

## **COUNCIL MEETING MINUTES OCTOBER 14, 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, Mrs. 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, Rec Director Beth Corson, Finance Director Ramona Overton and Planner Merry Bush.

Others present included Beth Erickson, Journey Through Hallowed Ground, Judie Butterfield, 999 Sunset Avenue and Kathy Gilbert, 39 South Street.

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

Ms. Giles asked that a correction to the Public Works minutes be revised that she did not adjourn the meeting. Moved Mr. Streeter, seconded Mr. Butterfield to approve making this change.

Moved Mr. Streeter, seconded Mr. Butterfield to approve the agenda after removing the agreement between the Borough and the NPS due to the KKK canceling their event. Motion carried unanimously.

Moved Ms. Giles, seconded Mr. Butterfield to approve the September 8, 2008 minutes as presented. Motion carried unanimously.

Citizens in attendance:

Ms. Beth Erikson updated Council on the Journey Through Hallowed Ground progress. She expressed the need to make an amendment to the ordinance so that it corresponds with Penn DOT. The deadline to file the application is November 30<sup>th</sup>.

Mr. Butterfield inquired as to other signs such as yard sale, advertising etc. Ms. Erikson responded she understands it to be permanent signs and not temporary ones, but she will contact Penn DOT for clarification. Mrs. Naugle asked Solicitor Eastman to review this with the Borough's current sign ordinance. Solicitor Eastman responded he will contact their representatives for further information and clarification.

Ms. Kathy Gilbert expressed her concern about receiving a parking ticket and would like clarification as to why. Mayor Troxell responded the sign states 2 hour parking in the Residential Parking Permit area.

Mayor Troxell introduced Thomas Knaper, the Borough's newest Police Officer, who began his duties on October 6, 2008.

Mayor Troxell presented Council with a print donated by Mort Kunstler Civil War Art Gallery.

Mayor Troxell announced Trick or Treat will be held on Friday, October 31<sup>st</sup> from 6 – 8 PM.

Mayor Troxell reported he has been notified by two sculptors who are interested in placing monuments in Gettysburg. The one is a Lincoln Statue and the other is a Pomeroy Family. Mayor Troxell suggested Council review both these statues. Mr. Peterson directed the Community Development Committee review the information and report back to Council.

Ms. Estrada asked for an update on the Steinwehr Avenue revitalization plans. Mr. Peterson responded this was the first meeting DELTA held, and there weren't any handouts for review. As information becomes available he will present it to Council.

Ms. Giles reported GARMA has requested May 16<sup>th</sup> and September 26<sup>th</sup>, 2009 for the annual antique show dates.

Moved Ms. Giles, seconded Mr. Streeter to approve May 16<sup>th</sup> and September 26<sup>th</sup> for the 2009 antique shows. Motion carried unanimously.

Mr. Streeter suggested Council schedule a workshop to discuss parade fees. Mr. Butterfield noted he has prepared an ordinance but hasn't submitted it to the Ordinance Committee as they have been busy with the sign ordinance.

Solicitor Eastman noted the assembly permit was updated last year, but that a resolution should be completed to adopt a fee schedule.

Ms. Estrada suggested the Chief present an estimate to vendors when they complete the parade applications. Mrs. Naugle noted the fees are under the Finance Committee for review.

Mr. Peterson recommended not holding a workshop until further notice.

Mr. Peterson asked if the College took any stance on lowering the drinking age. Mr. Birkner responded that this issue still needs to be discussed and that President Riggs is not endorsing it at this time.

Mr. Birkner reporting for the Public Works Committee noted Mrs. Butterfield has the website link set up for citizens to ask questions regarding recycling. He noted the GMA discussion was more involved and that a special workshop session would be

scheduled. This would be beneficial to better understand and answer any questions borough officials may have.

Mr. Birkner reported he attended a Bike Loop Trail meeting with Tom Jolin and noted this will be an expensive undertaking and that they will need to secure funding.

Mr. Birkner reported he has spoken with Len Andrews regarding the Broadway Islands and that the citizens are willing to meet and discuss options. Ms. Smith will work with the residents and report to Manager Lawver.

Ms. Estrada expressed her concern to inform businesses to provide information regarding ADA regulations. She has been in contact with Jim Varhola from Carlisle and Attorney Neva Stanger to discuss what can be done. Ms. Estrada said Mr. Varhola would be happy to speak to businesses at no charge.

Solicitor Eastman pointed out to Council that since the Borough is a party in much litigation concerning ADA this should not be a borough meeting under the Sunshine Act. There shouldn't be a quorum of Council at the meeting and the litigation should never be discussed. Possibly someone could host the meeting such as GARMA. Ms. Smith also said the Chamber or Main Street could host the meeting.

Ms. Estrada will talk with these groups to see if anyone is interested in facilitating a meeting with the businesses concerning ADA regulations.

Mr. Birkner pointed out that Mt. Joy Township has sent in donations recently and that they collected fees received for all new development projects, which must then in turn be donated towards a recreation facility. He noted Straban Township has a high percentage rate of citizens that use the Rec Park and hope that they would consider a contribution.

Moved Mr. Birkner, seconded Mr. Streeter to approve HARB consent agenda as presented. Motion carried unanimously.

Moved Mr. Birkner, seconded Mr. Streeter to ratify the Borough Manager's execution and delivery of a Reconciliation Agreement on behalf of the Borough of Gettysburg in the matter of Docket No. 200505895 (Borough Office) and Docket No. 200503803 (Railroad Street) filed by Marilyn J. Phillips, PHD and Robert B. Winans, PHD with the Pennsylvania Human Relations Commission. Motion carried unanimously.

Moved Mr. Butterfield, seconded Mr. Streeter to authorize the Solicitor to advertise an ordinance amending Chapter 2 of the Code of Ordinances of the Borough of Gettysburg regulating animals. Motion carried unanimously.

Mrs. Naugle reported Sandra Krauer of Krauer Consulting firm addressed the committee to discuss the services that her human resources firm could offer. Ms. Estrada

asked if this is something the Human Resource Committee wants to consider. Mrs. Naugle responded not at this time due to budget constraints.

Moved Mrs. Naugle, seconded Ms. Smith to adopt a Resolution appointing Carol Miller as an alternate member of the Zoning Hearing Board to fill the vacancy created by the resignation of Marty Qually and to serve the remainder of his term which will expire on December 31, 2010. Motion carried unanimously.

Moved Mrs. Naugle, seconded Ms. Giles to adopt a Resolution reappointing Barry Bernas to serve as a member of its Regulated Rental Unit Appeals Board for a five year term expiring on October 31, 2013. Motion carried unanimously.

Moved Mrs. Naugle, seconded Mr. Streeter to reappoint Shirley Carlson to the Shade Tree Commission for a five year term expiring in October 2013. Motion carried unanimously.

Moved Mr. Krummerich, seconded Mr. Birkner to approve all bills and payrolls for the month as presented. Motion carried unanimously.

Moved Mr. Krummerich, seconded Ms. Giles to approve the COLA increase for retired police pensioner Fred Gantz to be paid from the police pension fund effective September 1, 2008. Motion carried unanimously.

Moved Mr. Krummerich, seconded Mr. Butterfield to approve the Minimum Municipal Obligation (MMO) for the Gettysburg Police and the Gettysburg Non-Uniformed Employees defined pension plans for 2009. Motion carried unanimously.

Ms. Estrada asked Solicitor Eastman if he has had a response concerning the parking lot issue on Steinwehr Avenue. Solicitor Eastman responded he has not heard anything. Mr. Birkner, as liaison to the Planning Commission, will contact the owner.

Solicitor Eastman gave a brief review on repealing the Loitering Ordinance that was originally enacted in June 1990. Chief Dougherty pointed out that just because people are standing and talking, the police can't arrest them for loitering. Ms. Estrada asked if this is a draft for council to review. Solicitor Eastman responded yes and that he will forward it to the Ordinance Committee for review before sending it to council.

Moved Mr. Streeter, seconded Ms. Giles to accept the J. P. Harris tax exonerations for tax years 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000 and 2007 as presented. Motion carried unanimously.

Mrs. Corson reported that the Hoffman Grant was approved for the parking lot project at the Rec Park. The work will be scheduled for Spring 2009.

Solicitor Eastman asked that any changes or concerns to the proposed Rules and Regulations of the Borough of Gettysburg regarding conduct of public meetings be

directed to him. Mr. Birkner said he would like to have citizens speak anytime not just at the beginning of council meetings.

Mr. Butterfield asked the status of the College and Seminary in regards to their request for changes to the Zoning Ordinance. Ms. Estrada responded that they are currently drafting their ordinance change requests and will present to Council when complete.

Mr. Butterfield asked the status on the police management review that the Mayor presented to Council at last month's meeting. Mayor Troxell responded that of the 21 items in question, 19 have already been corrected. Chief Dougherty pointed out that overall, the report is good and it is general housecleaning issues. The Mayor and Chief Dougherty plan to have Chief Garipoli meet with Council to answer any questions at a later date.

Mr. Butterfield asked why there was no cost in the 2009 Budget for the Chief and Police Training. Chief Dougherty responded that he doesn't need to travel to the Chief's Training feels it is more important for him to be here working. Mr. Birkner expressed concern about the Chief not attending trainings; there are always new things to learn. Chief Dougherty responded that if it is a valid training session or necessary for his job, he would certainly ask Council for their approval to attend.

With no further business to come before Council, moved Mr. Birkner, seconded Mrs. Naugle to adjourn the meeting at 9:25 PM.

Respectfully submitted,

Sara L. Stull  
Borough Secretary