

JUNE 18, 2008
WAYNESBORO, PA 17268
PUBLIC HEARING RE: ALLEY ABANDONMENT
(DAVID FAIR)

Council President Craig Newcomer called the public hearing to order at 7:15 p.m. with the following in attendance:

Borough Council Members – Benjamin Greenawalt, C. Harold Mumma, Craig Newcomer, Charles and Ronald Martin (Jason Stains arrived late)

Mayor Richard Starliper

Borough Staff – Lloyd R. Hamberger, II, Borough Manager
Denny Benshoff, Maintenance Superintendent
Kevin Grubbs, Head of Engineering Services
Melissa Dively, Borough Solicitor (Salzmann Hughes, PC)
Mark King, Police Chief
Dan Sheffler, Zoning-Code Enforcement Officer
S. Leiter Pryor, Director of Borough Utilities

President Newcomer noted that the purpose of the hearing was to discuss the proposed vacation of a 16' unopened alley from its intersection with Northfield Avenue, being a total distance of 406.99 feet, on request of David Fair. The hearing was duly advertised in *The Record Herald* on June 3rd and June 10th, 2008. Mr. Newcomer asked those wishing to comment for the record to rise so that he could administer the oath; Kevin Grubbs did so.

Mr. Grubbs testified to the following:

- January 31, 2008 - Mr. David Fair formally submitted a request to the Borough for the vacation of a 16' alley east of Northfield Avenue.
- February 11, 2008 - The Waynesboro Planning Commission reviewed the request to vacate the alley and recommended to Borough Council to proceed with the vacation process.
- February 20, 2008 - Borough Council reviewed the proposal to vacate the alley and decided to table any decision until after the Waynesboro Borough Authority has reviewed the issue with the 6" sanitary sewer line in the alley, which serves Morningstar Villas on Valley View Drive.
- March 18, 2008 - The Waynesboro Borough Authority reviewed the proposed vacation of the alley and the 6" sanitary sewer line, and recommended to Borough Council to proceed with the vacation of the alley and that the 16' sanitary sewer easement be indicated on the plans.
- March 19, 2008 - Borough Council adopted a new fee of \$2,000.00 for vacating alleys.
- March 19, 2008 - Mr. Fair requested Borough Council to re-open discussion on his request to vacate the alley east of Northfield Avenue. It was stated that the Street

Committee would be reviewing this request at the April 2, 2008 meeting. A motion was made (and passed) to table this until the matter could be researched more fully, but the new fee should be waived.

- April 2, 2008 - Mr. Fair was directed by the Street Committee to provide a surveyor's drawing to Council and his attorney is to provide a letter regarding who has interest in the alley to the Borough Solicitor. It was stated that this matter could not move further until this information has been received. Mrs. Dively noted that she has received the information regarding the property owners and would research the matter.
- April 16, 2008 - Borough Council requested that Mr. Fair provide the Borough with the appropriate drawings by May 21, 2008 and the fee of \$2,000.00 would be waived.
- April 29, 2008 - Received drawings to vacate the alley from Mr. Bard of All-Land Services.
- May 13, 2008 - The Borough Solicitor reviewed and approved the ordinance.
- May 14, 2008 - Delivered a copy of the ordinance to the Franklin County Planning Commission for review.
- May 21, 2008 - Borough Council reviewed ordinance and approved the public hearing to be scheduled for June 18, 2008 at 7:15 p.m.
- May 22, 2008 - Received notification from the Franklin County Planning Commission on their review and offered no comment.
- June 3, 2008 - Posted copy of legal notice for advertisement of ordinance in lobby of Borough Hall. Ordinance was advertised in *The Record Herald* newspaper.
- June 6, 2008 - Certified mailings sent to all property owners and residents adjacent to the alley to be vacated and along the west side of Northfield Avenue. Posted perimeter of alley with "Notice of Public Hearing".
- June 10, 2008 - Second and final advertisement of ordinance in *The Record Herald* newspaper.
- June 12, 2008 - Received proof of publication for advertisement of ordinance from *The Record Herald* newspaper.

Councilman Martin asked about the procedure to be followed by the landowners who are each entitled to the land adjacent to them. Solicitor Dively commented that the legal effect of this vacation would be that each adjoining owner would own halfway into the alley. It would be their responsibility (if they so desire) to file a quit-claim deed for real estate title purposes.

Aletha Baer, 326 Northfield Avenue - Ms. Baer requested to speak. President Newcomer then administered the oath to her and asked for her comment. She noted that she came home one day (year ago) and discovered that trees had been planted in the alley. Even though Borough representatives had informed her that the trees should be removed, they weren't. Branches from the trees now hang over her property, and she asked why Mr. Morningstar had had the right to plant them there. Ms. Baer was informed that she has the right to trim the trees which overhang her property. President Newcomer stated that he can't answer that question, as this action was taken prior to his being elected to Council. Councilmen McCammon was aware of the situation (having been a former

Borough employee) and advised that Mr. Morningstar had filed a quit-claim deed in 1989 for the 66' section to the south, which was abandoned by Council at that time. Solicitor Dively noted that, as the alley was vacated, this is now a private matter.

Hearing no further comments, the hearing adjourned at 7:27 p.m.

Respectfully Submitted,

Melinda S. Knott
Administrative Assistant