McCammon seconded; the motion passed unanimously.

Councilman Porter made a motion to establish a sweeping schedule for the Rotary parking lot, whereby the entire lot (one-half each week) is swept at least once every two weeks. Councilman George seconded; the motion passed unanimously.

Councilman Porter made a motion to implement a time limit of 72 hours for parking in the Rotary lot. Councilman George seconded. Mayor Starliper voiced his concern regarding the Police Department’s enforcement of this regulation. Discussion followed regarding the consequence for any violations, and

Councilman Porter amended his motion to add that the violating vehicle would be towed/impounded (signs will be posted). Councilman George seconded the amended motion which passed unanimously.

## **UNFINISHED BUSINESS**

**CONSIDER ORDINANCE RE: TEMPORARY DIRECTIONAL SIGNS:** Kevin Grubbs reported the following –

- On August 13, 2007, the Waynesboro Planning Commission reviewed the revised draft amendment to Ordinance No. 925, and a motion was made that Borough Council proceed with the advertisement and adoption of this ordinance.
- On August 15, 2007, Borough Council approved the advertisement of said ordinance for consideration at the October 3, 2007 meeting.
- On September 3, 2007, a copy of the proposed ordinance was forwarded to the Franklin County Planning Commission for review and comment.
- On September 12, 2007, a recommendation for adoption of the ordinance was received from the Franklin County Planning Commission.
- On September 17, 2007, a copy of the proposed ordinance was posted in the front lobby of Borough Hall.
- On September 18 and 25, 2007, the proposed ordinance was advertised in *The Record Herald* newspaper.
- On October 3, 2007, the proposed ordinance is being presented to Borough Council for consideration.

Councilman McCammon made a motion to adopt the proposed ordinance, as presented. Councilman Porter seconded. Councilman George stated his disagreement with the provision being for developers with 10+ units only. He feels that the “small” developers should be treated the same as “larger” developers, and suggested that the ordinance be amended in some manner. Councilman Berry agreed, but added that it should not apply to an individual with just one (1) unit for sale. President Newcomer also agreed, but asked if the ordinance could simply state “multiple units”?

Solicitor Dively stated that it could indicate “multiple”, which would apply to four (4) or more units. However, as this is a substantial part of the ordinance, it would have to be re-advertised. Mr. Hamberger recommended that the advertised ordinance be passed, but that the staff be directed to amend it (since it will have to go back to the Borough and County Planning Commissions for review and comment anyway). Ms. Dively added that, in the interim, developers affected by the limitation could apply for a variance (which should easily be granted, due to the fact that Council is planning to change the ordinance to “multiple”).

A vote was called and the motion passed 5-1 (Councilman Berry opposed).

Councilman Berry then made a motion to authorize the staff to proceed with amending the ordinance to apply to “multiple” units instead of ten (10) or more. Councilman Stains seconded; the motion passed unanimously.

**RECOMMENDATION ON CHANGES TO BUILDING CODE ORDINANCE:** Mr. Hamberger noted that this item was discussed during Council’s recent meeting regarding the Building Code and inspection items. The staff met with representatives of its inspection agency (Accredited Services), and is recommending that the Borough

abolish all aspects of the former 1996 BOCA Code and adopt all aspects of the current State Code (with the exception of the electrical regulations).

Code Enforcement Officer Dan Sheffler explained that the UCC states that if there are more stringent regulations in effect, they should stay in effect. Accordingly, electrical work done within a home would require a permit and appropriate inspections. He added that other neighboring municipalities do the same. Mike Cermak (Accredited Services) agreed, because electrical work can be life-threatening.

As Council members just received the information regarding this matter, Councilman McCammon made a motion to table the matter for further discussion at Council's next meeting. Councilman George seconded; the motion passed unanimously.

**UPDATE ON STORMWATER STUDY:** Lee Zeger, representing Dennis Black Engineering, was present to provide Council with an update on progress of the stormwater study being conducted. He noted that the firm has begun receiving mapping information (10 of the 80 digital photographs expected have been received to date). As those continue to come in, their review work will begin. They are hoping to have recommendations (and costs for the possible solutions) to the Borough within the next two months.

President Newcomer discussed his concern about the situation, and he has personally contacted the mapping company regarding his discouragement. He noted that the importance of time was stressed heavily when this project began several months ago. He is also concerned that work will slow down or halt during the winter months, due to the inclement weather. Mr. Hamberger added the importance of having information to consider during the budget process. He doesn't want to be asked to find (say) \$500,000 in February or March for solutions recommended by the study. He did note that money has been placed in the budget for "something" (whatever the study determines should be done); but at this point in time, they can only estimate what amount will be needed.

Mr. Newcomer instructed Mr. Zeger to take the message back to his firm that he wants this study "done yesterday", as answers for constituents are needed as soon as possible. He plans to talk with the Borough Solicitor regarding deadlines contained in the contract and any possible recourse for missing those deadlines. The fact remains that Dennis Black Engineering promised Borough Council a completion date of September, pending information being received from the mapping company.

Richard Rose, a member of the public, questioned how long the study will take ... assuming that Dennis Black receives the aerial photographs needed by next week. Mr. Zeger answered that the study would probably be completed in approximately two months.

Kevin Grubbs reported that the Borough's engineering staff inspected the existing system in the alley west of Potomac Street, and found the structural integrity of the system to be in good shape. (The Borough decided to do this work themselves because they have done it in the past and are familiar with the system. This also helped to reduced costs.) They found nothing at this point in time of any great concern or which would contribute to the flooding situation in this area. If they had found anything which required further review, Dennis Black Engineering would have been notified to proceed with a more in-depth analysis.

Residents encouraged Council members to continue to "put the pressure on" to get this study completed. The pipes removed on Church Street helped, but it shouldn't be assumed that they will continue to keep the properties from being flooded. Mr. Grubbs stated that that was a "quick solution", but the Borough is well aware that something else will need to be done.

Ronald Martin asked what the study will cost. It was noted that the entire study (including the aerial mapping) was estimated is to cost \$55,000. He questioned if there are any penalty clauses for non-performance in the contract, and Mr. Newcomer noted he is discussing the matter with the Solicitor. Mr. Martin also suggested that Council may wish to consider replacing Dennis Black Engineering as the Borough's consulting engineers with another firm at their re-organization meeting in January. President Newcomer agreed that this could be

considered. As the mapping company was recommended by Dennis Black Engineering, he suggested to Mr. Zeger that they be advised what kind of jeopardy this has put his firm in.

## **NEW BUSINESS**

**ADDENDUM TO LEASE AND ASSIGNMENT (WAYNESBORO BOROUGH AUTHORITY):** Mr. Hamberger stated that, upon review of the Waynesboro Borough Authority's legal status on the bond indenture, they discovered that there should have been a conveyance of properties dealing with the water system in 1979 (but that was never done). Accordingly, the Authority's solicitor contacted the Borough's solicitor and they prepared an Addendum to the Lease and Assignment (as provided to Council for execution). Solicitor Dively explained that this is necessary when the Authority does bond financing, as these assets cannot be listed by the Authority (essentially lowering their worth) without this document.

Councilman George made a motion to approve execution of the document, as presented by the Borough Solicitor. Councilman Berry seconded; the motion passed unanimously.

**UPDATE ON MEDIC 2:** Information was distributed to Borough Council members regarding the last two (2) years' of Medic 2's responses, as well as a 2007 year-to-date listing. B. J. Roberts and Kim Shockey were present, representing Medic 2. In light of the tax increase, Ms. Shockey requested that Council consider supporting the Medic 2 unit – specifically, to donate \$1.00 per Borough resident on a yearly basis. She noted they are happy to be housed at the Waynesboro Hospital, and plan to continue to service residents in the area for years to come. Medic 2 board members are available at all times to answer any questions Council may have. Mr. Hamberger noted this matter will be on Council's agenda for discussion at their budget meetings.

**PUBLIC IN ATTENDANCE - NON-AGENDA ITEMS:** Dan Blount, Pine Grove Drive, was present. He thanked Council for the work done last year to alleviate stormwater run-off in his neighborhood. This spring, however, another storm "wiped out" some of the stone installed and the problems have returned (and even worsened). He questioned if the area is included in the run-off study currently being conducted. President Newcomer noted that the entire Borough was photographed for future use, but the stormwater study currently being done is only for the area of Potomac Street, S. Church Street and Cemetery Avenue.

Kevin Grubbs reported that he and Denny Benschhoff viewed the area and discovered displacement of some of the rip-rap which was placed to slow down run-off. He feels this will improve, however, once the farmland is developed into residential units. Ronald Martin was present, and noted that he has purchased the land and is planning to put in the basin as soon as approval is granted by the Franklin County Soil Conservation District. The land will then be developed into seven (7) two-acre lots. He assured Mr. Blount that this work will be done.

Councilman George questioned if the Borough can do anything to assist, in the meantime, on a temporary basis. Denny Benschhoff noted he would not recommend disturbing the area near the rocks. Kevin Grubbs noted that severe erosion is common with farmland, because of the dry soil. He feels that the Borough will have to look at clearing out the natural swale at the rear of the properties, and putting in some larger stone to help slow the flow down. As the development is completed, however, he feels there will be a significant improvement in run-off.

## **FOR INFORMATION ONLY**

**"BREAST CANCER AWARENESS" REQUEST TO PLACE PINK RIBBONS ON MAIN STREET:** Mr. Hamberger presented a request from Breast Cancer Awareness - Cumberland Valley, Inc. to place pink ribbons on the parking meters and trees along Main Street on Thursday, October 4<sup>th</sup> until Friday, October 5<sup>th</sup>. Mr. Hamberger noted that this is an annual event; and as the request was received late, he has granted permission for the group to proceed. Council concurred.

**PAY BILLS:** Councilman Stains made a motion to approve the payment of Voucher Lists VL-07-27 and 28. Councilman George seconded; the motion passed unanimously.

**COUNCIL AND STAFF COMMENTS:** Councilman McCammon noted that there is now a blue tarp over the existing foundation at the burned-out (Hurd) residence in the 500 block of W. Main Street, and questioned what is being done. Code Enforcement Officer Dan Sheffler reported that a permit was obtained and a new floor installed, which meets the Property Code's requirement to have the property safe and secure within a stated timeframe. Solicitor Melissa Dively agreed that this meets the requirements of the Property Code, but added that Council could (if they so desire) change the Code.

Councilman Porter reported that he had been advised that a portion of a house on W. North Street (across from the Faith United Methodist Church) had collapsed. Dan Sheffler noted that the property in question is a "custody issue" in a divorce situation. He has checked the residence periodically, but will contact Attorney Deborah Hoff regarding this recent report.

Councilman Stains suggested that Mr. Hamberger obtain a copy of Palmyra's ordinance regarding parking large vehicles (motor homes, etc.) on Borough streets, as he has heard it is very stringent and quite effective.

Carole Maline, Main Street Manager, reported that the decorated scarecrows will be erected on the streetlight fixtures Friday night for Main Street's Market Day (and St. Andrews' Oktoberfest) on Saturday. She noted there will be many vendors along Main Street; plus an apple pie contest, the scarecrow judging, and food and music from 9:00 a.m. to 4:00 p.m. Pumpkin illuminations will also be on display in Center Square from 6:00 to 9:00 p.m.

Mayor Starliper announced that Thursday, October 25<sup>th</sup>, from 6:00 to 8:00 p.m., has been designated as "Trick-or-Treat" night in the Borough. Participating residents are asked to turn on their porch lights during that time. The Police Department will also distribute treat bags for use after October 15<sup>th</sup>.

Kevin Grubbs reported that the Street Committee would like to install two (2) crosswalks on N. Grant Street – one just south of Eden Avenue on the crest of the hill, and one on the south side of the intersection of Brown and N. Grant Streets. Handicapped accessibility meeting PENNDOT's requirements must be completed, however, at those locations. He explained the type of concrete that is required, noting that it is quite expensive. A cost estimate was provided for Council's consideration. Mr. Hamberger suggested that the curb work be done with CDBG monies, and stated that he will discuss the matter with the Borough's consultants, Mullin and Lonergan Associates.

Fire Chief Ron Flegel thanked Council for the recently-held "Employee Appreciation Dinner", adding that it seemed to be enjoyed by all who attended. He also reported that Jerry Hartman and Steve Biesecker recently received their certifications as Fire Inspector I. Mike Cermak (Accredited Services) stated that this is a "good thing for the Department".

Council President Newcomer noted that his wife has had the pleasure of "riding along" for several months with some of the police officers as part of her training for a Criminal Justice degree. She is writing a journal about the experience, which will be shared with Council members; and it remain at Borough Hall for view by interested members of the public. He added that the Borough has a "great crew" working for them.

Having no further business to discuss, the meeting adjourned at 8:49 p.m. on a Porter/McCammon motion which passed unanimously.

Respectfully Submitted,

Melinda S. Knott

## Administrative Assistant