

APRIL 19, 2006
WAYNESBORO, PA 17268

Council Vice-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, Craig Newcomer, Allen Berry and Charles McCammon (Richard George was absent)

Mayor Richard Starliper

Borough Staff – Lloyd R. Hamberger, II, Borough Manager
Dan Sheffler, Zoning-Code Enforcement Officer
Melissa Dively, Borough Solicitor (Salzmann Hughes, PC)
Denny Benschhoff, Maintenance Superintendent
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 Council's March 23rd workshop, as written. Councilman Porter seconded; the motion passed unanimously.

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

COMMITTEE REPORTS

PERSONNEL COMMITTEE: Councilman Berry noted that he received three (3) employee evaluations, however no action was required. In addition, he will be making recommendations on hiring one (1) Pro Shop Attendant, eight (8) Lifeguards, three (3) Summer Maintenance Workers for the Golf Course, and two (2) Summer Maintenance Workers for the Maintenance Department.

PROPERTY AND PUBLIC SAFETY COMMITTEE: Councilman McCammon reported that the Property Committee met on Monday, April 17th. During their meeting they discussed the following:

- Elevator problems at Borough Hall – working on a maintenance agreement with KONE

- Monetary donation for trash cans downtown – working on that project
- Light to be placed in the center of Borough Hall's rear parking lot – being reviewed
- Possible purchase of a “bucket truck” to maintain street lights – Washington Township has offered the use of their truck (when it is available)

STREET COMMITTEE: Councilman Porter noted that the Street Committee also met on April 17th. Discussion at their meeting involved the following:

- 25 mph speed limit approved on N. East Avenue north from E. Main Street – signs have been installed
- Request to pave the alley that runs from the north side of the Record Herald building on Walnut Street to Church Street – will be taken under consideration as plans for paving alleys this summer are developed
- Can CDBG money be used to fund curb cuts for power wheelchairs – being reviewed
- Heavy truck traffic on N. Church Street from Center Square to Third Street – an engineering study will be conducted and a recommendation provided to Council
- Request for a “no parking” zone on the west side of Walnut Street in the area of The Beer Shed – recommendation forthcoming
- Curb/sidewalk repair notices for C.V. Avenue and Second Street – recommendation forthcoming
- Angled parking in front of Tool Company – under review

INTERGOVERNMENTAL COMMITTEE: No report.

DOWNTOWN REVITALIZATION AND FINANCE COMMITTEE: Councilman Newcomer noted that several items discussed by the Downtown Revitalization and Finance Committee will be handled under “New Business”.

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

“On April 6, 2006, along with friends and fellow workers, I attended the retirement celebration of Police Officer Kurt Heffernan. A good meal was enjoyed by all; and afterwards, a slide show of Kurt's many phases of police work was shown, along with a couple presentations and words from

the retiree. We wish you the best.”

PUBLIC COMMENT - ITEMS ON AGENDA: None.

VOTING ON ITEMS FROM COMMITTEE REPORTS: Councilman Berry made a motion to hire Dorothy Kaiser as a Pro Shop Attendant at the Golf Course. Councilman McCammon seconded; the motion passed unanimously.

Councilman Berry made a motion to hire the following individuals as Lifeguards at Northside Pool: Hannah Sanders, Tiffany Waters, Jared Rhodes, Andra Reed, Jordan Reed, Kelby Reed, Rachel Stanton and Allyson Fridinger. Councilman Stains seconded; the motion passed unanimously.

Councilman Berry made a motion to hire the following individuals as Summer Maintenance Workers at the Golf Course: William Wilson, Jason Sariano and Tyler Walker. Councilman Stains seconded; the motion passed unanimously.

Councilman Berry made a motion to hire the following individuals as Summer Maintenance Workers at the Maintenance Department: Randy Miller and Andrew Miller. Councilman McCammon seconded; the motion passed unanimously.

Councilman Porter made a motion to establish a “No Parking Here to Corner” area on the west side of Walnut Street 35' south of the first alley south of E. Third Street; and further, to establish a “No Parking Anytime” area on the west side of Walnut Street beginning at the south side of the driveway entrance 25' south at 226 Walnut Street. Councilman Berry seconded; the motion passed unanimously.

Councilman Porter made a motion that the Engineering Department be authorized to issue curb/sidewalk notices, as appropriate, on C.V. Avenue and E. Second Street in anticipation of paving in the summer of 2007. Councilman Berry seconded; the motion passed unanimously.

UNFINISHED BUSINESS

SUMMER JUBILEE REQUEST: Mr. Hamberger noted that Police Chief Shultz is on vacation, but provided Council with an update on his meeting with CVS and the Jubilee Committee. He suggested that Council authorize Chief Shultz to work on final details between the interested parties. Councilman Porter made a motion to authorize the Police Chief to finalize details on the closing of Virginia Avenue on July 4th, pursuant to the request of the Summer Jubilee Committee. Councilman McCammon seconded. Councilman Newcomer commended CVS for offering to open their doors one hour later to accommodate the 5-K Run. A vote was then called, and the motion passed unanimously.

REMINDER OF PUBLIC HEARING RE: TOWN CENTER (TC) SIGN ORDINANCE: Kevin Grubbs reported that the public hearing regarding the Town Center (TC) Sign

Ordinance has been duly advertised for Wednesday, May 3rd, at 7:00 p.m.

NEW BUSINESS

MAIN STREET WAYNESBORO, INC. GRANT APPLICATION AND SUBRECIPIENT AGREEMENT: Mr. Hamberger noted that Main Street Inc. is pursuing a grant for the downtown, however the Borough of Waynesboro must be listed as the grantee. Accordingly, he presented proposed Resolution No. 2006-05 (which authorizes the Borough of Waynesboro to apply for the grant) for Council's consideration. Mr. Hamberger added that he and the Solicitor are preparing a Subrecipient Agreement for the grant. He is hoping that Council can address the matter during their second meeting in May. Councilman McCammon made a motion to approve Resolution No. 2006-05, as presented. Councilman Berry seconded; the motion passed unanimously.

RESOLUTION 2006-05

WHEREAS, the Borough of Waynesboro is desirous of obtaining funds from the Pennsylvania Department of Community and Economic Development in the amount of \$85,000,

Complete copy on file at Borough Hall.

SUBDIVISION/LAND DEVELOPMENT AT 434 CLEVELAND AVENUE (LEISINGER): Kevin Grubbs stated that the Waynesboro Planning Commission reviewed the plans for the Leisinger Subdivision/Land Development at its meeting on April 20th. All requirements of the Subdivision/Land Development and Zoning Ordinances have been met, and the Planning Commission recommended the plans for approval. Councilman McCammon made a motion to approve the Leisinger Subdivision Plan, as presented. Councilman Porter seconded; the motion passed unanimously.

SUBDIVISION/LAND DEVELOPMENT FOR GREEN STREET TOWNHOUSES (CARBAUGH/KAUFFMAN): Kevin Grubbs noted that the Waynesboro Planning Commission reviewed the plans for the Carbaugh/Kauffman Subdivision/Land Development. They recommended approval, contingent upon several minor items (regarding parking spaces and the construction entrance), which have been completed. Mr. Grubbs also noted that approval of the Stormwater Management Plan has been received. Councilman McCammon made a motion to approve the Carbaugh/Kauffman Subdivision/Land Development Plan, as presented. Councilman Berry seconded; the motion passed unanimously.

SUBDIVISION AT 712 W. MAIN STREET (STARLIPER): Kevin Grubbs noted that the Waynesboro Planning Commission, at its meeting on April 20th, also reviewed the plans for the Starliper Subdivision. As the plans met all requirements of the Subdivision/Land Development and Zoning Ordinances, they recommended approval. Councilman Porter made a motion to approve the Starliper Subdivision Plan, as presented. Councilman McCammon seconded; the motion passed unanimously.

VACATE ALLEY (E. NINTH STREET TO OLD MILL ROAD): Kevin Grubbs described the triangular tract of land located at the southern end of Waynesboro, which is surrounded by E. Ninth Street, S. Church Street and Old Mill Road. An alley right-of-way is shown on the tract, however the alley does not exist. A land development for townhouses will be proposed for the location. He deferred to the Solicitor for an explanation of the alley vacation procedures.

Melissa Dively explained the process for vacating an alley as set forth in the Borough Code. The proposed ordinance must be advertised prior to adoption; but after adoption, the ordinance is not effective for 40 days. During that 40-day period, any owner of abutting property has an opportunity to petition Council for a public hearing. Although it is not likely that anyone will contest this vacation, it is nonetheless not a waivable matter. Accordingly, the developer needs to be aware that if their plans are to act immediately on approved plans, there is this time period when the vacation will not be effective. She added that there are also advertising requirements after the ordinance is adopted, and she will provide instructions to the Borough Manager on those.

Councilman McCammon made a motion to authorize the preparation of an ordinance to deal with the proposed alley vacation, as described. Councilman Porter seconded. It was noted that the proposed ordinance will most likely be considered by Borough Council at its second meeting in May. A vote was called; and the motion passed unanimously.

In light of the Solicitor's explanation, Councilman Porter asked if there would be any adverse impact on action taken recently regarding the alley abandonment at Dickinson Avenue. Mr. Hamberger noted that that action was taken based on advice from the former Borough Solicitor.

RESIGNATION FROM PLANNING COMMISSION: Mr. Hamberger presented Council with a letter of resignation from Richard Sherwin from his seat on the Planning Commission. He noted that several individuals have expressed interest in any vacancies on this Board, and he will provide contact information to Council for their consideration. Councilman Stains made a motion to accept the resignation from Richard Sherwin. Councilman Berry seconded; the motion passed unanimously.

SIGN CONCERNS: Melissa Dively advised Council of her concern that the Borough's Zoning Ordinance is substantively invalid in its express and complete prohibition of off-premise signs (billboards). She explained a similar situation recently in Greencastle, and provided advice on a municipal curative amendment procedure which could assist Waynesboro in preventing any future litigation. The municipality would have to motion to declare a particular portion of its Zoning Ordinance (in Waynesboro's case, it would be Article 11, Section 76F, Subsection 3) substantively invalid and propose to prepare a curative amendment to overcome such invalidity. In the next 30 days, Council would have to adopt a resolution declaring the specific findings set forth in declaring the

invalidity of the Zoning Ordinance. Then, within 180 days of making this motion, the curative amendment would have to go through the amending process as set forth in the Municipalities Planning Code, which would include approval of a zoning amendment by the Waynesboro Planning Commission and the Franklin County Planning Commission within the appropriate time frames.

Councilman McCammon made a motion to declare Section 76(F)(3) of Article 11 of the Waynesboro Zoning Ordinance substantively invalid. Councilman Porter seconded; the motion passed unanimously.

Ms. Dively noted that she will provide assistance to Council in preparation of the appropriate documents.

PROCLAMATION: Mayor Starliper presented a Proclamation declaring April 24-30 as Medical Laboratory Week in Waynesboro, PA. A copy of the Official Proclamation will be placed on record at Borough Hall.

EMPLOYER IDENTIFICATION OF AUTHORIZED SIGNATURES FOR PENSION PLANS (SUSQUEHANNA BANK): Mr. Hamberger noted that Council has appointed Susquehanna Wealth Management as trustee for the Borough of Waynesboro's employee pension plans, and they are requiring a signatory record for the designated administrator. Councilman Stains made a motion to authorize execution of the appropriate signatory forms to designate Lloyd R. Hamberger, II, Borough Manager, as administrator of the Borough's pension plans. Councilman Porter seconded; the motion passed unanimously.

WAYNESBORO YOUTH LEAGUE PARK REQUEST: Mr. Hamberger noted that representatives of the Waynesboro Youth League were present to answer any questions regarding their planned improvements at the Clayton Avenue ballfields. He explained that the Borough of Waynesboro owns the property and leases it to the WYL. They are required to obtain permission from the Borough prior to making any major changes at the property. The WYL has presented plans to the Waynesboro Recreation Board to construct a 24x34 concession stand and a 12x16 batting cage; and they are working with the Waynesboro Borough Authority regarding their water and sewer needs. Councilman Porter made a motion to authorize the installation of a concession stand and batting cage at the Clayton Avenue property, as outlined. Councilman McCammon seconded; the motion passed unanimously. It was noted that their plans are to utilize the existing concession stand building for storage, and to relocate sod to the Municipal Golf Course.

PROPERTY CLEAN-UP PROCESS: Councilman Newcomer noted concern with the fact that the Borough is somewhat limited in its process for enforcing property clean-up requirements. Citing one property in particular, numerous notices have been sent to the owner who has avoided making any improvement. With Council's consent, Mr. Newcomer requested that the Code Enforcement Officer, Borough Manager and Borough Solicitor review regulations in search of a better solution to this problem.

Council concurred.

AWARD BIDS FOR ROOF INSTALLATION AT SOUTH POTOMAC FIRE STATION:

Mr. Hamberger noted that bids received for the roof installation at the South Potomac Fire Station were approximately \$4,000 over the amount budgeted for the project. After discussions with the bidder (Bonded Applicators) regarding specifications for the project, he recommended that the bid be awarded to them. Accordingly, Councilman McCammon made a motion to award the bid for the roof installation at the South Potomac Fire Station to Bonded Applicators, based on their bid of \$19,654.00. Councilman Porter seconded; the motion passed unanimously.

PUBLIC IN ATTENDANCE - NON-AGENDA ITEMS:

John Mills, 152 W. Main Street - Mr. Mills requested an explanation on the parking ticket he received recently. He stated that the posted signs prohibited parking from 7:00 a.m. to 4:00 p.m. for street sweeping. A ticket had been placed on his vehicle at 4:08 a.m., which he discovered when he left for work that day at 6:45 a.m. Mr. Mills noted that he attempted to obtain an explanation from the officer who had issued the ticket, however that officer has not yet returned his call. Mayor Starliper stated that he will investigate the matter.

Mr. Mills also discussed his concerns regarding vehicle noise at the corner of N. Grant and W. Main Streets. Discussion followed regarding the Borough's adopted "Noise Ordinance", which mainly deals with radios. It was noted that if a vehicle meets state inspection codes, there is not a lot that can be done. Mayor Starliper suggested that residents contact their state legislators regarding the matter.

Caryl Stalick, 15 W. Third Street - Ms. Stalick questioned if Council would consider adopting a second phase of the Noise Ordinance to address mufflers and vehicle noise. Discussion followed regarding state laws and the difficulty in enforcing noise levels.

Margery Benson, 2 W. Third Street - Ms. Benson discussed her concerns regarding heavy truck traffic on various Borough streets, and Council's authority to establish weight limitations in certain areas. She feels this would enhance the walkability, safety and marketability of our town; and requested that Council exercise whatever authority they may have on the matter. Mr. Hamberger explained that the Borough has no authority on state roads such as Potomac Street and Main Street; however engineering studies are underway on Church Street, and will begin soon on Third Street, to address the issue.

Ms. Benson also suggested the use of crosswalk markings and/or pedestrian right-of-way signs. Councilman Porter noted that the Street Committee will review this matter, but cautioned that these can sometimes lead to a false sense of security.

Regarding noise complaints, Councilman Newcomer reported that the most recent Police Chief's Report listed 62 successful violations to-date this year.

FOR INFORMATION ONLY

STATUS OF CIVIL SERVICE EXAMINATION FOR CORPORAL: Mr. Hamberger reported that the civil service examination for Police Corporal has been advertised. The test will be held on Friday, May 12th, at 6:00 p.m. Councilman Porter noted that the most recent issue of *The PSAB Magazine* contained an article regarding veterans' preference. He suggested that a copy of the article be forwarded to members of the Civil Service Commission for their review.

Councilman Newcomer asked for clarification on the reason for re-testing for the Corporal's position. Mr. Hamberger advised that, if the list of eligibles contains less than three (3) names, the Civil Service Commission may re-test. Individuals on the list are given the option of either re-testing or transferring their score.

MEETING WITH WAYNESBORO AREA TAX BUREAU: Mr. Hamberger noted that, at Council's request, he has sent correspondence to the Waynesboro Area Tax Bureau requesting a meeting regarding the Emergency Municipal Services Tax (EMST).

MEETING WITH CHAMBER OF COMMERCE RE: SIGNS: Mr. Hamberger noted that he also sent correspondence to the Chamber of Commerce requesting a meeting regarding their input on sign regulations.

NATIONAL DAY OF PRAYER (MAY 4, 2006): Mr. Hamberger referred to correspondence he received from Pastor Bill Schuit from Otterbein Church. Pastor Schuit notes that the National Day of Prayer is scheduled for May 4th; and a crowd will gather on the steps of Borough Hall at 12:00 noon that day to pray for Waynesboro. He requested that specific prayer requests be e-mailed to him prior to that day.

SOUTH CENTRAL PA REGIONAL GOODS MOVEMENT STUDY PUBLIC MEETING (APRIL 20, 2006): Council members were invited to attend an informational public meeting regarding the South Central PA Regional Goods Movement Study, which is being conducted to examine freight issues across all modes of transportation in an 8-county area in south central Pennsylvania. The meeting will be held on Thursday, April 20th, at 2:00 p.m., in the conference room of the Franklin County Administrative Annex in Chambersburg.

PAY BILLS: It was noted that there were no voucher lists available for approval, as the Treasurer is on vacation.

COUNCIL AND STAFF COMMENTS: Councilman Stains suggested that Council review its street sweeping practices prior to the fall sweeping, as many complaints have been voiced regarding the matter. He noted that many residents do not have driveways or off-street parking; and to move their vehicle to a different area for street sweeping can be very inconvenient. Mr. Stains mentioned that other communities use an alternating schedule, whereby one side of the street is swept on one day and the other side of the

street is swept on another day. The matter was referred to the Street Committee for review.

Mayor Starliper encouraged residents to begin the everyday practice of conserving water – not just because of drought conditions, but because it is practical to conserve all the time. He also noted that some residents are still in violation of the Borough's regulations regarding the placement of trash at curbside for collection. Mr. Hamberger stated that he will ask the Code Enforcement Officer to investigate the matter. Mr. Starliper also informed Council members that the South Central Pennsylvania Regional Counter-Terrorism Task Force will conduct a meeting on May 31st from 9:00 a.m. to 11:00 a.m. at the Waynesboro Hospital. He suggested that a representative from the Borough's emergency management staff attend. Mr. Starliper also reminded Council and the public of the upcoming Gala Cancer Auction on April 29th at the Eagles Club.

Councilman Newcomer commented that "behind every good organization and every staff is a very good backbone". He acknowledged Administrative Assistant Melinda Knott for her efforts, which (he added) are well appreciated by Council and the staff.

Having no further business to discuss, the meeting adjourned at 8:48 p.m.

Respectfully Submitted,

Melinda S. Knott
Administrative Assistant