

COUNCIL MEETING MINUTES JUNE 9, 2008

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

Others present included Peter Martin, representing C.S. Davidson, Gene Golden, borough vent, Jacqueline White, owner Dobbin House, Darlene Brown, PICPI-ACHA, Judie Butterfield, 999 Sunset Avenue, Stan Clark, Ann Lipscomb, 337 Village Drive, Kathy Gilbert, 39 South Street, Rad Schultz, 993 Sunset Avenue, Bob Wagner, 229 Table Rock Road, William Aldrich and Wayne Mayers, 55 South Street.

Representing the press were Scot Pitzer of the *Gettysburg Time*, Max Stevens, *WGET* and Erin James representing the *Evening Sun*

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

Moved Mr. Streeter, seconded Ms. Giles to approve the May 12, 2008 minutes as presented after making a correction on page 2 – the Ad HOC committee met 2 times not 3 and will meet twice a month not a week. Motion carried unanimously.

Solicitor Eastman reported the public hearing held on May 5th was to hear comments regarding the Weaver Flexible Residential Development Plan at 359 North Fourth Street.

Moved Ms. Giles, seconded Mr. Butterfield to adopt Resolution appointing Ted Streeter as voting delegate and John Butterfield as the alternate voting delegate representing the Borough of Gettysburg at the Pennsylvania League of Cities and Municipalities annual convention held in Gettysburg on June 25-27, 2008. Motion carried unanimously.

Citizens in attendance:

Stan Clark expressed his concern with the news of the Train Station sale to the NPS and not giving the public any comment period. Solicitor Eastman explained that Borough Council cannot sale the Train Station without holding a public meeting as required by the PA Sunshine Act. These meetings are always open to citizens for a public comment period.

Mr. Clark noted with the letter of intent with the NPS it appears to be a done deal. He asked what effect applying for grants in the future would have since the Borough received over 2 million dollars in grants for the Train Station restoration.

Ms. Estrada asked to see minutes pertaining to the Train Station dealings over the past year. She asked how the NPS plans to get visitors to the Train Station since they don't have a marketing budget.

Mr. Peterson pointed out it isn't a full fledged tourist attraction now and isn't what Borough Council originally had planned for the Train Station.

Mayor Troxell pointed out the intent of Borough Council was to purchase and maintain a Historic Landmark and not to resale it for a profit.

Bob Wagner noted by signing a letter of intent between the Borough and the NPS would give the Borough leverage.

Bill Aldrich pointed out if the Train Station were to go to someone other than the NPS it would not comply with the original intent of the grants the Borough received for the project.

Rad Schultz expressed his concern with the Borough's recycling program and noted the Rec Park doesn't currently recycle.

Gene Golden asked that he be included in the committee meetings Council is holding regarding the sign ordinance changes. Mr. Butterfield noted he isn't privy to any letter designating Mr. Golden to be involved in the sign ordinance amendments. At this point the Borough Solicitor, Manager and AD HOC committee have been reviewing the ordinances. Mr. Butterfield pointed out the meetings would be open to the public for discussion before any amendments are made.

Solicitor Eastman pointed out the sign ordinance is not the only ordinance they are reviewing but is of top priority.

Cathy Gilbert expressed her concern with a tractor trailer parking and using 1 ½ spaces on South Washington Street. The police were called over the Memorial Day weekend to check into it and found they do have a residential parking permit to park there. Chief Dougherty will review this issue.

Ms. Gilbert also expressed her concerns with the Borough outsourcing jobs to outsiders and not using borough residents. She also noted the many ADA complaints being filed in the Borough and is not sure how to go about remodeling her front porch.

Jackie White felt it would be terrific if the National Park Service were to take over the Train Station. She also would like to express her support of Loring Shultz's plans to convert his warehouse property in the 3rd Ward into a Black Museum.

Mr. Birkner expressed his gratitude to Jackie for always being there to help out in the community when needed. It is greatly appreciated by many.

Peter Martin presented a plaque to Borough Council to be placed at a tree that was planted in the Rec Park in recognition of C S Davidson's 15 years of engineering service to the Borough.

Mr. Streeter announced the PA League of Cities and Municipalities need volunteers for the upcoming conference on June 25-26.

Mr. Streeter reported Jamie Fleet recently submitted his resignation to the Gettysburg Municipal Authority Board leaving an open seat on the Board.

Ms. Naugle noted the Human Resource committee will hold their regular meeting tomorrow and plan to discuss the GMA board opening at that meeting.

Mr. Streeter announced the Elm Street grant has been approved and they will begin the process of hiring a director.

Mr. Streeter reported on the Letter of Intent between the Borough and National Park Service for the purpose of proceeding with the sale of the Train Station. The building is a public building and should remain a public Historic Site which may not be guaranteed by a private purchaser. He noted these discussions took place during the budget season meetings and were always open to the public. Mr. Streeter pointed out at no time did anyone inquire or present a bid to the Borough regarding the Train Station. He also explained the amount was derived by the Finance Director using cost, repairs, expenses, etc.

Moved Mr. Streeter, seconded Ms. Giles to authorize Edwin R. Peterson, President of Borough Council to sign and deliver Letter of Intent on behalf of the Borough of Gettysburg for the purpose of proceeding with the National Park Service for the sale and conveyance of the Historic Gettysburg Train Station located at 35 Carlisle Street for an estimated amount of not less than \$722,000.00 conditioned upon the establishment of the fair market value by an appraisal approved by both the National Park Service and the Borough of Gettysburg. YEA: Ms. Naugle, Mr. Butterfield, Mr. Streeter, Mr. Peterson, Ms. Giles, Mr. Birkner and Mr. Krummerich. NAY: Ms. Smith and Ms. Estrada. Vote passed 7-2.

Solicitor Eastman noted Borough Code Section 1201 explains the procedure in selling real estate.

Ms. Naugle asked if there were any grant requirements. Ms. Overton responded she doesn't have the complete figures for the state but the Borough may be required to return \$800,000 of federal grant money if the train station is sold privately. She noted the Borough is currently waiting for an opinion from the Auditor General's office.

Ms. Naugle asked if there are any outstanding loans on the train station. Ms. Overton responded approximately \$722,000 from donations and matching grant money that would need to be paid if sold.

Ms. Naugle agrees the NPS would be the ideal entity to take care of the Historic Train Station after the extensive work to restore it. The Borough is not capable of maintaining and staffing the site.

Ms. Smith reporting for the Community Development Committee noted representatives from the Gettysburg College and Lutheran Seminary attended to request changes to the Zoning Ordinance. Ms. Smith also said that Loring Shultz attended to request his warehouse property be changed from Health Care to General Commercial.

Solicitor Eastman explained Borough Council just completed and adopted the amendments for the Zoning Ordinance and Map. Council would need to hold a public hearing to make changes to the ordinance again. Solicitor Eastman suggested Council wait until they receive all request for changes and when ready hold one public hearing.

Manager Lawver pointed out since this was just adopted in May the Planning Commission and Zoning Hearing Board hasn't had time to work with the new ordinance. He suggested waiting 6 months to see what other changes may need to be made. This should also be sent to the Planning Commission for review since this would involve a map change.

Solicitor Eastman also noted the Borough doesn't want to be in a position of spot zoning; it should fit into the Borough's long term comprehensive plans before making any decisions.

Ms. Smith reported the Gettysburg Garden Club has taken over the care and maintenance of all flowers and baskets on the square; many thanks to all the donors who have contributed to the flower cause.

Ms. Smith reported the Gettysburg Festival is upon us and everyone could check their website for all festivities, dates and show times.

Mr. Birkner reporting for Public Works Committee noted the bridge project on Stratton Street has begun and will take 6-8 weeks for completion. This is a cooperative effort between other municipalities taking advantage of the agility program.

Ms. Estrada asked about rerouting traffic on Stratton Street. Manager Lawver responded the Borough has the required signage out for this project.

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

Ms. Estrada asked about better signage for citizens to cross the street at York Street due to the closing of the Wills House Quadrant. Manager Lawver responded he spoke with Marc Pratt with the NPS and they are aware of the situation. He explained they needed to move the fence but was unable to move onto Penn DOT roadway any further. They plan to put up signage for citizens to see where to cross the street.

Ms. Naugle reporting for the Human Resource Committee said they are working with H R representatives of the college to help design training and ongoing support for Borough staff evaluations.

Moved Mr. Krummerich, seconded Mr. Butterfield, to adopt a resolution designating Central Tax Bureau of Pennsylvania, Inc. as its agent and collector of the Local Services Tax effective July, 1, 2008 replacing the York Adams Tax Bureau. Motion carried unanimously.

Moved Mr. Krummerich, seconded Mr. Streeter to adopt resolution designating Central Tax Bureau of Pennsylvania, Inc. as its agent and collector of Earned Income Tax effective July, 1, 2008 replacing the York Adams Tax Bureau. Motion carried unanimously.

Moved Mr. Krummerich, seconded Mr. Streeter to authorize COLA increase for retired police pensioner Walter G. Gliem to be paid from the Police Pension fund effective June 1, 2008. Motion carried unanimously.

Mr. Krummerich reported Dick Schmoyer, Director, Adams County Planning Office will attend the next finance committee meeting to discuss grant writing and other possible services the county office could be of assistance to the Borough.

Ms. Estrada requested a year to date parking revenue report from the Finance Director. Mr. Krummerich asked if the parking garage is down by \$6,000. Mr. Birkner also asked if Council should revisit to see if parking rates should be changed or lowered. A plan should be devised to see how parking is working.

Moved Mr. Krummerich, seconded Mr. Streeter to pay all bills and payrolls for the month. Motion carried unanimously.

Moved Mr. Krummerich, seconded Ms. Naugle to authorize Edwin Peterson, Council President and Sara Stull, Borough Secretary to enter into agreement with Centax for tax collection service. Motion carried unanimously.

Moved Mr. Streeter, seconded Mr. Butterfield to approve with conditions the application of Mark and Maureen Weaver for a planned residential development for the creation of three single family detached residential lots on real property located at 359 North Fourth Street in the Borough of Gettysburg, and to adopt the written decision with supporting findings of fact and conclusions of law as prepared by the Borough Solicitor. Motion carried unanimously.

Moved Mr. Streeter, seconded Mr. Birkner to authorize the partial release of the financial security for the completion of the improvements of the Diggs-Monroe Washington Street Overlook Project; consistent with the recommendation of C.S. Davidson, Inc. reducing the amount from \$49,314.10 to the amount of \$23,004.10. Motion carried unanimously.

Mr. Butterfield asked about the ADA regulations and also the widening of the streets that weren't included in this report. Manager Lawver will follow up with C.S. Davidson for a complete report.

Solicitor Eastman reported he is researching the Broadway islands from records dating to 1898 with a proposition from Martin Winters who dedicated the street to the Borough at no cost. Mr. Birkner pointed out this was just the land; more research will need to follow to determine who is to maintain these islands.

Ms. Estrada noted the residents on Broadway are looking for a partnership to repair these islands.

Mr. Birkner pointed out Council has other items more pressing at this time. He also noted the college is in the process of major work in that area. Mr. Krummerich commented he is a resident of Broadway and with cement rates going up this could be a costly project.

Manager Lawver gave a brief update for the Civil Service Commission and noted they continue with the back ground check on the possible candidates for the entry level police officer position.

Moved Ms. Giles, seconded Mr. Streeter to approve the police radio upgrades making the final cost for the new radio system \$41,923.74. Motion carried unanimously.

Ms. Estrada expressed her concern and frustration that when she was told there wasn't any extra money in the budget for a grant writer and now there is extra money for the radios. Manager Lawver pointed out with the two new police officers not hired in May left a surplus in the police department budget.

Manager Lawver reported he has received complaints about dogs walking without a leash, owners not cleaning up after them and running loose at the Rec Park.

Manager Lawver reported the 1st stage of the 2010 census has been completed. In doing so have found that there are a number of properties that don't have house numbers; letters will be mailed to those residents. He noted he is working with the College and Seminary to get their buildings numbered.

Manager Lawver reported Commonwealth Code Services will be hired on a short term basis to handle property complaints to get through the back log. The cost is \$25.00 per hour.

Mr. Butterfield asked what the process is if someone is not in compliance. Manager Lawver explained the complaint would go to Commonwealth Code and they would begin the process according to the proper ordinance guidelines.

Ms. Naugle asked if there is a tracking system for complaints. Manager Lawver responded yes all complaints would be followed up for completion.

Ms. Naugle asked if Commonwealth Code would be handling the RRUO. Manager Lawver responded not at this time. The plan is to begin with property maintenance and if this goes well would like to proceed with RRUO later.

Mr. Butterfield asked if Council must sign a contract at this time. Manager Lawver answered not at this time. Commonwealth Code has offered to begin without a contract to get caught up with the Borough's backlog of complaints.

Manager Lawver reported of the 12 walking tour businesses that have been notified of the new walking tour license ordinance only 6 have complied. There are still large numbers in these groups and walking onto the streets. Ms. Estrada asked if a part time police officer could be hired to enforce this, it's not fair to the good vendors. Manager Lawver responded the chief is devising a procedure to have an officer work detail to get everyone in compliance. Manager Lawver also noted that some of the amusement businesses are not paying the admission tax. He suggested auditing these businesses.

Moved Mr. Streeter, seconded Mr. Butterfield to accept the J. P. Harris exonerations for tax years 1998, 1999, 2002, 2003, 2004, 2005, 2006 and 2007. Motion carried unanimously.

With no further business to come before Council; moved Mr. Streeter, seconded Mr. Butterfield to adjourn the meeting at 9:50 PM.

Respectfully submitted,

Sara L. Stull
Borough secretary