

JULY 12, 2006
WAYNESBORO, PA 17268

Council President Richard George called the regularly scheduled meeting of the Waynesboro Borough Council to order at 7:38 p.m. with the following in attendance:

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

Mayor Richard Starliper

Borough Staff – Lloyd R. Hamberger, II, Borough Manager
Dan Sheffler, Zoning-Code Enforcement Officer
Kevin Grubbs, Head of Engineering Services
Melissa Dively, Borough Solicitor (Salzmann Hughes, PC)
Ron Flegel, Fire Chief
Ray Shultz, 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 June 7, 2006 regular meeting and the June 15, 2006 special meeting, as written. Councilman Berry seconded; the motion passed unanimously.

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

COMMITTEE REPORTS

PERSONNEL COMMITTEE: Councilman Berry reported that the Personnel Committee discussed the following items at their last meeting –

- Promotion of an individual to the position of Meter Reader-Maintenance Worker
- Hiring of a Driver-Operator/Laborer for Maintenance Department
- Hiring of four (4) individuals as Pro Shop Attendants at the Golf Course
- Hiring of one (1) Cashier at Northside Pool
- Acceptance of two (2) resignations
- Advancement of a Patrolman on probationary status to Patrolman-Grade 1

PROPERTY AND PUBLIC SAFETY COMMITTEE: Councilman McCammon noted that the Property Committee met prior to this Council meeting – he will have a report on their discussion at the next meeting.

STREET COMMITTEE: President George noted that the Street Committee will meet on July 17th at 9:30 a.m. He invited the public to attend.

INTERGOVERNMENTAL COMMITTEE: No report.

DOWNTOWN REVITALIZATION AND FINANCE COMMITTEE: Councilman Newcomer reported that correspondence has been received from Main Street, Inc. regarding their recommendation on the trash containers for the downtown area. A vote on the matter will be held later in the meeting.

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

“On June 11-14, I attended the 95th PSAB conference and exhibition at Seven Springs, PA. Among the topics presented were: The Changing Communications Landscape, Information on Tasers, Trends in Union Contracts, Legislative Updates on National and State Cable Franchising Legislation, Information on What the PA Department of Health is Doing to Prepare for a Possible Avian Bird Flu Pandemic, and Information on PA Homeland Security.

On June 17th, Patrolman Travis Carbaugh and I attended the 75th Mont Alto Firemen's parade.

On June 30th, along with 150 other individuals, I attended the “Breakfast in Hollywood” program, where I awarded Karen Bowie the Mayor's Award.

On July 1st, I had the honor of presenting (for the first time) the Mayor's Choice at the car show. The award went to Don Zullinger.

On July 2nd, at Pen Mar Park, I had the honor of receiving two (2) proclamations for the Borough – one from the Governor of Maryland, presented by Delegate Bob McKee; and the other one from our own Governor Ed Rendell, presented by Representative Pat Fleagle. These two proclamations are, at the present, in the lobby of Borough Hall. They will be placed at different locations for the next several months.

On July 4th, I participated in Waynesboro's July 4th parade.

I would like to thank the WaynesboroFest Committee, all of the sponsors, and the individuals who gave of their talent and time to present the programs during this time. All indications are that the WaynesboroFest was a success. Also, thanks to the Police Department and the Waynesboro Fire Police for helping with traffic control.”

SOLICITOR'S REPORT: Melissa Dively reported that she has provided information to Council, at their request, regarding the definition of “footprint” and a provision for the remedy of property violations through abatement. In addition, she requested Council's direction on looking into issues regarding off-premise directional signs.

PUBLIC COMMENT - ITEMS ON AGENDA: None.

VOTING ON ITEMS FROM COMMITTEE REPORTS: Councilman Berry made a motion to transfer Robert Cole from his position as Park Maintenance Worker to Meter Reader-Maintenance Worker. Councilman McCammon seconded; the motion passed unanimously.

Councilman Berry made a motion to hire Richard Doll, Jr. as a Driver-Operator/Laborer, subject to a pre-employment drug test, successfully obtaining his CDL within three (3) months, and a six-month probationary period. Councilman McCammon seconded; the motion passed unanimously.

Councilman Berry made a motion to hire the following as Pro Shop Attendants: Harry Grove, IV, Kaleigh Smith, Amanda Redano and Jonathan Holmes. Councilman McCammon seconded; the motion passed unanimously.

Councilman Berry made a motion to hire Rachel Schuler as a Cashier at Northside Pool. Councilman McCammon seconded; the motion passed unanimously.

Councilman Berry made a motion to accept the resignation from Scott Stitely as a Sewer Plant Operator. Councilman McCammon seconded; the motion passed unanimously.

Councilman Berry made a motion to accept the resignation from Kevin Keeney as a Fire Apparatus Driver. Councilman McCammon seconded; the motion passed unanimously.

Councilman Berry made a motion to remove Derek Lange from his classification of Patrolman on probationary status to Patrolman-Grade 1. Councilman McCammon seconded; the motion passed unanimously.

Based on information from the Borough Solicitor, Councilman Newcomer made a motion to move forward with abatement procedures in regards to 602-604 W. Main Street. Councilman McCammon seconded; the motion passed unanimously.

Councilman Newcomer made a motion to move forward with the recommendation from Main Street, Inc. regarding downtown trash cans. Councilman Berry seconded; the motion passed unanimously.

Councilman Newcomer noted that correspondence was received from the Refuge Tabernacle requesting approval to hold revivals and distribute literature downtown every Saturday at 7:00 p.m. Mr. Newcomer recommended that the Borough Manager respond that, although the consensus of Council is that their request is worthy, they cannot endorse a Council-approved meeting for church-related activities based on the Federal Constitution prohibiting the joint venture of church and state. Council concurred with the proposed response.

UNFINISHED BUSINESS

AWARD BIDS (CONCRETE PIPE, CONCRETE JUNCTION BOXES AND CONSTRUCTION EQUIPMENT RENTAL): Mr. Hamberger reported that no bids were received for concrete junction boxes; and he requested Council's authorization to re-bid (for opening in August). He also recommended that the bids for construction equipment rental be awarded to Valley Supply & Equipment Company, based on their estimated total price of \$8,000.00. Discussion was held regarding the bids received for concrete pipe; and advice was requested from the Borough Solicitor on bond requirements for the bids.

Councilman McCammon made a motion to award the bids for construction equipment rental to Valley Supply & Equipment Company, as recommended by the Borough Manager. Councilman Newcomer seconded; the motion passed unanimously.

Councilman Newcomer made a motion to reject the bids for concrete pipe. Councilman Berry seconded; the motion passed unanimously.

Councilman Newcomer made a motion to re-bid for concrete pipe and junction boxes, without the requirement for a bid bond. Councilman McCammon seconded. Solicitor Melissa Dively advised against this action, and Councilman Newcomer amended his motion accordingly, to include the bond requirement. Councilman McCammon seconded the amended motion; the motion passed unanimously.

FIRE LOSS ORDINANCE: Mr. Hamberger presented Council with a proposed Fire Loss Ordinance for review. Councilman Newcomer made a motion to authorize advertisement of the proposed ordinance for consideration at Council's August meeting. Councilman Berry seconded. Councilman McCammon questioned the inclusion of the \$7,500 minimum cost figure; and Solicitor Dively explained that that amount was derived from the Act. The motion then passed unanimously.

BILLBOARD ORDINANCE: Mr. Hamberger presented a proposed Billboard Ordinance for Council's review. He explained that a declaration was made by Council in April that certain sections of the Zoning Ordinance were substantively invalid, and that a curative amendment would be passed within a period of six (6) months. The Waynesboro Planning Commission will review the matter in September, and Mr. Hamberger requested Council's authorization to hold a public hearing on the proposed ordinance. Discussion then ensued regarding clarification of the ordinance particulars.

Councilman Newcomer made a motion to authorize the Borough Manager to proceed with scheduling a public hearing and forwarding the proposed ordinance to the Waynesboro Planning Commission for review and comment. Councilman Berry seconded; the motion passed unanimously.

RE-ZONING REQUEST FOR 405 N. GRANT STREET (ORDINANCE NO. 1048): This matter will be discussed by Council after the public hearing has been continued.

AMENDMENT TO SUBDIVISION & LAND DEVELOPMENT ORDINANCE RE: STREET LIGHTS (ORDINANCE NO. 1049): Mr. Hamberger noted that the public hearing regarding this matter was held earlier this evening, and the proposed ordinance was advertised for Council's consideration at this meeting. Councilman McCammon made a motion to adopt Ordinance No. 1049. Councilman Stains seconded; the motion passed unanimously.

ORDINANCE NO. 1049

AN ORDINANCE AMENDING ORDINANCE NO. 944, WAYNESBORO SUBDIVISION & LAND DEVELOPMENT ORDINANCE, ENACTED SEPTEMBER 16, 1992, EFFECTIVE OCTOBER 1, 1992, AND AMENDED BY ORDINANCE NO. 980.

Complete copy on file at Borough Hall.

STREET LIGHTS (S. PHILLIPS AVENUE): Mr. Hamberger noted that Allegheny Power's proposal for street lights on S. Phillips Avenue was discussed at the last Joint Committee meeting. Councilman Berry made a motion to approve the proposal and proceed. Councilman Stains seconded; the motion passed unanimously.

DOWNTOWN "FREE PARKING" SIGNS: Kevin Grubbs informed Council members that a sample of the new post design for the proposed "Free Parking" signs has been erected in front of Borough Hall.

These signs will replace the old directional signs to the Rotary and Record Herald parking lots. Councilman Stains made a motion to proceed with the project. Councilman Newcomer seconded; the motion passed unanimously.

TOWN-CENTER (TC) ZONE SIGN ORDINANCE: Mr. Hamberger noted that a public hearing is required for the Town-Center (TC) Zone Sign Ordinance. Councilman Porter made a motion to authorize the Borough Manager to schedule the hearing accordingly. Councilman Stains seconded; the motion passed unanimously.

NEW BUSINESS

SUB-RECIPIENT AGREEMENT (MAIN STREET WAYNESBORO, INC.): Mr. Hamberger reported that he and Solicitor Melissa Dively have been working on minor revisions to the proposed Sub-Recipient Agreement with Main Street, Inc. It has been forwarded to Main Street, Inc., and they were in agreement. The document will be provided to Council for review and approval at their next meeting.

PUBLIC IN ATTENDANCE - NON-AGENDA ITEMS:

Amos Miller, 309 W. Sixth Street - Mr. Miller questioned if the Borough has regulations regarding color scheme approval for downtown properties. Mr. Hamberger stated that approval must be given for color schemes only if a property owner is utilizing facade improvement program funds. Councilman Berry reminded those present about the skepticism when *Tranquilitea* painted their building pink – the building is now quite accepted.

David Black of David Black Associates, representing the Waynesboro YMCA - Mr. Black noted that the YMCA is in the process of obtaining final land development plan approval, but the Waynesboro Planning Commission meeting scheduled for earlier this week did not take place. He questioned if Council would be willing to hold a special meeting after the Planning Commission's meeting next week. Council President Richard George noted that Council has plans to hold a special meeting on July 26th, at which time they can discuss the YMCA's plan.

Danny Blount, 807 Pine Grove Drive - Mr. Blount described flooding problems that he and several neighbors experienced during the recent rain storms. An 18" drainpipe under the road apparently filled up and couldn't handle the stormwater overflow. As a result, water flooded Mr. Blount's (and others') basement(s). He noted that this problem was addressed with Kevin Grubbs approximately two years ago. At that time he was told it was a Township problem, and that the Borough would contact the Township regarding the matter. That was apparently not done, and he is hopeful that this matter will not be ignored again. Mr. Grubbs noted that he is investigating the matter. President George stated that, at Council's special meeting on July 26th, they will discuss all residents' concerns regarding flooding (including Cemetery Avenue, etc.) Councilman Newcomer instructed Kevin Grubbs to forward his preliminary information on the matter to the Planning Commission for review (and to Council for their information). Mr. George noted that Council will do what they can to resolve the problems, and he urged the residents to attend their special meeting on July 26th. Mr. Hamberger also encouraged them to contact FEMA for monetary assistance.

FOR INFORMATION ONLY

LETTER FROM CONGRESSMAN BILL SHUSTER RE: TV CABLE CORRESPONDENCE: Mr. Hamberger provided Council with a copy of correspondence he received from Congressman Shuster

regarding the proposed TV Cable Act and the Borough's potential loss of franchise fees.

LETTER FROM GROVE-BOWERSOX FUNERAL HOME, INC. RE: AIR QUALITY PROGRAM APPLICATION: Mr. Hamberger noted that this is standard protocol for any applications submitted for Pennsylvania's Air Pollution Control Act. Comments should be forwarded to DEP, at the address contained in the correspondence received from Grove-Bowersox Funeral Home.

RESULTS OF POLICE CORPORAL EXAMINATION: Mayor Starliper reported that an Official Register was posted for Police Corporal on June 22nd – four (4) officers successfully passed the examination. Interviews for the position will be held on July 26th, beginning at 6:00 p.m. Council concurred.

PAY BILLS: Councilman Newcomer made a motion to approve the payment of Voucher Lists VL-06-16, 17 and 18. Councilman McCammon seconded; the motion passed unanimously.

COUNCIL COMMENTS: Councilman Berry informed the public in attendance that he would like to discuss the proposed re-zoning request for 405 N. Grant Street with them prior to the continued hearing. President George noted that he intends to speak with them also. Councilman Stains added that he, too, would welcome any questions or concerns from constituents in that area.

Councilman Newcomer thanked members of the public for attending this evening's meeting.

Mayor Starliper noted that a hazardous materials disposal program was held several years ago in the Borough, and he feels there is a need for one again. Mr. Hamberger replied that that program was arranged by Franklin County in the past, and he was told several months ago that they will not continue this practice. He added, however, that he will contact them again regarding the need. Mayor Starliper also mentioned a shredding program to assist residents in disposing of documents containing personal information because of the threat of identity theft. Mr. Hamberger will check with other municipalities to see if they have done such a program.

SUBDIVISION PLAN (MARY WALKER - EIGHTH STREET): Kevin Grubbs reported that the Waynesboro Planning Commission recommended approval of the subdivision plan for Mary Walker (W. Eighth Street) during their meeting on June 12th. Councilman McCammon made a motion to approve the subdivision plan as submitted. Councilman Berry seconded; the motion passed unanimously.

SOLICITOR'S ATTENDANCE AT SPECIAL MEETING: Solicitor Melissa Dively questioned if Council would require her presence at their special meeting scheduled for July 26th – they responded in the negative. Regarding the abatement issue discussed earlier in the meeting, Ms. Dively recommended that the property owner be advised that the abatement process will be pursued. She will prepare the appropriate correspondence in this regard.

STAFF COMMENTS: Fire Chief Ron Flegel informed Council that the Fire Department recently replaced all their self-contained breathing apparatus (SCBA's) with new (a total of 33 units). These were purchased utilizing FEMA monies, at an approximate cost of \$144,000.

Police Chief Ray Shultz apologized for the delay in Council receiving his monthly reports. He explained that the Police Department recently made changes to their records management system, and the reports have been difficult to reproduce. Those should be up-to-date in the very near future.

Mr. Hamberger requested information from Dan Sheffler regarding the number of citations which were issued for the property on W. Main Street for which abatement procedures will be pursued. Mr. Sheffler responded that there have been 12 citations issued.

Mr. Hamberger informed Council that the traffic light pole at the intersection of Grant and Main Streets which was damaged sometime ago will be replaced the following day.

Having no further business to discuss, the meeting adjourned at 8:34 p.m. on a McCammon/Berry motion which passed unanimously.

Respectfully Submitted,

Melinda S. Knott
Administrative Assistant