

AUGUST 17, 2005
WAYNESBORO, PA 17268

Council President C. Harold Mumma 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 – Richard George, Lorena Newcomer, John Cook, C. Harold Mumma, Charles McCammon and Stephen Monn

Mayor Louis M. Barlup, Jr.

Borough Staff – Lloyd R. Hamberger, II, Borough Manager
Dan Sheffler, Zoning-Code Enforcement Officer
Kevin Grubbs, Head of Engineering Services
D. Lloyd Reichard, II, Borough Solicitor
Ron Flegel, Fire Chief
Ray Shultz, Police Chief
Denny Benshoff, Maintenance Superintendent

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

NEW COMMITTEE ASSIGNMENTS: New Committee assignments were distributed to Council members prior to the meeting. President Mumma asked for any comments on the re-assignments. There were none.

APPROVE MINUTES: Councilman McCammon made a motion to approve the minutes of the July 20, 2005 meeting, as written. Councilman Cook seconded; the motion passed unanimously.

ACCEPT REPORTS: Councilman McCammon made a motion to accept the reports of the Code Enforcement Officer and Fire Chief for July, and the Police Chief's Report for the months of June and July, as presented. Councilman Monn seconded; the motion passed unanimously.

COMMITTEE REPORTS

PERSONNEL COMMITTEE: Councilwoman Newcomer reported that the committee reviewed the following items at their most recent meeting:

- 1) Favorable performance evaluation for Mike Benshoff - no action required
- 2) Favorable performance evaluation for Robert Cole – recommendation for step increase to level 4 (with 7-8 years' experience)
- 3) Favorable performance evaluation for Clint Martin – recommendation for step increase to level 8 (with 7-8 years' experience)
- 4) Hired Kerry Smith as Driver Operator/Laborer – level 5 (with 6 months' probation)
- 5) Head Lifeguard at Northside Pool left for college – Pool management and Recreation Board are recommending the promotion of Michele Ruble to the position for the remainder of the season

PROPERTY AND PUBLIC SAFETY COMMITTEE: Councilman Monn reported that the sale of the house on Fifth Street is pending. No date has been scheduled yet for closing.

STREET COMMITTEE: Councilman George reported on the following items:

- 1) Park Street reconstruction is underway – blacktopping will be done the following day
- 2) Will suggest the abandonment of two (2) alleys to Council
- 3) Recommendation will be made regarding a speed limit sign on Dickinson Avenue
- 4) Recommendation will be given regarding the purchase of new parking meters
- 5) Action will be taken on several requests regarding handicapped parking spaces.

INTERGOVERNMENTAL COMMITTEE: No report.

DOWNTOWN REVITALIZATION AND FINANCE COMMITTEE: Councilman Cook reported that the committee met the previous Monday evening. During their meeting, they discussed the proposed Noise Ordinance at length. The matter will be discussed later in the meeting.

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

“At our last Council meeting I reported on our long-range plan of developing a new Police Station. Since then, I was referred by PSAB to the United States Department of Agriculture Rural Development Office.

Dennis Berkey, the manager of this agency, contacted me and I received information concerning loans and grants. I have copies of some of the material for you to read and consider. In addition, I have an application form and a community facilities application guide.

In quoting from their literature, “Community facilities – such as health care clinics, police and fire stations, schools and childcare centers – are essential to the quality of life in any rural community.” This covers rural areas and towns of up to 20,000 in population.

This is the agency that is financing the Waynesboro Ambulance building that is now under construction. Mr. Berkey stated that he visits that construction site at least once a month and would be happy to meet with any Council members or others during one of his visits to Waynesboro to discuss this program in more detail.

It is time for Waynesboro to move forward with this project and bring us up to date with surrounding communities in providing a proper facility for our police.”

PUBLIC COMMENT – ITEMS ON AGENDA: Paul Newcomer, 28 Tritle Avenue, commented on the proposed plan for West End Development. He stated his opinion that the traffic study presented at Council's last meeting indicates the plan is in violation of the Borough's Subdivision/Land Development Ordinance – he quoted particular excerpts (Article I, Section 2, Subsection 3) and (Article VII, Section 1, Subsection 1) with regard to the accommodation of projected traffic and public convenience/safety.

Mr. Newcomer voiced his feeling that Council has no choice but to reject the plan for West End Development, as it is in violation of the Subdivision/Land Development Ordinance.

VOTING ON ITEMS FROM COMMITTEE REPORTS: Councilwoman Newcomer made a motion to approve a step increase for Robert Cole to level 4 (with 7-8 years' experience). Councilman Cook seconded; the motion passed unanimously.

Councilwoman Newcomer made a motion to approve a step increase for Clint Martin to level 8 (with 7-8 years' experience). Councilman Cook seconded; the motion passed unanimously.

Councilwoman Newcomer made a motion to affirm the hiring of Kerry Smith as a Driver/Operator-Laborer at level 5 (with 6 months' probation). Councilman Cook seconded; the motion passed unanimously.

Councilwoman Newcomer made a motion to promote Michele Ruble to the position of Head Lifeguard for the remainder of the season. Councilman Cook seconded; the motion passed unanimously.

Councilman George made a motion to authorize the staff to schedule public hearings for the proposed alley abandonments discussed (off of Dickinson Avenue and off of Northfield Avenue). Councilman Cook seconded; the motion passed unanimously.

Councilman George made a motion to authorize the installation of handicapped parking signs at 221 Dickinson Avenue and 22 N. Price Avenue, and removal of the handicapped parking signs at 228 Wayne Avenue. Councilman Cook seconded; the motion passed unanimously.

Councilman George made a motion to erect a speed limit sign (25 mph) on Dickinson Avenue, pursuant to a request received several weeks ago. Councilman Cook seconded; the motion passed unanimously.

Councilman George questioned the status of a proposal for a two-year replacement program for downtown parking meters. Mr. Hamberger stated that that information will be available for discussion at the Street Committee's next meeting.

UNFINISHED BUSINESS

CONSIDER ORDINANCE NO. 1030 (2003 INTERNATIONAL PROPERTY MAINTENANCE CODE) FOR ADOPTION: Mr. Hamberger noted that this matter was discussed at Council's last meeting, and proposed Ordinance No. 1030 (which will adopt the 2003 edition of the International Property Maintenance Code) has been advertised for adoption at this meeting. Councilman McCammon made a motion to adopt Ordinance No. 1030. Councilman Cook seconded; the motion passed unanimously.

ORDINANCE NO. 1030

AN ORDINANCE OF THE BOROUGH OF WAYNESBORO ADOPTING THE 2003 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE, REGULATING AND GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS AND STRUCTURES; BY PROVIDING THE STANDARDS FOR SUPPLIED UTILITIES AND FACILITIES AND OTHER PHYSICAL THINGS AND CONDITIONS ESSENTIAL TO ENSURE THAT STRUCTURES ARE SAFE, SANITARY AND FIT FOR OCCUPATION AND USE; AND THE CONDEMNATION OF BUILDINGS AND STRUCTURES UNFIT FOR HUMAN OCCUPANCY AND USE, AND THE DEMOLITION OF SUCH EXISTING STRUCTURES IN THE BOROUGH OF WAYNESBORO; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFORE; REPEALING ORDINANCE NO. 985 OF THE BOROUGH OF WAYNESBORO AND ALL OTHER ORDINANCES AND PARTS OF THE ORDINANCES IN CONFLICT THEREWITH.

Complete copy on file at Borough Hall.

CONSIDER ORDINANCE NO. 1031 (AMPLIFIED NOISE ORDINANCE): Councilman Cook made a motion to adopt proposed Ordinance No. 1031. Councilman George seconded; the motion passed unanimously.

ORDINANCE NO. 1031

AN ORDINANCE REGULATING AMPLIFIED NOISE WITHIN THE BOROUGH OF
WAYNESBORO AND SETTING FORTH THE PENALTIES

Complete copy on file at Borough Hall.

BRIMINGTON FARM (PLANNED RESIDENTIAL DEVELOPMENT): Kevin Grubbs noted that Council members received information regarding the Brimington Farm Planned Residential Development (formerly known as the Hollengreen Farm). The Waynesboro Planning Commission reviewed the plan at length, and recommended approval (contingent upon securing the appropriate bonding). Mr. Grubbs stated that all documents required have been submitted and approved, including all DEP and EPA certificates, all County/State permits, and all right-of-way agreements. Councilman McCammon made a motion to approve the Brimington Farm Planned Residential Development, subject to receipt of the appropriate bonding. Councilman George seconded; the motion passed unanimously.

Mr. Hamberger stated that a resolution for the approval will be prepared and executed.

WEST END DEVELOPMENT (LAND DEVELOPMENT PLAN): Councilman McCammon made a motion to approve the Land Development Plan for the West End Development, subject to receipt of the appropriate bonding. Councilman George seconded.

Discussion followed regarding the comments presented by Paul Newcomer and any potential violation. Borough Solicitor Reichard noted that the two items he addressed are general statements regarding the intentions of the Subdivision/Land Development Ordinance and design standards for streets. He stated that the Borough's Engineering Department is relied on to attest as to whether or not the Land Development Plan conforms to the ordinance.

Kevin Grubbs, Head of Engineering Services, noted that the design standards for streets were reviewed and approved by the staff and the Waynesboro Planning Commission.

Councilman George commented that traffic concerns have been discussed with regard to this proposed development since the initial request for rezoning was made. He questioned when issues/concerns such as this should be addressed in the approval process.

Kevin Grubbs stated that it would be helpful to know what is being planned for a property at the time of the rezoning request. However, that is not always possible; and once the rezoning is complete, only the requirements of that particular zoning need to be met. Solicitor Reichard agreed.

Councilman Monn questioned if conditions can be placed on rezonings. Mr. Reichard stated they cannot. Additionally, however, Mr. Monn clarified that Borough Council is not under any obligation to approve a rezoning request.

Mr. Reichard noted that the time to address what can or cannot be done in any particular zone is in a revision of the Zoning Ordinance, which would then apply to any plans that come in after that had been accomplished. He added that development plans must be considered under the terms of the ordinances applicable at the time of their submission.

Councilman McCammon reminded Council members that there is a motion (and second) on the floor regarding approval of the Land Development Plan for West End Development.

Councilman Cook noted his concern regarding the public's opposition to this proposed development. He asked the solicitor if Council would be under any liability of a lawsuit based on the issues brought forward by Mr. Newcomer. Solicitor Lloyd Reichard replied that if the development is not approved, Council would be required to cite the specific manner in which the development did not comply with the Borough's ordinance(s).

A vote was then called. The motion to approve the Land Development Plan for West End Development passed 4-2 (Councilman Monn and Councilwoman Newcomer abstained).

UNOVA INDUSTRIAL AUTOMATION SYSTEMS, INC. (SUBDIVISION PLAN): Kevin Grubbs presented a proposed Subdivision Plan for Unova Industrial Automation Systems, Inc. for two lots inside their fenced-in area. The Franklin County Planning Commission reviewed the plan and gave no comment, and the Waynesboro Planning Commission recommended approval of the plan to Borough Council. Councilman McCammon made a motion to approve the Subdivision Plan for Unova Industrial Automation Systems, Inc. Councilman Cook seconded; the motion passed unanimously.

NEW BUSINESS

ANTIETAM HUMANE SOCIETY'S "WALK FOR THE ANIMALS": A request was received from the Antietam Humane Society for their annual "Walk for the Animals" to be held on Sunday, September 18th, at 12:00 p.m., beginning and ending at Summitview Elementary School. Councilman George made a motion to approve the request. Councilman Cook seconded; the motion passed unanimously.

RECOMMENDED CHANGES TO RULES AND REGULATIONS OF THE WAYNESBORO CIVIL SERVICE COMMISSION: Mr. Hamberger noted that the Waynesboro Civil Service Commission discussed a change in the minimal requirements for the hiring of police officers at their most recent meeting. Accordingly, they have prepared an amendment to Article III, Section 302(d) of their Rules and Regulations to read: "Each applicant for the position of Police Officer must have successfully completed the training requirements of the Municipal Police Officers' Education and Training Act, 53 Pa. C.S.A., Section 2167 et seq, commonly known as Act 120".

Councilman Cook made a motion to approve the amendment, as recommended. Councilwoman Newcomer seconded; the motion passed unanimously.

FOR INFORMATION ONLY

FRANKLIN COUNTY AREA DEVELOPMENT CORPORATION 19TH ANNUAL INDUSTRY APPRECIATION DINNER (SEPTEMBER 8, 2005): Council members received an invitation to the Franklin County Area Development Corporation's 19th Annual Industry Appreciation Dinner to be held on September 8th. RSVP's are due by August 19th.

CENTRAL TRI-COUNTY BOROUGHS ASSOCIATION MEETING (SEPTEMBER 27, 2005): The Central Tri-County Boroughs Association meeting will be held on September 27th in Marysville. Those interested in attending were asked to inform Melinda Knott by September 19th.

UPDATE ON FEDERAL STREET FUNDING: Mr. Hamberger noted that he contacted Congressman Bill Shuster's office to clarify that the federal funding for streets will be channeled through PENNDOT. They will research whether the money will be "up-front" or parceled out over the five-year period. Council will be informed when additional information is received.

PAY BILLS: Councilman Cook made a motion to approve the payment of Voucher Lists VL-05-21, 22 and 23. Councilman McCammon seconded; the motion passed unanimously.

PRESENTATION ON IDEAS FOR CENTER SQUARE - HARRY MORNINGSTAR, JR.: Mr. Morningstar noted that Councilman Cook requested that Main Street Waynesboro, Inc. provide suggestions for parking signs to direct people off Main Street to the existing public parking areas. He presented an example prepared by the Wertner Sign Company in Greencastle, for Council's perusal.

PENNDOT's recent proposal for Center Square was also discussed. On behalf of Main Street Waynesboro, Inc., Mr. Morningstar presented Council with suggestions to increase the brick area. He shared photos taken from other communities who have used brick in the entire square area and/or the surrounding sidewalks. Mr. Hamberger noted that he was contacted recently by PENNDOT – they will be sending additional concept ideas in the near future. Council will continue to move forward on this project.

Discussion followed regarding 0' setback in the downtown area to control future development. Mr. Morningstar noted that much can be accomplished with the proper design, and every attempt should be made to preserve the downtown. Kevin Grubbs noted that this matter was discussed at the Planning Commission's last meeting, and a proposal will be considered at their next meeting to be held on September 12th.

PUBLIC IN ATTENDANCE - NON-AGENDA ITEMS: Paul Newcomer reiterated the need for Council to clarify their ordinances with regard to future development. Traffic studies should be required, as traffic in Waynesboro is the biggest complaint.

COUNCIL AND STAFF COMMENTS: Maintenance Superintendent Denny Benschhoff reminded Council that the Waynesboro Borough Authority should be involved in discussions regarding the Center Square project, as they should consider replacing any water and sewer lines necessary at the time of reconstruction.

Fire Chief Ron Flegel informed Council members that the Fire Department's new engine has arrived and will be placed in-service in approximately 4-6 weeks. He added that the Firemen's Carnival this year was a success.

Councilman George agreed with Paul Newcomer's position regarding traffic. He strongly urged Council to consider making whatever changes are necessary to address these issues in the future.

Having no further business to discuss, the meeting adjourned at 8:27 p.m.

Respectfully Submitted,

Melinda S. Knott
Administrative Assistant