

MARCH 1, 2021  
WAYNESBORO, PA 17268  
PUBLIC HEARING

Council President C. Harold Mumma called the public hearing (via the Zoom computer platform) of the Waynesboro Borough Council to order at 10:00 a.m. with the following in attendance:

Borough Council Members – C. Harold Mumma, Dade Royer, Jon Fleagle and Patrick Fleagle (Jarred Knott and Michael Cermak were absent)

Borough Staff – Jason Stains, Borough Manager  
Kevin Grubbs, Head of Engineering Services  
Justin George, Borough Solicitor (Salzmann Hughes, PC)

Public in Attendance –  
Doug Shetron  
Chuck Morningstar  
Harry Morningstar, Sr.  
Louise Morningstar

Borough Manager Jason Stains stated that the purpose of the hearing was to vacate Hess Avenue. He then turned the hearing over to Justin George, Solicitor. Mr. George asked Kevin Grubbs, Head of Engineering Services, to offer facts to the public hearing on the vacation of Hess Avenue.

Mr. Grubbs gave the time line of events, as follows –

- January 5, 2021 – Received request from Mrs. Teresa K. Morningstar to vacate Hess Avenue.
- January 8, 2021 – Received email from Mr. Andrew Benchoff, Attorney for the Morningstars, requesting to vacate Hess Avenue.
- February 10, 2021 – Received Notice of Public Hearing from Justin George, Solicitor, for publication in *The Record Herald* newspaper.
- February 12, 2021 – Borough staff sent Notice of Public Hearing to *The Record Herald* newspaper for publication on February 15, 2021 and February 22, 2021
- February 15, 2021 – First publication for the Notice of Public Hearing was advertised in *The Record Herald* newspaper.
- February 19, 2021 – Notice of Public Hearing was sent certified mail to all property owners adjacent to Hess Avenue.

- February 19, 2021 – Posted perimeter of Hess Avenue with Notice of Public Hearing.
- February 22, 2021 – Second publication for the Notice of Public Hearing was advertised in *The Record Herald* newspaper.
- February 22, 2021 – Attested copy of the proposed ordinance and the Notice of Public Hearing to vacate Hess Avenue was filed electronically with the Franklin County Law Library.
- February 22, 2021 – Franklin County Law Library confirmed receipt of attested copy of the ordinance and the Notice of Public Hearing.
- February 26, 2021 – Received Vacation Agreement from Justin George, Solicitor, for the property owners to sign waiving any and all notice requirements under the Borough Code for the Public Hearing.
- March, 2021 – Collected all signatures from adjacent property owners on the Vacation Agreement and sent to Justin George, Solicitor, prior to the Public Hearing.

Justin George then asked if anyone from the public had any comment.

Doug Shetron, owner of 314 W. Fourth Street (rear), asked if the property owners were to bear any costs associated with the vacation of Hess Avenue as stated in the Vacation Agreement. Kevin Grubbs stated that he spoke with Jason Stains, Borough Manager, and none of the property owners adjacent to Hess Avenue will be responsible for any costs to vacate Hess Avenue. Kevin Grubbs then asked if Justin George could revise the Vacation Agreement by removing the Reimbursement of Expenses clause on Page 2, Section 6. Justin George stated he would make the changes.

With no further comments or discussion, a motion was made by Councilman P. Fleagle to approve the vacation of Hess Avenue. Councilman J. Fleagle seconded; the motion passed unanimously on a 4-0 vote.

The hearing adjourned at 10:15 a.m. on a P. Fleagle/J. Fleagle motion which passed unanimously.

Respectfully Submitted,

Melinda S. Knott  
Borough Secretary