

## COUNCIL MEETING MINUTES APRIL 14, 2008

President Edwin Peterson called the meeting to order at 7:30 PM with the following Councilors present: Ms. Holliday Giles, Ms. Caroline Smith, Mr. Ted Streeter, Mr. John Butterfield, Ms. Susan Naugle, Mr. Robert Krummerich, Ms. Alice Estrada and Mayor William Troxell. Staff included Manager John Lawver, Borough Secretary Sara Stull, Solicitor Harold Eastman, Chief Joe Dougherty, Finance Director Ramona Overton, and Recreation Director Beth Corson.

Others present included Eric Mains, KPI Technology, Jim Biesecker and Daniel Konstalid representing Gettysburg College, Helen Gemmill, McNees Wallace & Nurick, Tom Jolin, Healthy Adams Bicycle Pedestrian Loop, Holly Cookerly, Gettysburg Hospital, Darlene Brown, PICPI-ACHA, Chuck Teague, 125 E. Middle Street, Judie Butterfield, 999 Sunset Avenue, Bernadette Sterner, 408 Queen Street, Linda Gebhart, 630 Sunset Avenue, Gene Golden, borough vent and Judie Butterfield, 999 Sunset Avenue.

Representing the press were Scot Pitzer of the *Gettysburg Times* and Max Stevens, *WGET*

Solicitor Eastman announced Borough Council held an executive session on April 14 at 6:30 pm to consult with Attorney on two legal matters; 1. Marilyn Phillips, discuss ADA claims filed with the Pa Human Relations Committee; and 2. Sharon Gelwicks federal complaint update.

Moved Ms. Smith, seconded Mr. Streeter to approve the agenda as presented. Motion carried unanimously.

Moved Ms. Smith, seconded Mr. Krummerich to approve the March 10, 2008 minutes as presented. Motion carried unanimously.

Moved Ms. Naugle, seconded Mr. Streeter to approve the March 13, 2008 special workshop meeting minutes as presented. Motion carried unanimously.

Citizens in attendance:

Tom Jolin gave a brief presentation on the Gettysburg Inner-Loop project. The goal is to create a safe bicycle and walking trail linking schools, shops and homes in Gettysburg and surrounding towns. He reported that to date they have received 12 letters of support from area businesses. Mr. Jolin announced an informational public open house meeting would be held on April 30<sup>th</sup> at the recreation building. The information sessions would continue on the hour from 4-7 pm and encouraged everyone to attend.

Ms. Naugle noted she has been attending their meetings and they have been very informational. She suggested Mr. Jolin also give a presentation to the planning commission in the near future.

Bernadette Sterner expressed her disappointment with council for approving signs/banners to be placed at the Rec Park. Thought this was to be voted on at tonight's meeting but the signs are already up at the park.

Mayor Troxell reported students from St. Mere Eglise were in Gettysburg on April 7<sup>th</sup> for a tour. He thanked Judie Butterfield for organizing and planning a nice ceremony for the students in council chambers.

Moved Ms. Smith, seconded Mr. Krummerich to approve HARB consent agenda as presented. Motion carried unanimously.

Moved Ms. Giles seconded Mr. Streeter to approve the Memorandum of Understanding between the Borough and Main Street Gettysburg for the administration of the \$70,000 LUPTAP grant funding, since the funding flows through the Borough. Motion carried unanimously.

Mr. Streeter reported the Adams County Transportation Planning Organization was awarded \$787,000 of Federal money to purchase trolleys at no cost to the Borough.

Ms. Smith reported the Community Development Committee with the exception of 1 change approved the CDBG recommendations for allocations as presented. She noted documents were missing from El Centro's application but informed them if the committee received the information they would award them \$10,000. The change would deduct \$5,000 each from Code Enforcement and PICPI/ACHA.

Moved Mr. Krummerich, seconded Mr. Butterfield, approve a resolution authorizing the Borough Planner to submit an application on behalf of the Borough to the Pennsylvania Department of Community and Development for \$134,988 in fiscal year 2008 Community Development Block Grant funds to be allocated as follows: \$24,298 for the Borough to administer the program, \$10,000 to South Central Community Action Program for public service for Asset Development, \$15,345 to Pennsylvania Interfaith Community Programs, Inc for housing reconstruction at 62-64 Breckenridge Street, \$15,345 to the Borough of Gettysburg for Code Enforcement, \$60,000 to the Borough of Gettysburg for public improvements and facilities for ADA compliance work on sidewalks and \$10,000 to El Centro for the Promoting Alternative Thinking Strategies program (PATH) upon condition of El Centro providing verification of eligibility. Motion carried unanimously.

Ms. Smith reported the Chamber of Commerce has announced they will hold the annual wine festival at the Wyndam and not at the Rec Park this year. She noted the Chamber has offered to make a donation to the Borough after this year's event.

Ms. Smith reported the College has formed a search committee to find a replacement for President Will and plan to work with the community in this process.

Ms. Estrada read a prepared statement concerning the banner/signs to be placed at the Rec Park. She feels the signs are tasteful and noted other areas use signs as a source of advertisement.

Moved Ms. Estrada, seconded Mr. Streeter to approve to enact an Ordinance of the Borough of Gettysburg amending Chapter 19, Part 1, Section 107 of the Code of Ordinances of the Borough of Gettysburg relative to the regulation of outdoor advertising signs under the Gettysburg Borough Sign Ordinance. Yea: Mr. Butterfield, Mr. Streeter, Mr. Peterson, Mr. Krummerich, Ms. Estrada and Ms. Smith. Nay: Ms. Naugle and Ms. Giles. Vote passed 6-2.

Ms. Naugle read a prepared statement expressing her concerns with Council rushing to make a decision on the banner/sign ordinance amendment. This sends a message that Council isn't concerned about the citizens and taxpayers of the Borough. She noted the signs are now up illegally. It's not the Borough's fault that the Little League fees are up. She noted the American Legion made a donation to the Little League to help defray the cost. Ms. Naugle noted it's very important that council provide for public comment. Ms. Naugle pointed out her decision to vote against it was not based on little league or banners but Council's responsibility.

Mr. Krummerich expressed his thought as a freedom of expression and not so much about little league signs. He noted Council could always make changes later if needed.

Ms. Estrada noted this has been discussed since January and felt the Public Works committee approved it.

Ms. Giles pointed out this was approved at the Public Works meeting and thought it was to be discussed at tonight's meeting and not voted on. She noted this doesn't just affect the Rec Park but other areas throughout town as well.

Solicitor Eastman stated the ordinance must be enforced equally. He noted he was approached to see if the ordinance could be prepared for the April meeting so that the banners/signs could be up in time for opening season on April 12<sup>th</sup>. Solicitor Eastman pointed out anyone in the institutional district could apply for a sign/banner.

Mr. Streeter noted he wasn't aware that someone has made a donation to Little League to cover their costs. Mr. Yannetti responded the donation doesn't cover all costs and that they need \$20,000 for field improvements.

Mr. Streeter suggested tabling the sign ordinance until Council can research further possibly refer to the AD HOC Committee.

Ms. Giles asked if the term of the Little League License Agreement is for 1 year. Solicitor Eastman responded it has the ability to continue but Council can choose to review each year.

Ms. Naugle asked if the same agreement would be used for other ball teams. Solicitor Eastman responded yes it could.

Ms. Giles asked if all leagues have their own fields. Ms. Corson responded yes which includes football, softball, teener league and the skate park.

Moved Ms. Estrada, seconded Mr. Streeter to authorize Edwin R. Peterson, President or Holliday Giles, Vice President and Sara L. Stull, Secretary to enter into a License Agreement with the Gettysburg Little League to allow the Gettysburg Little League to erect and display outdoor advertising signs/banners during its playing season at the baseball fields used by the Little League at the Gettysburg Recreation Park. YEA: Mr. Butterfield, Mr. Streeter, Mr. Peterson, Mr. Krummerich, Ms. Estrada and Ms. Smith. NAY: Ms. Naugle and Ms. Giles. The vote passed 6-2.

Moved Ms. Estrada seconded Mr. Streeter to enact an Ordinance of the Borough of Gettysburg vacating and closing a portion of Constitution Avenue between West Lincoln Avenue and West Broadway. Motion carried unanimously.

Moved Ms. Estrada, seconded Mr. Streeter to set financial security for the completion of required improvements associated with the Gettysburg College land development project in connection with the expansion of its athletic center in the amount of \$306,092.49 consistent with the recommendation of the Borough engineers, C. S. Davidson, Inc., dated March 31, 2008. The said financial security to be in a form authorized by the Municipalities Planning Code and to be approved by the Borough Solicitor. Motion carried unanimously.

Moved Mr. Streeter, seconded Ms. Smith to approve the Gettysburg College Land Development Agreement. Motion carried unanimously.

Moved Ms. Naugle, seconded Mr. Butterfield to appoint Mark Weaver to the Planning Commission Board to fulfill the unexpired term of Walton Davis ending December 2010. Motion carried unanimously.

Moved Ms. Naugle, seconded Mr. Butterfield to appoint Barry Bernas to the Regulated Rental Unit Appeals Board to fill the open seat; expiring October 2008. Motion carried unanimously.

Ms. Naugle reported the AD HOC committee prepared handouts for council approval of volunteer application forms. She also presented a handout briefly describing boards, authorities and commissions.

Ms. Naugle reported the committee heard a presentation from Commonwealth Code Inspection Service. She also met with Peter North, PLCM to discuss employee evaluation forms and will continue to work with the Borough Manager to finalize these forms.

Ms. Naugle announced Steven Wiley, a nationally acclaimed speaker, has offered to share his message of leadership and communication to the borough staff and all volunteers and supporters. The date will be announced in the near future.

Ms. Giles suggested holding this presentation in June to allow time to inform everyone. She pointed out all employees must attend this session.

Moved Mr. Krummerich, seconded Ms. Estrada to approve the cost of living increase (COLA) to retired police officer Charles Fritz effective March 1, 2008. Motion carried unanimously.

Moved Mr. Krummerich, seconded Ms. Estrada to authorize the Solicitor to prepare agreement with DUNCAN to proceed with the ticket auto process service. Motion carried unanimously.

Moved Mr. Krummerich, seconded Ms. Naugle to approve all bills and payrolls for the month. Motion carried unanimously.

Solicitor Eastman gave a brief update on the Zoning Ordinance and Zoning Map amendments to include the advertisement of a public hearing and a special meeting of Borough Council commencing at 4:00 pm on Monday, May 5, 2008.

Solicitor Eastman gave a brief update concerning the flexible residential development application of Mark and Maureen Weaver for their property located at 359 North Fourth Street and informed Council they would need to schedule a public hearing.

Moved Ms. Estrada, seconded Mr. Streeter to authorize Solicitor Eastman to prepare and advertise a public hearing on Monday, May 5, 2008 at 3:00 pm. Motion carried unanimously.

Solicitor Eastman gave a brief update on matter in connection with application for a HARB certificate of appropriateness for 119 Carlisle Street submitted by Monahan Realty Company. A minor project doesn't require a certificate of appropriateness only major projects. The question would be whether Monahan's still plan to construct a new building.

Mr. Yannetti responded yes it was the intent of the applicant to construct a new building at that site in the future. Solicitor Eastman replied that the stone wall/fence would not require a certificate of appropriateness but the Code Enforcement Officer should issue a building permit for the wall.

Moved Ms. Giles, seconded Mr. Streeter to authorize the Code Enforcement Officer to issue a building permit to Monahan Realty Company. Motion carried unanimously.

Manager Lawver reported the new traffic signals are currently being installed throughout the Borough.

Moved Mr. Streeter, seconded Ms. Giles to accept the J. P. Harris exonerations for tax years 1996, 1997, 1999, 2001, 2002, 2003, 2004, 2005, 2006, and 2007. Motion carried unanimously.

Ms. Corson reported the Biser Fitness Trail at the Rec Park is heavily used everyday.

Ms. Giles asked if there has been a conflict between bikes and skate park people. Ms. Corson hasn't received any complaints but will check further into it.

With no further business to come before Council, moved Ms. Giles seconded Mr. Krummerich to adjourn the meeting at 9:40 PM.

Respectfully submitted,

Sara L. Stull  
Borough Secretary

