

**December 10, 2015 Minutes  
Community Development Committee  
Gettysburg Borough Building**

Chair Susan Naugle called to order the December 10, 2015 Community Development Committee meeting at 3:00 PM in the Borough Building, 59 East High Street. Those in attendance were: Council and Committee Members Rebecca Brown and Leonard Andrews; Charles Gable, Borough Manager; Scott Dellett, Borough Planning Director; Karen Mesher, Borough Management Assistant; Advisory members Stephanie McIlwee, *Olde Getty Place* (Elm Street and PICPI); Darlene Brown (PICPI); and Deb Adamik, Main Street Gettysburg.

Others in attendance: Jim Hale of the *Gettysburg Times*.

**Minutes**

The minutes from the November 12, 2015 committee meeting were approved as read.

**Public Comment**

There was no public comment.

**Reports and Updates**

**Elm Street**

Ms. McIlwee provided her monthly report (see attached). Both the Halloween and Christmas parades went well. Elm Street is sending updated information regarding DCED funding to Beverly Hutzler for the South Street Project. Funding continues to be held up by the State budget impasse. Elm Street has received \$35,000 from the Borough since 2012 with \$833.17 remaining which is earmarked for dusk-to-dawn lights. Elm Street continues to collect food for Ruth's Harvest; approx. 263 people attended the fifth annual Free Thanksgiving for Old Getty Place residents at the Gettysburg United Methodist Church; and approx. 50 attended the Christmas Tree Lighting on November 29<sup>th</sup>. Fire trucks will travel through the neighborhoods this weekend collecting food and donated items that will be distributed by Elm Street to needy families on December 15<sup>th</sup>-17<sup>th</sup>.

**Main Street**

Ms. Adamik gave her monthly report (see attached). The Baltimore Street committee is planning a "Steppin' Out in Lincoln's Footsteps" as a spring event, and may coordinate other events with the National Conference to be held by the Civil War Trust in June. A "Welcome Packet and Business Guide" that was developed for business prospects was distributed to realtors and new businesses. Main Street Gettysburg has exceeded their fundraising goal of \$10,000 during their "100 @ \$100" campaign and the engraved brick program is going strong with local business support.

**Planning Director's Report and Updates**

Mr. Dellett gave his monthly report and updates:

- Reported that the agreement with CS Davidson regarding the DCNR grant was signed
- Central Adams Joint Comprehensive Plan Steering Committee will meet on January 5<sup>th</sup>
- HARB will meet at 7 PM on December 16<sup>th</sup> to review two property applications
- The Planning Commission and Zoning Hearing Board meetings were cancelled due to no applications received

- Reported that the Gettysburg Innerloop (GIL) signed off on an agreement transmitted to DCNR for funding.

### **Satellite Dishes – Notice to Landlords/Historic District Ordinance**

Ms. Naugle reported she had contacted Kenneth Lewis of the Federal Communications Commission (FCC) in Washington DC regarding the uses of satellite dishes (see attached) and had received input from landlords/property managers on the draft guidance proposed for owners of residential rental properties. Mr. Lewis was able to clarify the FCC position regarding the installation and maintenance of satellite dishes for rental property. He emphasized the need to protect properties in the Historic District first to prevent any damage, and suggested we take a look at an ordinance adopted by the City of Reading for its Historic District. The ordinance was challenged by the Satellite Broadcasting and Communications Association but withdrawn when it learned it only applied to the Historic District. Mr. Lewis recommended that if we adopt a similar ordinance, it would be reasonable to allow one year for property owners to relocate their dishes if that needs to be done. Committee members agreed that rental property owners need to address this issue in their leases. This point will be stressed in the guidance letter. Mr. Gable has proposed that the guidance be included with the annual RRUE letters/bills sent out to landlords by the Borough in January. Ms. Naugle asked the committee to review the draft and email any comments or suggestions. She will also share with other Council members for review and comment and will provide an update at the December Council meeting. Committee members agreed to move forward with sending the guidance letter and then review a possible historic district ordinance in 2016. Mr. Dellett will update the HARB Board. Ms. Darlene Brown noted that the Housing Authority does not permit satellite dishes to be attached to their properties and that is clearly stated in their lease.

### **Boundary Line and Right of Way Agreement with Four Square Gospel Church**

Mr. Dellett said that it was unclear who owned the property off of Reynolds Street, therefore creating a right-of-way issue. Ms. Naugle noted that this issue also affected the proposed GIL. Mr. Dellett said that an agreement was drafted (see attached) between the Borough of Gettysburg, Four Square Gospel Church and the surrounding property owners defining the boundary lines and rights-of-way. The church needs this agreement to meet zoning requirements for impervious service and open space. The agreement will be addressed at Monday's council meeting.

### **Miscellaneous Updates**

#### **Sign Ordinance Review**

Ms. Naugle suggested that a recent U.S. Supreme Court case, Reed vs. the Town of Gilbert, would be cause to review the Borough's sign ordinance regarding requirements for content of different types of signs.

#### **Revolving Loan Program**

Ms. Naugle said that there were no updates.

#### **Federal Transportation Bill**

Ms. Naugle said that Congress passed a federal transportation bill that would be good for five years. Ms. Darlene Brown pointed out that the U.S. government only has funding for three years. Ms. Naugle said that there is additional money in the bill for bike and pedestrian traffic, noting that this would be beneficial for grants for the Baltimore Street project etc.

### **Community Development Focus for 2016**

Ms. Naugle noted that the GIL design will be moving forward in 2016. Mr. Gable suggested addressing the sidewalk ordinance would allow us to move ahead with the revolving loan program to help property owners become compliant with code enforcement and to help business owners expand. He said that review of the sign ordinance should not be reactionary but to approach it comprehensively. Mr. Dellett said that the majority of the incoming council need to establish priorities and then direct staff. Mr. Gable said that the Borough needs a comprehensive capital improvement plan that would help identify grant opportunities. Ms. Adamik said that the Borough must encourage business owners to partner, like establishing a York Street improvement corridor. Mr. Dellett suggested inventorying available business space and the needs of business owners, and then match that need to determine the market first.

### **Adjournment**

The meeting adjourned at 4:25 PM.

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Susan Naugle, Chair



elm street



## Community Development Committee Meeting Elm Street – *Olde Getty Place* Report December 10, 2015

**DCED Funding** – Sending updated information to Beverly Hutzel for South Street.

**BOROUGH DONATIONS** - Recently was asked to create a report to the borough to account for expenses paid for by their donations to Elm Street since 2012. Results show a total of \$35,000 donated, minus expenses paid, with only \$833.17 unused. That amount will be spent within the next 4 weeks for dusk to dawn light installation.

**HALLOWEEN PARADE** – This parade offered a total of 72 entries. It was a great parade. Senator Rich Alloway was the Grand Marshal.

**RUTH'S HARVEST** - *Olde Getty Place* continues to be involved with the collection of food items for Ruth's Harvest. This program provides knapsacks filled with food for youngsters to take home over the weekends.

**CHRISTMAS PARADE** – This parade was held Saturday, December 5<sup>th</sup>. We had 24 entries. We have received many complimentary phone calls.....The parade offered a blend of both Spiritual Celebration as well as "fun" celebration. LOTS of positive feedback, including a call from a family in Baltimore, MD.

**FREE THANKSGIVING DINNER** – Offered again this year and was free to the residents of *Olde Getty Place*. This partnership with Gettysburg United Methodist Church has been quite successful...This year 263 people were in attendance. This was the 5<sup>th</sup> year for the dinner.

**CHRISTMAS TREE LIGHTING / HOLIDAY CANDLES IN WINDOWS** – The lighting of the *Olde Getty Place* Christmas tree was held on Sunday, November 29<sup>th</sup> at 6pm. There was music played by a brass group, singing of Christmas carols, distribution of battery-operated candles to residents of the neighborhood, and refreshments in the basement of St. Paul AME Church. The idea is to show Gettysburg that *Olde Getty Place* is united and proud of their improved neighborhood. The light of the candles represents "hope". Over 50 individuals attended.

**STUFF THE TRUCK** – The fire trucks will travel through the Gettysburg area this weekend. We will pick up the food items and other donations on Monday morning. We will then sort and distribution will be on the 15<sup>th</sup>, 16<sup>th</sup>, and 17<sup>th</sup>. Food and toys will be given to folks who find themselves in need this Holiday Season. We work with the school district to make sure families in need receive assistance.



## President's Report

### Main Street Gettysburg

December 9, 2015

#### Baltimore Street

- **Master Plan** - We have not heard anything yet from the Grantor.
- **Mural Project** - Congratulations to Nancie Gudmestad! The first mural has been paid for through fundraising and completed.
- The committee met and agreed to plan on a "Steppin' Out in Lincoln's Footsteps" community event in the spring.

#### Steinwehr Avenue

- **Victorian Christmas** – A Victorian Christmas is being planned for December 11<sup>th</sup> – 13<sup>th</sup> with Saturday, the 12<sup>th</sup> as the main day of the event. Fifty wreaths were hand delivered to the participating businesses. Victorian decorations, wrapping, and special Christmas surprises will be in store. MSG is facilitating this event for the BID Board and hopes that in the future this event can become a town-wide annual event.
- **Annual Meeting** – The Steinwehr BID Annual meeting will be December 10 and elections of board members will be held. MSG supports the BID by preparing the mailings, agenda and presentation materials.
- **Flower Baskets** – Flower baskets have been removed and stored.

#### Business Advocate

- **Welcome Packet and Business Guide** - The completed Welcome Packet and Guide has been distributed to realtors, new businesses as they open, and is located on MSG's website.
- **Business Recruitment and Realtors Luncheon** - MSG has started to receive inquiries from businesses seeking to locate in Gettysburg. On December 3, twenty-eight realtors attended a luncheon sponsored by MSG and Dave Sites. The ten-year economic strategy was shared, each realtor received a Welcome Guide, and the first step toward an on-going dialogue with the realtor's community was started. MSG plans to hold more meetings of this nature and include some businesses to build a team approach in attracting and keeping quality businesses that complement our community.
- **Civil War Trust Annual Conference** - MSG met with the Civil War Trust and agreed to coordinate a town-wide event for approximately 600 attendees to their annual conference in June. The conference will be at the Wyndham due to limited space in town, but will focus on the history of the town. This is a good opportunity for our businesses and historic sites in town.

#### Community Support for Main Street Gettysburg:

- **100 @ \$100 Fundraising Program** – MSG exceeded the fundraising goal of \$10,000.
- **Engraved Brick Program** - Thanks to some of the businesses in town who are willing to advocate for Main Street Gettysburg, such as George Lomas from the Regimental Quartermaster, and Susan Saum-Wicklein, from Jewelers Daughter who forwarded a brick ad to their vast number of civil war enthusiasts, brick donations are strong.

FILE NOTE: 12/5/2015

SUBJECT: Satellite Dishes – Conversation with Kenneth Lewis – FCC

Mr. Lewis returned my call on this date regarding satellite dish installation. Mr. Lewis (202-418-2622) is with the Media Bureau of the FCC in Washington DC. He is listed as the agency expert on satellite dish installation and the FCC OTARD Rule.

I requested clarification on the installation of dishes with respect to duplex or single family rentals; i.e. how does the concept of exclusive use area apply? Mr. Lewis advised the Rule is not an absolute right and there is a fundamental right of the property owner to prohibit permanent damage to his/her property. The fact that it is a multi-family, duplex or single-family unit does not change that. The tenant or installer cannot just drill holes in the property owned by someone else. If the owner wants to allow that, it is up to them. The Rule provides no protection to the tenant in damaging the property in order to install the dish. Dishes can be installed in ways that do not damage if the installer is told to do that. He suggested that landlords should make restrictions clear in the lease like paying for damage, how and where dishes are to be installed, and removal of the dish when the property is vacated.

Mr. Lewis advised that we “need to take care of our historic district first.” The Rule allows restrictions in the Historic District and would allow a requirement for a permit. He was not so clear on the fee that can be charged but he indicated a “reasonable fee” would be acceptable. This should not be a problem for Gettysburg since our historic district is already on the National Register. He cited Reading as an example of a good sample ordinance. The Reading ordinance, enacted in 2009, was challenged by the Satellite Broadcasting and Communications Association (SBCA ) in 2010. Mr. Lewis advised the SBCA withdrew its suit when it determined the restrictions only applied to the historic district. He stressed the importance of preserving the historic district and not allowing damage. If the restrictions mean that a person cannot get an adequate signal that is just the way it is. They can choose to not live in the historic district, per Mr. Lewis. He recommended that if we enact an ordinance (similar to Reading) allowing one year for the removal of dishes not in compliance and relocation per the ordinance. Mr. Lewis advised that we can contact him with any questions in the future.

## **BOUNDARY LINE AND RIGHT OF WAY AGREEMENT**

This agreement is made this \_\_\_\_ day of \_\_\_\_\_, 2015,

*BETWEEN*

**International Church of the Foursquare Gospel**, a Religious Corporation, organized and existing under the laws of the State of California, with its principal place of business at 1910 West Sunset Boulevard, Suite 200, Los Angeles, California 90026 (hereinafter "Foursquare");

*-AND-*

**Suzanne E. Shealer** of 230 Springs Avenue, Gettysburg, Pennsylvania 17325 (hereinafter "Mrs. Shealer");

*-AND-*

**The Borough of Gettysburg**, a municipal corporation organized and existing under and by virtue of the laws of the Commonwealth of Pennsylvania, with its principal municipal office located at 59 East High Street, Gettysburg, Adams County, Pennsylvania (hereinafter "the Borough").

**WHEREAS**, Foursquare is the owner of real property located in the Borough of Gettysburg, Adams County, Pennsylvania, more particularly described in a deed dated January 8, 2001 and recorded in the office of the Recorder of Deeds of Adams County, Pennsylvania at Record Book 2260, Page 199 (hereinafter "the Foursquare Property"); and

**WHEREAS**, Mrs. Shealer is the owner of real property located in the Borough of Gettysburg, Adams County, Pennsylvania, more particularly described in a deed dated January 27, 2000 and recorded in the office of the Recorder of Deeds of Adams County, Pennsylvania at Record book 1992, Page 945, and more recently described in a deed dated April 30, 2015 and recorded in the office of the Recorder of Deeds of Adams



County, Pennsylvania at Record Book 6027, Page 549 (hereinafter "the Shealer Property"); and

**WHEREAS**, the Borough is the owner of real property located in the Borough of Gettysburg, Adams County, Pennsylvania, more particularly described in a deed dated May 1, 1973 and recorded in the office of the Recorder of Deeds of Adams County, Pennsylvania at Deed Book 306, Page 945 (hereinafter "the Borough Property"); and

**WHEREAS**, the northwestern corner of the Foursquare Property encroaches on the northeastern corner of the Borough Property; and

**WHEREAS**, there is a parcel of land bound by the Shealer Property, the Borough Property, the Foursquare property and the intersection of Legion Alley and South Reynolds Streets, the ownership of which is unknown, uncertain and/or disputed (hereinafter "the Disputed Property"); and

**WHEREAS**, Foursquare and Mrs. Shealer wish to amicably resolve all differences and disagreements regarding the common boundary line between the Foursquare Property and the Shealer Property; and

**WHEREAS**, Foursquare and the Borough wish to amicably resolve all differences and disagreements regarding the common boundary line between the Foursquare Property and the Borough Property; and

**WHEREAS**, the parties wish amicably resolve their differences and disagreements regarding the ownership of and their respective rights to the Disputed Property; and

**WHEREAS**, the parties have cooperated in a survey that has been conducted and in the preparation of the Property Line and Right-of-Way Plan (hereinafter "Plan"), attached hereto as Exhibit A, which is intended by the parties to illustrate the agreements they have reached.

**NOW THEREFORE**, in consideration of the premises and mutual promises made in this agreement, and other good and valuable consideration by each of the parties to



the other in hand paid, the receipt and sufficiency of which is acknowledged, the parties represent, covenant and agree as follows:

1. The foregoing recitals, being hereby incorporated by reference, are deemed an essential part of this agreement.

2. Foursquare hereby specifically conveys, forever releases and quitclaims to the Borough, and to the Borough's successors and assigns, any portion of the Foursquare Property which by any prior survey or description encroached on the Borough Property.

3. The boundary line between the Borough Property and the Foursquare property is and shall be as shown on the attached Plan as Curve C1.

4. The boundary line between the Shealer Property and the Foursquare Property is and shall be as shown on the attached Plan as Line L6.

5. Mrs. Shealer and the Borough each hereby specifically conveys and forever releases and quitclaims to Foursquare, and to Foursquare's successors and assigns, all of their respective rights, title and interest, if any, in and to the Disputed Land, said land being contained entirely within the boundary lines of the Foursquare Property as shown on the attached Plan.

6. All land within the shaded portion of the attached Plan labeled as "Variable Width Bicycle/Pedestrian Right-of-Way," is, or shall by this agreement become, part of the Foursquare Property.

7. As further referenced in this agreement, "the Foursquare Property" shall be as modified by the exclusions therefrom or inclusions thereto as set forth in the foregoing paragraphs.

8. Foursquare does hereby grant, bargain, and sell unto the Borough a perpetual easement over the Foursquare Property as follows:

A. The easement hereby granted is for the purpose of allowing the Borough, its agents and employees, at the Borough's expense, to:

i. Construct and maintain a public, variable-width "Bicycle Pedestrian Right-of-Way," extending from South Reynolds Street at the south of the Foursquare Property to West Middle Street at the north, which shall be for use by bicycle and pedestrian traffic only, and not for use by motor vehicles;

ii. Construct and maintain a "Stormwater Maintenance Area" in and around the stream known as Stevens Run in order to mitigate flooding in the area by improving stormwater retention and release;

iii. Construct and maintain certain improvements, functional or aesthetic, appurtenant to the Bicycle/Pedestrian Right-of-Way and the Stormwater Maintenance Area, including sitting areas, gardens, a bridge over Stevens Run, fencing, lighting, retaining walls and other appropriate landscaping; and

iv. Construct, repair, and/or maintain a twenty (20') Storm Sewer.

B. All permanent improvements related to the Bicycle/Pedestrian Right-of-Way and Stormwater Maintenance Area shall be confined to the shaded area on the attached Plan labeled as "Variable Width Bicycle/Pedestrian Right-of-Way." Further, the Bicycle/Pedestrian Right-of-Way shall be constructed in such a way as to intersect with West Middle Street to the west of Stevens Run.

C. The Storm Sewer shall be constructed and maintained within the shaded area on the attached Plan labeled as "Proposed 20' Storm Sewer Easement."

D. In addition to the foregoing perpetual easement, the Borough shall, from time to time as it deems necessary, have a temporary construction and

maintenance easement over an additional ten (10') feet of the Foursquare Property for the purpose of providing access for construction and maintenance of the Bicycle/Pedestrian Right-of-Way, Stormwater Maintenance Area and Storm Sewer. The cost to repair any damage caused by the Borough in performing said construction and maintenance shall be borne by the Borough.

9. It is mutually covenanted and agreed by the parties that this agreement shall run with the land, and that it shall enure to the benefit of, and be binding upon, the parties, their heirs, distributees, legal representatives, successors and assigns.

This agreement has been signed as of the date and year first above-written.

Attest:

International Church of the Foursquare Gospel

\_\_\_\_\_

By: \_\_\_\_\_  
(Name and title)

\_\_\_\_\_

\_\_\_\_\_  
**Suzanne E. Shealer**

The Borough of Gettysburg

\_\_\_\_\_

By: \_\_\_\_\_  
**Michael J. Birkner, President**  
Borough Council

STATE OF CALIFORNIA

COUNTY OF \_\_\_\_\_

SS:

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned officer, personally appeared \_\_\_\_\_, who acknowledged himself to be the \_\_\_\_\_ of the International Church of the Foursquare Gospel, a California Religious Corporation, and that he, as such \_\_\_\_\_ being authorized to do so, executed the foregoing Agreement for the purposes therein contained by signing the name of the corporation by himself as \_\_\_\_\_.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

\_\_\_\_\_(SEAL)  
Notary Public

My commission expires:

COMMONWEALTH OF PENNSYLVANIA

SS:

COUNTY OF ADAMS

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned officer, personally appeared **Suzanne E. Shealer**, known to me (or satisfactorily proven) to be the person whose name is subscribed to the foregoing Agreement and acknowledged that she executed same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

\_\_\_\_\_(SEAL)  
Notary Public

My commission expires:

COMMONWEALTH OF PENNSYLVANIA

SS:

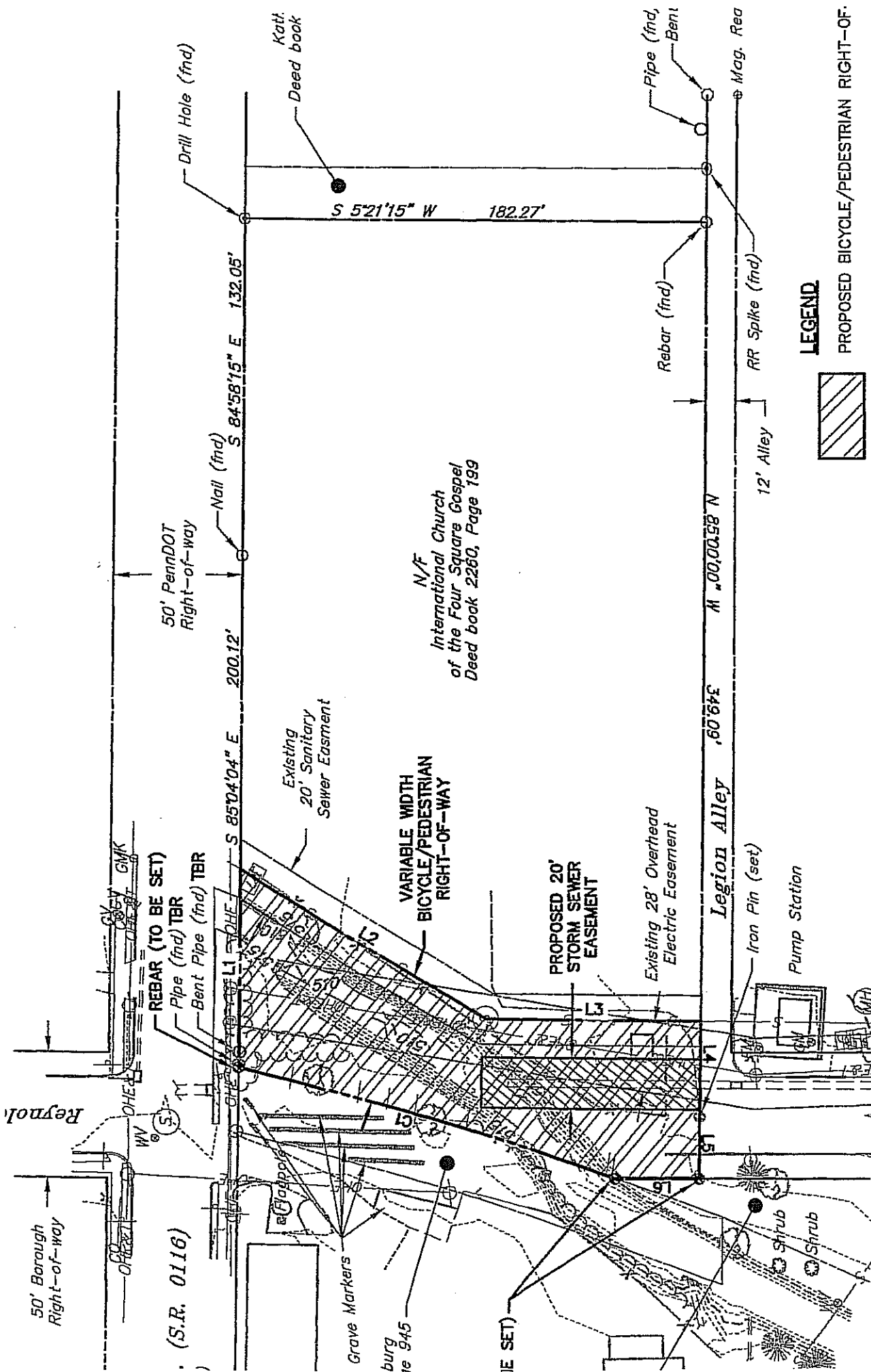
COUNTY OF ADAMS

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned officer, personally appeared **Michael J. Birkner**, who acknowledged himself to be the President of Council of the Borough of Gettysburg, a Pennsylvania municipal corporation, and that he, as such President being authorized to do so, executed the foregoing Agreement for the purposes therein contained by signing the name of the municipal corporation by himself as President of its elected council.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

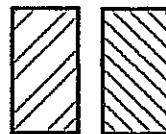
\_\_\_\_\_(SEAL)  
Notary Public

My commission expires:



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S85°04'35\"E	77.79'
L2	S35°38'28\"W	113.18'
L3	S05°17'31\"W	84.82'
L4	N85°00'00\"E	37.69'
L5	N85°18'44\"W	74.48'

# **LEGEND**



PROPOSED BICYCLE/PEDESTRIAN RIGHT-OF-WAY

PROPOSED STORM SEWER EASEMENT

TBR TO BE REMOVED

BEYOND  
BY

GRAPHIC SCALE

50'

50'

100'