

MAY 19, 2004

WAYNESBORO, PA 17268

Council President Charles McCammon called the regularly scheduled meeting of the Waynesboro Borough Council to order at 8:00 p.m. with the following in attendance:

Borough Council Members - Richard George, Jahnathan Cain, John Cook, Charles McCammon, Ardie Winters and Andrew Benchoff

Mayor Louis M. Barlup, Jr.

Borough Staff - Lloyd R. Hamberger, II, Borough Manager

Ray Shultz, Police Chief

D. Lloyd Reichard, II, Borough Solicitor

Kevin Grubbs, Assistant Director of Engineering

Scott Crum, Draftsman-Inspector

Denny Benshoff, Maintenance Superintendent

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

APPROVE MINUTES: Councilman George made a motion to approve the minutes of the May 5, 2004 meeting, as written. Councilman Cain seconded; the motion passed unanimously.

ACCEPT REPORTS: Councilman Benchoff made a motion to accept the reports of the Building Inspector, Fire Chief and Police Chief, as presented. Councilman Winters seconded; the motion

passed unanimously.

COMMITTEE REPORTS

PERSONNEL COMMITTEE: Councilman Cain reported that the Personnel Committee met on May 17th. During that meeting, they held interviews with candidates for the positions of police officer. Councilman Cain made a motion to hire Robert Stansfield IV. Councilman Cook seconded; the motion passed unanimously. Councilman Cain made a motion to hire David A. Jenkins. Councilman Cook seconded; the motion passed unanimously. Councilman Cain made a motion to hire Bryan Chappell Jr. Councilman Cook seconded; the motion passed unanimously. Councilman Cain made a motion to hire Travis Carbaugh. Councilman Cook seconded; the motion passed unanimously. Councilman Cain made a motion to hire David Haugh. Councilman Cook seconded; the motion passed unanimously. Mr. Cain added that these individuals' employment will be conditional upon the successful completion of a physical examination, psychological examination and drug screen.

Councilman Cain then made a motion to hire Hunter Proctor as Lifeguard and Joshua Arendt as part-time Golf Course Maintenance Worker. Councilman George seconded; the motion passed unanimously.

Councilman Cain noted that a performance evaluation was received for Denny Benshoff. He made a motion to approve a step increase for Mr. Benshoff to salary level 20B. Councilman Cook seconded; the motion passed unanimously.

Upon recommendation from Police Chief Shultz, Councilman Cain made a motion to approve a salary increase for Lee Kauffman (part-time police officer) to \$11.30/hour. Councilman Cook seconded; the motion passed unanimously.

PROPERTY AND PUBLIC SAFETY COMMITTEE: Councilman Benchoff reported that the Property Committee met on May 11th. Councilman Benchoff made a motion to re-institute the part-time position of Fire Chief. Councilman Cain seconded; the motion passed unanimously.

In addition, Councilman Benchoff made a motion to declare a vacancy for the position of Fire Apparatus Driver; and to request that the Civil Service Commission hold an examination to fill the

vacancy. Councilman George seconded; the motion passed unanimously. Mr. Hamberger added that the examination has been tentatively scheduled for June 18th.

STREET COMMITTEE: Councilman George noted that he received correspondence from Gwen Gates regarding a traffic concern on E. Second Street at the Middle School. This matter will be discussed at the Street Committee's next meeting.

Kevin Grubbs reported that the Engineering Department is currently in the process of conducting traffic studies at the intersection of Third Street and Fairview Avenue. When that location has been completed, they will proceed with studies on the remainder of Third Street.

INTERGOVERNMENTAL COMMITTEE: No report.

DOWNTOWN REVITALIZATION AND FINANCE COMMITTEE: Councilman Cook noted that the Downtown Revitalization and Finance Committee met on May 17th to discuss the Downtown Facade Program. Council will vote on the matter later in the meeting.

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

"The events of this past week which Jackie and I attended made us extremely proud to be a part of this community. Here are just several of the outstanding happenings in the life of Waynesboro.

First, on Sunday morning Roger Myers, pastor of Grace Brethren Church and chaplain for our Police Department, provided an inspirational service in recognition of National Police Week. Roger has also been invited to address the new class of Pennsylvania State Police Chaplains at the PSP Training Academy in Hershey.

Then on Sunday afternoon, the new Soccer Complex was dedicated and, as our own special reporter from *The Record Herald* (Tracy Meadowcroft) reported, it was a wonderful thing to see recognition given to the man who has almost single-handedly developed the youth soccer program in the

Waynesboro area. Bob Stum, "Mr. Soccer", was given the recognition and honor that he so richly deserves.

On Monday night the Wayne Band, our community band directed by Dan Deatrich, gave its Spring Concert which included stirring marches, patriotic salutes and touches from Broadway. This band which was established 105 years ago continues to be one of the jewels of our community.

I would strongly urge you to make an effort to attend the good things which are happening in our town. It is gratifying to see the community support given in time, energy and money to make so many good things happen."

BUS SERVICE (CTA) REPORT: No report.

PUBLIC COMMENT - ITEMS ON AGENDA: None.

UNFINISHED BUSINESS

RECOMMENDATION FROM RECREATION BOARD RE: NORTHSIDE POOL RULES AND REGULATIONS: Pursuant to Council's comments several meetings ago, the Recreation Board further reviewed its previous recommendations for Northside Pool's Rules and Regulations. Their recommendations are as follows:

- bu -Paying patrons and card-carrying members should be permitted to leave the pool grounds for whatever reason, be it personal or an emergency, and return anytime that same day without having to pay a re-entry fee. This could be accomplished with a simple hand stamp when leaving or members displaying their membership cards. Therefore, Rule #3 should remain as written.
- bu -Rule #7 should be interpreted to mean that those persons who cannot swim at all or swim adequately while in the water, should be under the close supervision of someone who can swim. Children who cannot swim or swim adequately while in the water should be under the close supervision of an adult. A change to the wording of this rule may be in order.

- bu -The Recreation Board encourages the use of showers before entering the pool simply for the condition of the pool water. However, they feel making this requirement mandatory could cause an enforcement problem. Having to monitor the showers could pull guards off the important duty of monitoring the pool itself. Furthermore, to date, the Recreation Board is not aware of any water condition or problem that has occurred from patrons not showering before entering the pool. They feel the rule should remain as written.

The smoking prohibition was also discussed. Mr. Hamberger stated that, in the past, there were individuals who would flick their cigarette butts in the grass and several fires had resulted. The Recreation Board felt that the elimination of smoking inside the fenced-in pool area was the only way to effectively solve this problem.

Councilman George made a motion to grant final approval of the Rules and Regulations for Northside Pool. Councilman Cain seconded; the motion passed unanimously.

CLAYTON AVENUE LIGHTS: Borough Solicitor Lloyd Reichard noted that he has drafted an agreement for Council's review with regard to the installation of street lights on Clayton Avenue (as proposed by Harry Morningstar at Council's previous meeting). Mr. Hamberger reported that further discussions will need to be held with the boring company and Allegheny Power; and Mr. Reichard stated that that information should be presented before the agreement is prepared in final form in case a change in cost results.

FACADE PROGRAM REVISIONS: Councilman Cook made a motion that the following statement be included in the Facade Program documents: "No work may begin until the Contract Document is signed by both parties, which authorizes reimbursement to the applicant up to, but not-to-exceed, \$10,000 for facade; and/or up to \$2,000 for sign/awning; and/or \$1,000 for rendering, once facade improvement work is jointly certified as completed by the applicant and the Design Review Committee. (Note however, maximum grant amount per building is limited to \$10,000)." Councilman Benchoff seconded; the motion passed unanimously. Mr. Hamberger added that this change, coupled with the fact that prevailing wages no longer apply, should encourage more business owners to pursue this assistance.

NEW BUSINESS

RESIGNATION OF BUILDING INSPECTOR/ZONING OFFICER: Mr. Hamberger reported that Building Inspector/Zoning Officer Doug Pyle has resigned from his position. Councilman Cook made a motion to accept his resignation with regret. Councilman Cain seconded; the motion passed unanimously.

ICC ORDINANCE ADOPTION: Council was presented with a proposed ordinance for adoption of the ICC. Kevin Grubbs noted that the Planning Commission has reviewed the ordinance and recommended adoption by Borough Council. Councilman Benchoff made a motion to authorize that the proposed ordinance be advertised for Council's consideration at its next meeting. Councilman Cain seconded; the motion passed 5-0, with Councilman Cook abstaining.

REQUEST FROM NEW HOPE SHELTER RE: YARD SALE: The New Hope Shelter is requesting the reservation of 16 spaces in the Rotary parking lot (directly behind the shelter) on Saturday, June 5th, from midnight until 5:00 p.m., for the purpose of holding a yard sale to benefit the shelter. Councilman Cain made a motion to approve the request. Councilman Cook seconded, but questioned if this will infringe on parking for the Fire Department volunteers in case of an emergency. Interim Fire Chief Ron Flegel noted no problems with the request. A vote was called, and the motion passed unanimously.

PROPOSAL FOR PLAN REVIEW: Mr. Hamberger noted that, in the past, Doug Pyle reviewed development plans submitted to ensure compliance with the Borough's Zoning Ordinance. Since he has resigned, however, Mr. Hamberger suggested that Council may want to have an additional "set of eyes" review any plans submitted (especially in light of the Rutters proposal being discussed).

He has discussed the matter with Mullin and Lonergan, who could provide professional consulting services pertaining to zoning matters. They have submitted a proposal not-to-exceed \$2,500 for these services. He added that Mullin and Lonergan was the firm who compiled the Borough's Comprehensive Plan, Land Development/Subdivision Ordinance and Zoning Ordinance.

Council President McCammon noted he feels that the existing Borough staff "can handle it". He stated that the Engineering Department, as well as members of the Planning Commission, do a tremendous job. Councilman Benchoff made a motion to table the matter until Council is sure that the plans proposed are going to be submitted. Councilman George seconded; the motion passed unanimously.

REQUEST FROM CARNIVAL COMMITTEE: Mr. Hamberger noted that he received a request from the Fire Department's Carnival Committee to move the bandstand from the Maintenance Center to the Rotary parking lot one week prior to the carnival, on July 10th. He stated that he will handle this matter administratively.

SUMMER SCHEDULE FOR COUNCIL MEETINGS: Mr. Hamberger noted that, in previous years, Council held just one meeting per month during June, July and August. He asked if Council would like to consider that again for this year. Councilman Cook made a motion that Council meetings be held on the third Wednesday of each month during the summer, with the understanding that if there is something of urgent need, a special meeting will be called to take care of it. Councilman Winters seconded; the motion passed unanimously.

PUBLIC IN ATTENDANCE - NON-AGENDA ITEMS: Roy Tressler, 121 W. Third Street. Mr. Tressler commended Council on their efforts for the Downtown Facade Improvement Program.

Mr. Tressler noted that he spoke at Council's last meeting about his (and many of his neighbors') concerns regarding the possible development of a Rutters store at the corner of Third and Potomac Streets. The group has done a lot of work and research, and noted that the recent alley abandonment is a primary concern. They feel that adjoining property owners were not properly notified, and the alley is still being used by the public. Accordingly, they requested that Council revisit the matter to determine if there is a possibility that the alley could be turned back to public interest.

Dr. Sharon March, 203 S. Potomac Street. Dr. March noted that, when the area was rezoned for Attorney Deborah Hoff's office several years ago, all adjoining property owners were notified and asked if they had any objections to the proposal. She has conducted a survey of the neighboring homes and discovered that many were not aware of the alley abandonment. She read a letter, signed by 80+ individuals, regarding opposition to the alley abandonment.

Kim Tartaglia, 8 W. Third Street. Ms. Tartaglia also provided Council with letters regarding residents' opposition.

Roy Tressler noted that their group continues to grow. In fact, he reported that there are now 400+ signatures on a petition contesting the proposed Rutters. He urged Council members to consider the items brought to their attention at this meeting.

Councilman Cain questioned if the alley abandonment procedure and possible reversal would be something that could be handled by the Street Committee or Property Committee. Borough Solicitor Reichard noted he would need to review the procedure followed and will report back to Council.

Paul Engelstad, 129 E. Second Street. Mr. Engelstad asked that the procedure for alley abandonment be reviewed. Mr. Reichard noted that streets and alleys are created by ordinance, and must also be vacated by ordinance. The proposed ordinance must be advertised in the newspaper prior to action being taken by Council. This advertisement serves as official notice to the public of the plan to vacate, and is the only notice required. He further explained that if a particular zone is changed, notices are sent to adjoining property owners; but this is not required for alley or street vacation.

Councilman Cain questioned if there is a legal ability to reclaim a legally-vacated alley. Mr. Reichard responded that each case would have to be reviewed on an individual basis, adding that there may be compensation due for any such taking.

Kim Tartaglia asked if that compensation would be based on any improvements to the property, adding that the Borough is still maintaining the alley in question.

Council requested that the group appoint a contact person. They stated that Roy Tressler will be their representative.

Janis Krouss, 160 S. Church Street. Ms. Krouss asked what the basis was for abandoning the alley in question. She queried if it was done to benefit Waynesboro and its residents, or just to make it possible for future development? She also asked if the advertisement regarding the ordinance vacating the alley was published before the ordinance was passed. Mr. Hamberger replied that when an ordinance is being considered for adoption, the advertisement is published prior to Council's action being taken.

Kim Tartaglia stated that the notification process may need to be altered, noting that 83 adjoining properties were questioned and had not been notified. She mentioned a statement in the Borough's Zoning Ordinance that when you are identifying an adjacent property, the existing streets and alleys are ignored. Mr. Hamberger clarified, however, that that statement pertains to zoning and cannot be confused with requirements pertaining to alley abandonment.

Councilman Cook recommended that Council President McCammon assign this matter to an appropriate committee for further review. Mr. McCammon referred the matter (alley abandonment procedures) to the Street Committee for discussion at their next meeting scheduled for June 7th at 10:00 a.m.

Councilman George explained that the procedures followed for this abandonment were accepted practice. That does not mean, however, that Council can't revisit the matter to determine a more effective way to get the message to the public. Solicitor Reichard agreed.

Kerry Bumbaugh, former Quincy Township Supervisor, also acknowledged that the procedure followed by the Borough for ordinance notification is acceptable by law.

Janis Krouss again asked the criteria for alley abandonment. Mr. Hamberger noted there is no written criteria.

PAY BILLS: Councilman Cook made a motion to approve the payment of Voucher Lists VL-04-15, 16 and 17. Councilman Cain seconded; the motion passed unanimously.

COUNCIL AND STAFF COMMENTS: Interim Fire Chief Ron Flegel reported on the Haz Mat incident which occurred two weeks ago. The initial clean-up has been done, but he has received complaints regarding a lingering odor. He will follow-up on the matter and report back. Denny Benshoff stated that a DEP representative informed him that the material will "lay there a while" and they will return for re-testing.

Councilman George thanked the public in attendance for their comments.

Councilman Cain also thanked the residents for their attendance. He added that officials are facing many other issues in Waynesboro, including gangs, drugs, etc. He is pursuing the formulation of neighborhood watch groups, and requested that anyone interested in helping contact him.

Councilman Cook added his appreciation to all who attended and voiced their opinions.

Having no further business to discuss, the meeting adjourned at 9:15 p.m.

Respectfully Submitted,

Melinda S. Knott

Administrative Assistant