

SEPTEMBER 10, 2007
WAYNESBORO, PA 17268
SPECIAL MEETING RE: BUILDING CODE
ISSUES

Council President Craig Newcomer called the special meeting of the Waynesboro Borough Council to order at 7:30 p.m. with the following present:

Borough Council Members – Craig Newcomer, Allen Porter, Allen Berry, Charles McCammon and Richard George (Jason Stains was absent)

Mayor Richard Starliper

Borough Staff – Lloyd R. Hamberger, II, Borough Manager
Dan Sheffler, Zoning-Code Enforcement Officer

Mr. Newcomer explained the purpose of the meeting was to receive input on code enforcement in the Borough and the Borough's inspection services (Accredited Services, Inc.) Individuals wishing to speak were asked to give their name and address, and speak "to the point".

Attorney Donald Kornfield of 17 N. Church Street addressed Council on behalf of his client, Carroll Woodring. His main concern, he noted, is when do you need a permit and what are the fees?

Mr. Kornfield called Lester Long of 28 Prices Church Road to relate his experience with the building inspection service. He noted he had gotten building permits for an out building and a garage on 05/28/2002. In the spring of 2006, a Jeep pulled up to his property and the occupant got out and began to take pictures. Mr. Long approached and questioned their activities. He stated the people didn't identify themselves and a discussion arose. He noted the garage was not completed due to a long construction process. He noted one of the people stated there was a complaint that no building permit was secured and began to "rant and rave". Mr. Long noted the woman present identified herself. He told the woman he had a permit from the former building inspector, Doug Pyle. Mr. Long noted the man present did not identify himself. Mr. Long stated they should have sent a letter with concerns outlined, then said he would call the police.

Mr. Kornfield called Carroll Woodring of 5101 Stamey Hill Road to relate one experience he had with the building inspectors. Mr. Woodring is owner of C.W. Builders. On or about July 6th, a vehicle damaged the front of 28-30 E. Main Street. Among the damage was one column of two columns in the front of the building that was attached to the overhang. Mr. Woodring began repairs and maintains the column was not a structural member. He did not secure a building permit at the time, and several weeks

later he removed the second column attached to the overhang. Mr. Woodring noted the owner of the building got a call in which Mr. Cermak indicated it would be condemned if the proper permits were not secured within three (3) days. Mr. Woodring noted he secured a permit the next day (08/07/2007) at a cost of \$154.00. Mr. Woodring stated he received an opinion from another source that he did not need a permit, while Mr. Cermak insisted he did need one. Mr. Woodring also noted he added posts for support in lieu of the columns during construction. There then arose a discussion regarding the status of the columns as structural members. Mr. Woodring noted he received a citation with a fine of over \$1,000. He will have a hearing on the matter in October.

Mr. Woodring also related a matter regarding 337-339 S. Church Street. The building was damaged by fire and was demolished without securing a demolition permit. However, he later secured the permit at a fee of \$234.00. Mr. Woodring installed a new electrical service at 335 S. Church Street and got CCIS to do the inspection. Mr. Cermak noted no permit was issued for the work and Mr. Woodring was required to remove a portion of wallboard to provide for the inspection. Mr. Cermak noted he could have required the builder to remove quite a bit more, but did not do so. Mr. Cermak noted he issued Mr. Woodring a citation for failure to secure a permit for this job. Mr. Woodring noted, due to a bank error, the check he wrote for the 337-339 S. Church Street permit bounced. Mr. Cermak's office has a note on the desk not to accept checks from Mr. Woodring.

Mr. Woodring was asked if there was anything else. He noted he has heard additional complaints about Mr. Cermak raising his voice to customers and builders. Mr. McCammon stated he heard the cell phone recording of Mr. Cermak's call to a property owner.

B.J. Roberts of 15052 Wingerton Road stated he was the owner of 5-11 S. Potomac Street. Mr. Cermak issued a stop work order, as plumbing fixtures were being removed from the property after the fire. When Mr. Cermak was asked about it, he removed the stop work order.

Jeffrey Todd of 13545 Worleytown Road stated he has dealt with Mr. Cermak on several occasions and has had a professional and good experience. He feels Mr. Cermak is trying to do his job ... and if you do what you have to do, you are treated okay.

Harold Mumma of 147 W. King Street stated he has dealt with Mr. Cermak for the last 3-4 years. While they do not always agree on things, Mr. Mumma has no qualms with Mr. Cermak and he has been polite and mannerly.

Bud Mackley of 141 E. Second Street (a neighbor of the Cermaks) noted he was Borough Building Inspector for many years. He noted things have changed quite a bit, but he has never seen any harassment or problems from Mr. Cermak. Mr. Mackley asked Mr. McCammon questions regarding his activities while he was an employee of Accredited Services. Mr. McCammon noted he had solicited business from the surrounding communities for Accredited Services.

Ronald Martin of 66 State Hill Road stated he always gets a permit prior to work. Mr. Cermak is always helpful; and it is best to have the inspection service in Waynesboro, as plans are reviewed quickly as well as permits (a 2-3 day turn-around vs. a 10-day wait at other places). Mr. Martin noted the service offered is excellent. Mr. Cermak is tough, but the work is done correctly.

Mike Henicle of 5172 Salem Church Road noted he agrees with Mr. Martin's comments. Mr. Cermak's job is to protect public safety and apply the rules equally.

Mr. Cermak was asked to comment on some of the statements. He noted he had received a call for another inspector about the 28-30 E. Main Street situation. The report was that one of the columns was removed. Mr. Cermak was concerned the column might be a structural member – it is not his call to determine if it is structural or not. All commercial alterations need to be accompanied by a drawing from a design professional. He gave them three (3) days to get a permit and waived a portion of the fee. He noted the second column was removed, and he contacted the owner (as he is required by the regulations). Regarding 337-339 S. Church Street, Mr. Cermak noted the permit was issued for drywall and siding, but structural repairs were made. He observed new studs behind the drywall and no permit for such activity was issued. The owner was contacted and a permit was secured.

Mr. Cermak briefly explained the necessary paperwork required for a permit.

Mr. McCammon questioned the use of a certain type of electrical box at the former Beck and Benedict's. He further questioned Mr. Cermak on the overhang at that location.

A discussion then arose regarding the appeal process and certifications required for an inspector. Mr. McCammon questioned certain items on August's building code report.

Mr. Gene Leatherman of 21547 Ringgold Street, Hagerstown, MD, noted he does not have any problems with Mr. Cermak.

Council then adjourned to an executive session at 8:47 p.m. to discuss the building code issues. Council reconvened at 9:27 p.m.

Council noted the following needs to be addressed: modify the ordinance to clarify which codes apply in the Borough. Other items were discussed during the executive session.

The meeting adjourned on a McCammon/George motion.

Respectfully Submitted,

Lloyd R. Hamberger, II
Borough Manager