



Borough of Chambersburg

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FOR IMMEDIATE RELEASE

COURT PAVES WAY FOR LIMEKILN SIDEWALK INSTALL

Chambersburg – In an overwhelming decision by Judge Todd M. Sponseller, the Borough of Chambersburg succeeded in proving that none of the required six reasons to immediately halt a Borough order to install sidewalks in front of four properties on Limekiln Drive were proven. According to the decision, handed down on February 17, property owners Steven and Evelyn Gray, John Stenger, and the Falling Springs Homeowners Association, had failed to prove any of what was required in two days of hearings.

“In order for the Court to order a preliminary injunction, the requesting party must prove each of the six (6) requisite elements...”, “but the Plaintiffs have failed to establish any of the six required elements...” according to court papers.

Despite vocal and emphatic allegations that a “safety” concern justified their refusal to build sidewalks, the homeowners were unable to demonstrate any safety issues or, for that matter, any practical reason to not build sidewalks; per state and local law. For four years the property owners have delayed the installation through a series of appeals and the allegation of a safety concern; delaying the installation of the pedestrian walkways. The Court, in reviewing the property owners request for a further delay, found that the resistance of the Plaintiffs to build the sidewalks has magnified the safety hazard by forcing pedestrians to walk in the roadway rather than a safe, well-designed, pedestrian sidewalk. As found by the Court, the property owners’ request for another delay “greatly intensified” the potential harm to any pedestrians.

Due to the safety concerns alleged by the property owners, for the first time ever, the Borough spent \$4,000 to \$5,000 of taxpayer money to hire engineer Joe Platt, with sixteen years experience, to demonstrate that the claims of the Plaintiffs held no water. Mr. Platt had suggested some safety improvements that could be added to the sidewalk design. The Plaintiffs presented anecdotal testimony from retired surveyor William Brindle and land use planner Larry Lahr, which did not persuade the court.

Judge Sponseller stated that “The argument that the construction of a sidewalk in front of their properties would create hazardous pedestrian conditions is disingenuous at best.”

Further, the Judge added “...it is incontrovertible that the Borough has the general authority under the Pennsylvania Borough Code to require the Plaintiffs to construct a sidewalk along their properties.” Often challenged but rarely understood, state law gives authority to any borough council to require any property owner install sidewalks in front of their property. When, in their opinion, it is in the best interest of the health and safety of the community, sidewalks can be a required public amenity.

Last month, Chambersburg Town Council, faced with the prospect of the upcoming completion of the Borough’s long-awaited Pedestrian and Bicycle Improvements Plan, unveiled a new proposal, which received Council’s support, to eventually change the system that Chambersburg uses to order sidewalk installations. The Limekiln orders were issued under the old system, which tied sidewalk installation to street repaving.

Limekiln Drive was repaved in 2012 and these citizens resisted the sidewalk order, despite every other property owner on Limekiln being in compliance. These were the first property owners ever to not work out a payment plan or a design with the Borough.

In the future, according to Phil Wolgemuth, Assistant to the Borough Manager, “instead of deciding on a case by case (block by block) basis, the Borough will decide where to build sidewalks by a Borough-wide adopted sidewalk plan. The plan would depict each street frontage for each tax parcel (each lot) on an official sidewalk plan map, where either the sidewalk network already exists or is recommended by Council to be extended; based upon when certain events or conditions occur.”

The key change is that sidewalk plan/map could exempt areas where Council feels there is no public interest in compelling citizens to install sidewalks. The current policy, adopted in 2003-2004, does not allow exceptions to the installation of sidewalks. A number of triggers, most commonly the paving of streets, automatically begin the process of compelling the installation or repair of sidewalks.

However, according to Borough Manager Jeffrey Stonehill, “this new system of deciding where and when sidewalks will be ordered does not diminish the authority of any future Town Council to order the installation of sidewalks; and make the adjacent property owner’s pay the cost, as long as the installation is seen as in the best interest of the entire community. That is state law.”

Finally, Stonehill added that “staff stands ready to help these and all property owners comply with sidewalk orders issued by Council. When Council says it is in the best interest of the town to order a sidewalk be installed, disingenuous delay is no excuse for thoughtful and proper compliant engineering design. We all have the same goal of making this a better and more walkable community.”

Chambersburg staff works with construction contractors to lower costs, offers low interest loans, and grants for income eligible citizens to comply with sidewalk installation orders.

Chambersburg is a unique community. Chambersburg supplies more services than any other municipality in the Commonwealth of Pennsylvania. In addition to typical town functions, Chambersburg is Pennsylvania’s only municipality supplying electric and gas. Chambersburg is 1 of 35 Boroughs to operate a municipal non-profit electric utility. Chambersburg is the largest municipal electric utility in the State, twice as large as the second largest, Ephrata, Lancaster County; and, the only one to operate generation stations. Chambersburg is 1 of 2 municipalities in PA to operate a natural gas utility. The other is Philadelphia, which does not operate an electric utility. Nationally, Chambersburg is 1 of 2,000 communities to have its own electric system and 1 of 800 communities to have a natural gas system but 1 of only about 50 to operate both. Chambersburg manages a regional water system, a regional sanitary sewer system (not through an independent Authority), and a new storm sewer utility; one of the first storm sewer utilities to form under the new Federal mandate to regulate stormwater.

Chambersburg currently has 20,508 residents (2013). www.chambersburgpa.gov