

FEBRUARY 1, 2010  
WAYNESBORO, PA 17268  
SPECIAL MEETING

Council President Craig Newcomer called the meeting to order at 4:00 p.m. with the following in attendance:

Borough Council Members – Benjamin Greenawalt, C. Harold Mumma, Craig Newcomer and Ronald Martin (Jason Stains and Wayne Driscoll were 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)  
Dave Martin, Fire Chief  
Jerry Hartman, Fire Marshall

Others – Mike Cermak (Accredited Services)

It was noted that this special meeting was called to settle the issue regarding an occupancy permit for the recycling center on E. Sixth Street. Borough Manager Lloyd Hamberger noted that Mike Cermak (the Borough's Building Code Official) had advised that he inspected the property and Creed White had completed all items in conformance with the list provided to him. Fire Marshall Jerry Hartman also indicated that he was satisfied. When Dan Sheffler contacted Mr. White, he requested a 30-day occupancy permit which would allow him to close-out his business and remove his personal property from the building. Mr. Hamberger permitted him to operate on a verbal agreement until today, at which time Council could execute the appropriate agreement for a temporary occupancy permit.

Mr. White, who was in attendance at the meeting with Brandon Williard (owner of the property), noted that he was quite upset after the fire and when his business was shut down. He has since reconsidered some of the decisions he made at that time, and stated that he doesn't want to leave Waynesboro. He asked Council to consider some type of resolution so that he could continue to operate in Waynesboro. .

Brandon Williard stated that there were certain things he planned to do when he purchased the building, however the economy weakened and he was forced to try to sell it. Instead, he worked out an agreement with Creed White to lease the property with the intention to purchase it. He knew he was required to plant trees, do seeding, etc., and he offered no excuses for not doing it.

Councilman Martin discussed the differences between the business operated by Mr. Williard vs. the business operated by Mr. White. Mr. Williard dealt mostly with aluminum, brass, copper and steel; but Mr. White deals more with scrap metal (vehicles). Discussion followed regarding the fluids that were present at the facility as a result of recycling vehicles. Mr. White noted that everything is contained in bins with oil-soaking materials; and DEP informed him that his operation was the "nicest in the four-county area".

Melissa Dively reminded Council that paragraph 11 of the conditional use granted requires that vehicles be drained of all liquids before being placed in the junkyard. In addition, Councilman Martin noted there was also to be an area with tanks and curbing. Discussion followed regarding complaints

received from residents of the area regarding excessive noise, operations on Sundays, trucks running over the sidewalks, etc.

Mr. Hamberger commented that this special meeting was called to discuss the temporary (30-day) occupancy permit, and Council is not prepared to re-negotiate additional items at this time. He suggested they execute the agreement and organize a committee of Council members to meet with Mr. White between now and the second regular meeting in February.

President Newcomer stated that he doesn't want businesses to leave Waynesboro, but wants those businesses to obey the laws.

Mr. White noted that he spoke with Dan Sheffler in November or December about the items required of Mr. Williard. He has dug holes to plant trees on the north side of the property, and put together a plan on January 17<sup>th</sup> to do the remaining items.

Mr. Newcomer advised that discussions can be held about the future, but cautioned Mr. White that the Borough will "watch him like a hawk". They don't want businesses to leave town, but they don't want business owners who think they are "above the law" either.

Discussion returned to the vehicle fluids, and Fire Marshall Jerry Hartman reported that the cause of the fire was sparks from the use of a chop saw igniting a small amount of gas leaking from a vehicle. He further explained that when a vehicle is totally empty, the vapors explode and burn ... and if a vehicle is totally empty, there is a greater chance for a fire. He added that Mr. White has done a great job of cleaning up since the fire; but at the time of the fire, the oil was not totally contained and stay-dri was not in place as it should have been (and Mr. White immediately remedied the situation when he was informed of such). Mr. Hartman suggested that Council direct him and Dan Sheffler (on separate occasions) to visit the site once a week to keep a watch on the operation. He also noted there are other things which could make the business safer (that all vehicles remain on ground level instead of being stacked 2-3 high, for instance).

Councilman Martin questioned what Mike Cermak observed with regard to the oil. Mr. Cermak noted he could see that the front-end loader's tires were in a substantial amount of oil on the east side of the building. There was no oil, however, on the side of the building where the fire was. Jerry Hartman clarified that the oil was contained to the side of the building where the parts bins were. Mr. Hamberger noted that the conditional use requires containment of the oil – specifically with tanks and curbing. Mr. White noted that there is curbing, but no tanks.

Council members requested an executive session with their legal counsel before any action is taken. They returned to regular session at 4:40 p.m.

Councilman Martin made a motion to grant Mr. White's request for a temporary (30-day) occupancy permit, which he executed on 01/28/2010. Councilman Mumma seconded; the motion passed unanimously.

A member of the public, Amos Miller, requested to speak on behalf of the recycling center. He noted he is a Sixth Street resident and lives fairly close to the business in question. He asked that Council consider every effort to keep this place in business, as Mr. White provides a very valuable service. He feels the business helps to keep the town cleaned up, and Mr. White seems to be willing to meet any conditions imposed.

Councilman Martin then made a motion to adjourn the meeting at 4:47 p.m. Councilman Greenawalt seconded; the motion passed unanimously.

Respectfully Submitted,

Melinda S. Knott  
Administrative Assistant