

JULY 2, 2008  
WAYNESBORO, PA 17268

PUBLIC INPUT SESSIONS RE: RENTAL  
INSPECTION PROGRAM AND MAIN STREET  
PROGRAM

Council President Craig Newcomer called the meeting to order at 7:00 p.m. with the following in attendance:

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

Mayor Richard Starliper

Borough Staff – Lloyd R. Hamberger, II, Borough Manager  
Dan Sheffler, Zoning-Code Enforcement Officer  
Kevin Grubbs, Head of Engineering Services  
Melissa Dively, Borough Solicitor (Salzmann Hughes, PC)

Mr. Newcomer stated that the purpose of this meeting was to hold public input sessions on the proposed Rental Inspection Program as outlined in the Rental Inspection Ordinance, and on the Borough's application to the Department of Community and Economic Development under the New Communities Main Street Program for funding in the total amount not-to-exceed \$75,000 for continuation of the Main Street Program within Waynesboro. The meeting was advertised in *The Record Herald* on June 24<sup>th</sup>. Those wishing to comment were asked to state their name and address for the record, and to limit their comments to five (5) minutes. Mr. Newcomer added that this meeting is for public input and no decision will be made this evening with regard to the Rental Inspection Program.

**COMMENTS WERE REQUESTED ON THE RENTAL INSPECTION PROGRAM.**

Barry McNew, 304 N. Grant Street - Mr. McNew referenced several passages from the proposed ordinance:

- It is his understanding that the program is being considered because there is a growing concern in the Borough with the failure of some landowners to properly maintain residential units; but aren't there laws governing that already?
- Borough records indicate that there is a greater incidence of problems with maintenance and upkeep for non owner-occupied residences. As a landlord, he noted that it is very difficult to go into a tenant's home and tell them how to live.
- More disturbances occur at residential units than at all other properties combined. He feels this is true because there are several families living in one building as compared to a single unit.
- In an appraisal done in 2000, Realtor Ronnie Martin concluded that approximately 75% of the Borough was single-family occupancy, 10% was 2-4 units, 10% was commercial and the other 5% was vacant. Mr. McNew questioned what constitutes preparing an ordinance of this nature to rectify some of the small problems being created by a small number of people?

President Newcomer responded that the Borough can't tell people how to live either, but their intent is to ensure that the living conditions people live in are proper. Regulations are needed in order to have "backbone" to get certain situations taken care of. Dan Sheffler explained the difficulties he experiences when tenants complain about the condition of their apartments. When notices of violation are mailed to the landlords, many times the tenants are evicted shortly thereafter. He noted that inspections would be done to ensure that the apartment meets minimum standards (electric is safe, plumbing is adequate, roof isn't leaking, etc.). When violations are cited, the landlords are specifically told that the apartment cannot be rented until a re-inspection is conducted and repairs are made to his satisfaction. Mr. Sheffer added that the Property Maintenance Code is currently in place, but he can't just knock on doors and inspect the properties without being invited in.

Councilman Martin suggested that tenants cannot be evicted if they have a valid lease; but Solicitor Dively noted that even if the landlord is acting in breach of the contract, the tenants have to have the ability to fight the issue.

Betty Martin, 124 E. Fifth Street - Ms. Martin suggested that a list be included of the items that will be inspected. She noted that she and her husband are very much opposed to this proposed program. As retirees, they work very hard on their rental units and try to have "decent" tenants. She noted concern that if her apartment passes an inspection and then is "a mess", that is her tenants' fault (not hers). She added that she doesn't look forward to another fee being charged.

Robert Brown, 77 Wynnecrest Drive (President of WACCO Properties) - Mr. Brown stated that the Borough is "trying to take a lot of money out of his pocket". He asked how many Council members have read the International Property Maintenance Code? Many of the requirements are unreasonable (i.e. Every room has to have a window – how will that be accomplished on Main Street properties? Every fire alarm must be direct wired.) Mr. Brown estimated that there are approximately 2,000 rental units in Waynesboro, and he asked how many problems have been reported? He doesn't feel it is right for him to spend \$25,000 every three (3) years for a permit and inspection of his 110 units. He feels that the Borough is "trying to take care of a problem that doesn't exist". He added that if the Borough pursues this further, he will "see them in court".

Councilman Mumma noted it is his understanding that the International Code applies (basically) to new construction and older buildings are "grandfathered". Clarification on the matter will be obtained.

Mitchell Hickok, 8175 Tomstown Road - Mr. Hickok stated he understands that this is just the beginning of the process in adopting a Rental Inspection Program. He noted that he has three (3) rooming houses and questioned if the fees will be charged per unit or house. Mr. Hamberger explained that the fees will be developed last. Mr. Hickok feels that the Rental Inspection Program (if implemented) could be beneficial, but it should be two-sided (fair for the landlords as well as the tenants). President Newcomer noted that rooming houses will be looked into – they may fall into the same category as hotels.

Patrick Burns, 15339 Dutrow Avenue, Blue Ridge Summit, PA (formerly of 45 N. Potomac Street) - Mr. Burns noted he is glad that Council has recognized the need for a Rental Inspection Program, and explained the difficulties he and Dan Sheffler encountered with his landlord (when he resided at 45 N. Potomac Street). Mr. Burns agreed that Mr. Sheffler needs support to do his job, and Waynesboro needs to protect both the landlords and tenants.

Nolan Minnich, 29 C.V. Avenue - Mr. Minnich commented that there is "too much government already everywhere". He added that, if he has a problem with his rental unit, he takes care of it.

Bob Correll, 11530 Green Ridge Drive (Vice-President of WACCO Properties) - Mr. Correll noted that he spoke with Craig Newcomer and Jon Fleagle prior to the meeting this evening; and has read the

proposed ordinance, International Property Maintenance Code and eight (8) other communities' ordinances. He added that he is not yet convinced of the problem or the need for a Rental Inspection Program. Upon questioning, Mr. Hamberger noted there are approximately 4,000 dwelling units in the Borough, of which there are approximately 2,200+ rental units. Upon further questioning, Dan Sheffler responded that he receives (on average) two complaints regarding unsafe conditions at rental properties. Mr. Correll asked what has changed in our community that has caused Council to consider this ordinance? He asked what maintenance standards Mr. Sheffler uses when he receives a complaint – Mr. Sheffler noted that he uses the International Property Maintenance Code. Mr. Correll stated that, as the housing stock in Waynesboro is largely 100+ years old, there should be provisions for “grandfathering” of existing conditions.

Mr. Correll strongly urged Council members to read the IPMC – if they are going to enact an ordinance to use as a standard, they have to appreciate the cost benefit of doing that. Capital costs involved are quite significant. In addition, Mr. Correll noted that, of the 17 pages of the ordinance, there is not a single reference to a checklist (nothing to tell a property owner exactly what would be inspected); and 20% of the proposed ordinance deals with behavioral issues. He feels it contains verbiage and references that go “above and beyond” the scope of a rental inspection program.

Mr. Correll recommended that Council review and consider an ordinance similar to that of Pottstown. He asked who wrote the ordinance currently being considered by Waynesboro. Solicitor Dively noted that the original draft came from Berwick Borough, and explained that it seemed to be comprehensive and had been tested with rather lengthy litigation. Mr. Correll noted that he is a person who believes that if you make it simple, you have a better chance of success.

President Newcomer commented that Council would like to form a committee (of approximately six members) to discuss various issues regarding this proposed program. Anyone interested in serving on this committee should contact Lloyd Hamberger.

Councilman Martin suggested the possibility of a program where there are no fees, but all rental units must be registered. When registering a unit, the landlord would agree that the property could be inspected if there was a tenant complaint. If a rental unit was not registered, the landlord would be fined. If a problem was discovered, the landlord would be given an adequate amount of time to repair it. He added that a lot of fees and/or paperwork could be avoided, and properties only inspected if there is a complaint.

Eugene Leatherman, 21547 Ringgold Street, Hagerstown, MD - Mr. Leatherman noted that he owns several properties in Waynesboro. He feels that it isn't difficult to see which properties have problems. He also cautioned that Council to ensure that there are qualified individuals conducting the inspections to avoid potential lawsuits.

Hearing no further comments, the meeting closed at 8:04 p.m.

#### **COMMENTS WERE REQUESTED ON THE MAIN STREET PROGRAM GRANT.**

Mr. Hamberger commented that the Borough has received a DCED grant for three (3) years as part of the New Communities Main Street Program. Funding for an additional two (2) years has been approved, and a resolution was passed at Council's last meeting endorsing the program. The grant application has been approved for \$75,000 (\$30,000 for renovations through the Facade Improvement Program and \$45,000 for salaries and administrative costs). A public input session on the matter is required.

Bruce Dreisbach, Downtown Manager - Mr. Dreisbach spoke in support of the grant.

Hearing no further comments, the meeting closed at 8:07 p.m.

Respectfully Submitted,

Melinda S. Knott  
Administrative Assistant