

**Borough Council
Minutes of May 12, 2008
Borough of Gettysburg**

Council President Edwin Peterson called the Borough Council meeting to order at 7:30 pm on Monday, May 12, 2008. Those present were Caroline Smith, Holliday Giles, Ted Streeter, John Butterfield, Susan Naugle, Alice Estrada, Mayor William Troxell, Harold Eastman, Borough Solicitor; Merry Bush, Borough Planner; and John Lawver, Borough Manager. Robert Krummerich and Michael Birkner were absent. There was a quorum of Council members in attendance.

Others in attendance were: Police Chief Joe Dougherty; Ramona Overton, Finance Director; Lexie Grant, Miss Keystone; members of Scout Troop 79; Bill Chittester, Pete Schilling and Dale Gettel from Commonwealth Code; Chuck Teague; Scot Pitzer, *Gettysburg Times*; Erin James, *Evening Sun* and Max Stevens, WGET & WGTU.

Mayor Troxell introduced Lexie Grant, Miss Keystone. Miss Grant moved from Utah to make Gettysburg her home so that she may run for Miss Pennsylvania and hopefully Miss America. The Miss Pennsylvania scholarship program encourages the contestants to each raise \$500. Local businesses may also join the advertising program. Miss Grant is running on an Arts Awareness platform.

Scout Troop 79 from St. James Lutheran Church attended the meeting to earn their Community Service badges.

Ms. Giles reported that the Main Street Board meeting went well. There will be a limited opening of the Wills House in November. Ms. Estrada asked if the construction barricades would be removed by November. Ms. Giles said that she was unsure if the barricades will come down for that opening. The Wills House will open as a museum in February 2009.

Mr. Streeter noted that the Pennsylvania League of Cities and Municipalities (PLCM) Conference applications were available.

Mr. Butterfield, vice chairman of the Community Development Committee, noted that minutes of the April meeting were in the handouts provided at the meeting, but the March minutes were not in the packet.

Ms. Smith announced that the next meeting of the Community Development Committee will be on Tuesday, May 27 at 3pm due to the Memorial Day holiday.

There remain some concerns about the recently adopted amendments to the Zoning Ordinance. Student housing in the Institutional District is one area that may need to be tweaked as staff begins to work with the ordinance.

Gettysburg College graduation will be on May 17, 2008 with Sandra Day O'Connor speaking. The "Give It Up For Good" sale will be held on May 24. The college and the United Way work together, collecting items that college students no longer need or want. Those items are then sold to the public with money going to the United Way.

Ms. Estrada moved to approve the HARB consent agenda. Mr. Streeter seconded and the motion carried unanimously.

Mr. Lawver gave an update to the Public Works Committee regarding the hiring of an ADA consultant. Staff is still searching Borough records for information on the Broadway islands. There are indications that Council took some action in 1898.

Mr. Butterfield said there is a proposal to change the Zoning Hearing Board's (ZHB) bylaws as noted in that Board's minutes.

The Ad Hoc Ordinance committee has had two sessions and plan to meet next on May 14 to consider the sign ordinance. The committee hopes to start meeting twice a month in light of the amount of work that needs to be done.

As noted in the Public Safety Committee minutes John Eline, Adams County Emergency Management Director, gave a brief update on emergency services.

A Third Ward Town Meeting was held on May 1 with 80 people in attendance. The Third Ward Councilors plan to hold town meetings twice a year—once in spring and again in the fall. Positive comments were received, along with the usual concerns.

Ted Streeter asked if Council must approve changes to the ZHB bylaws. Solicitor Eastman said that regulations do not require bylaws to be approved by Council as the Board is a quasi-judicial body. He also said that the issue of standing is actually governed by state law.

Susan Naugle said that the Human Resources Committee is working with the PLCM regarding employee training and with Peter Marshall to implement an employee review program. The committee will meet May 13 at 3pm to look at three replies to requests for those interested in providing this service.

Steven Wiley will make a presentation on June 6 to Borough employees, Council members and volunteers taking a humorous approach toward the training required in this program. Mr. Wiley and the Majestic Theater have both donated their services.

Ms. Naugle said that since the work of the Ad Hoc Committee, whose task was to look at the committee structure, is complete, the committee should be removed from under her name on the agenda.

Ms. Estrada presented the financial report. The Financial Committee discussed at length the Borough parking meter program. This program was referred to the Ad Hoc Committee on ordinances.

The treasurer's report shows cash at hand of \$482,195.45, with \$327,786.93 in tax dollars received. Invoices total \$112,363.11. Ms. Estrada made a motion to approve all bills and payroll. Ms. Naugle seconded and the motion carried.

Ms. Estrada also moved to authorize the solicitor to prepare resolutions for adoption by the Borough Council in order to appoint Central Tax Bureau of Pennsylvania, Inc. as the designated agent to collect local services tax and earned income tax on behalf of the Borough of Gettysburg effective July 1, 2008. Mr. Streeter seconded and the motion carried unanimously.

The Planning Commission has requested that the solicitor attend some of their meetings as needed. Mr. Eastman agreed to do so, on an as needed basis if that is what Council wishes. The chairman of the Planning Commission will receive copies of

submitted plans before the remainder of the Board so that he may determine the need for legal assistance. John Butterfield noted that in the Planning Commission minutes there were some items that the liaison was to report to Council. Ms. Estrada said that “we are working on that internally.”

Solicitor’s Report

Mr. Eastman noted after Council has 60 days to prepare a decision after the Public Hearing held, May 5, 2008, in regard to Mark and Maureen Weaver’s Flexible Residential Development (FRD) application. The Council needs to enter a final decision at its June 9, 2008 public meeting. The Council will proceed with an executive session immediately after the Council meeting adjourns to discuss this FRD application.

Ms. Estrada expressed her concerns about the sale of the train station as written in the Solicitor’s Report. She reported that several parties had contacted her in regard to purchasing the train station and that the National Park Service (NPS) should not be considered as the only interested party. Mr. Eastman said that all information provided in the Solicitor’s report is privileged and confidential. If subjects from that report are brought before Council at a regular meeting, the Council waives the right to confidentiality.

There are certain parameters in the Interpretive Plan as to the use of the train station. A museum is an appropriate use. There have been no decisions made on the sale of the station. If the station is sold to the NPS, it will be kept as a museum in perpetuity. It will bring busloads of people downtown.

Mr. Eastman provided information regarding the sale of the train station. First a letter of intent is an offer and must come with a price. If the Borough does not negotiate with an exempt party then it must go through a public bidding process. Any certain property sold to the Federal government is an exempted transaction, as would property sold to a non-profit museum or a historic society. There are very specific exemptions in the Borough Code. Otherwise public property must be sold in an open bidding process at a public sale.

Manager’s Report

Mr. Lawver introduced Peter Schilling, owner and president, and Bill Chittester, manager, of Commonwealth Code Inspection Service, Inc. Mr. Lawver expressed his desire to proceed with an agreement with Commonwealth to initially carry out inspections for nuisance code violations, as well as the Regulated Rental Unit Ordinance. Eventually the UCC inspections will be included.

The people who work for the company are all certified and licensed inspectors. They have multiple people to cover when one is sick. The final inspections can be tailored to the Borough’s needs.

Mr. Lawver requested authorization to move ahead with an agreement to have Commonwealth Code on board by June 1, 2008. The firm made a presentation before the Human Resources Committee.

Ms. Estrada made a motion to authorize Mr. Lawver to move ahead with an agreement with Commonwealth Code. Mr. Streeter seconded.

Ms. Naugle asked what “enter into an agreement” means. What is the cost/benefit estimate? She is concerned whether or not a long-term agreement is the best way. Mr.

Lawver noted that the property maintenance issues, like 210 W. Middle Street, and nuisance complaints will only continue and will most likely increase. Additionally the Regulated Rental Unit Ordinance has not been enforced for quite some time.

Commonwealth Code makes most of its money from UCC inspections. When the Borough opted out of administering the UCC, it gave up local control. Labor & Industry does not look at any planning or HARB conditions placed upon a property. The Borough could opt back in and contract with Commonwealth Code to administer the program for the Borough.

Mr. Lawver stressed for the need to be proactive regarding rental units. Property owners will be billed by the Borough for any violations.

Ms. Naugle suggested that there be a short-term contract. Mr. Schilling said that most of their contracts are for one year with a 90-day cancellation period. Continuing, Ms. Naugle said that “we need to have time to find out the experiences in other municipalities” before we decide that we don’t want a code enforcement officer on staff. Mr. Schilling said “we supplement the staff of several municipalities including Springettsbury and Newberry Townships in York County.”

Mr. Peterson said that we haven’t done the proper analysis of what we need and the costs to the Borough. Ms. Giles asked Ramona Overton to pull together some numbers regarding costs to the Borough and to confirm that the taxpayers are not left holding the bag—a cost/benefit analysis. The motion to authorize John Lawver to prepare an agreement with Commonwealth Code passed.

Mr. Butterfield moved to ratify the Borough Manager’s termination of the employment of the Code Enforcement Officer effective April 18, 2008. Mr. Streeter seconded and the motion carried.

Mr. Butterfield made a motion to appoint John Lawver as Fair Housing Officer for the Borough of Gettysburg. Mr. Streeter seconded and the motion carried.

Mr. Streeter made a motion to approve and ratify execution and delivery of the settlement Agreement, dated April 15, 2008, for the purpose of settling and forever ending legal actions filed by Sharon Gelwicks against the Borough of Gettysburg in the Pennsylvania Human Relations Commission, PHRC Case No. 200505909 EEOC No. 17 FAGG1725 and in the United States District Court for the Middle District of Pennsylvania at Docket No. 1:07-cv-0914. Ms. Giles seconded the motion and it carried unanimously.

Mr. Lawver reported that two officers have completed the written exam and the oral exam is in the hands of Civil Service Commission. There may be two names presented at the June Council meeting.

Ms. Estrada has been working with Theo Robinson to come up with a contract to provide grant writing assistance to the Borough. The items listed in the contract are grants for Comprehensive Plans and repair of the Borough Municipal Building. Mr. Robinson, formerly with DCED, is now with the Pennsylvania State Association of Boroughs. The rate for this work is \$35.00 per hour. Not included in Council packets was the addendum, which was distributed at the start of the meeting. While this work was not in the 2008 budget it is hoped that there will be gains in Borough funds as the year progresses.

Ms. Estrada made a motion to move ahead with a contract with Mr. Robinson. Mr. Streeter seconded and the motion carried.

Mr. Lawver attended a meeting about the trash collection contract. The current hauler, Waste Management, said that 49 percent of the Borough residents are not signed up for trash collection. There are several firms including Waste Management that have contracts with commercial entities in the Borough.

Mr. Lawver said there was discussion of putting the trash fees in the annual tax bill. A question was asked, "Is trash collection the responsibility of the landlord or the tenant?" Mr. Eastman said the Borough would have to modify the ordinance to directly bill property owners for trash collection. Most complaints are residential properties.

Mr. Lawver said that the N. Stratton Street bridge replacement will begin June 2. The street will be closed from Racehorse Alley to Water Street for the six to eight weeks that the project will take.

Mr. Lawver opened the bids on rental equipment. Two bids were received—McDermitt Concrete, Inc and C.E. Williams Sons, Inc. After reviewing the bids Mr. Lawver recommended C.E. Williams Sons as they submitted the only bid that covered all the equipment. Ms. Giles moved to accept the Williams bid. Mr. Streeter seconded the motion and it carried. Ms. Overton was asked to prepare the necessary documents.

Mr. Butterfield asked Ms. Overton about the parking garage revenue. From January 1 to April 30 there was a 31% increase in revenue but in the month of April itself revenue is down 19%.

Mr. Eastman read a press release regarding the Gelwicks settlement.

Mr. Streeter moved to adjourn. Ms Estrada seconded the motion. The meeting adjourned at 9:06 pm.

Respectfully submitted,

Merry V. Bush
Assistant Borough Secretary