

COUNCIL MEETING MINUTES DECEMBER 8, 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 and Finance Director Ramona Overton.

Others present included Senator Terry Punt, Skip Strayer, Pa Senate Office, Don Cole, Adams County TV, Judie Butterfield, 999 Sunset Avenue, Larry G. Weikert, 328 Baltimore Street and Kathy Gilbert 39 South Street, representing the Recycling Committee, Darlene Brown, PICPI/ACHA, Peter North, Gettysburg College, Jeff Zeigler, KPI Technology and Robert DeFayette, 100 King Street.

Representing the press were Scot Pitzer of the *Gettysburg Time*, Darryl Wheeler *Gettysburg Times Photographer* and Erin James representing the *Evening Sun*.

Moved Mr. Butterfield seconded Mr. Birkner to approve the agenda as presented. Motion carried unanimously.

Moved Mr. Streeter seconded Mrs. Naugle to approve the November 10, 2008 council meeting minutes as presented. Motion carried unanimously.

Citizens in attendance:

Mayor Troxell read a prepared statement acknowledging the years of dedication and service Senator Terry Punt has given to the Gettysburg Borough. He mentioned especially the accomplishment of securing funding for the Gettysburg Railroad Station.

Mayor Troxell along with Council President Dick Peterson and Councilman Ted Streeter presented Senator Punt with a portrait of the Train Station.

Senator Punt was very touched and moved by the presentation and noted he will display the portrait with great pride. He has been fond of Gettysburg since his childhood and is honored to have served the Borough on many fine projects. Senator Punt said he would always hold a special place in his heart for Gettysburg.

Mr. Jeff Zeigler, KPI Technology attended for approval for the release of the financial security in connection with the West Street Plaza, Phase II. Mr. Peterson noted this issue is on the agenda for later in the meeting.

Mr. Don Cole, ACTV presented Council with handouts formally requesting support from Council. Ms. Estrada noted they had previously attended a budget meeting and that this should be followed up at the next finance committee meeting.

Mrs. Judie Butterfield reported the recycling committee have been very busy and will be meeting with Walt Dinda, DEP, Bicky Redman, Adams County Solid Waste Department and Manager Lawver on Tuesday, December 9th.

Ms. Giles reported a letter received from Main Street Gettysburg, Board of Directors thanked Council for their continued financial support.

Ms. Giles urges everyone to support the Gettysburg Area Retail Merchants Association and to shop downtown during this Holiday season.

Mr. Birkner introduced Mr. Tom Jolin who has been spearheading the Healthy Adams Bike Trail. Mr. Jolin reported the group is in the process of applying for approximately \$100,000-\$150,000 funding for the bike trail and request Council support. He pointed out there have been 4 organizations that have given approval to use their property for the bike trail if it's approved.

Moved Mr. Birkner, seconded Mr. Streeter, to authorize sponsorship of Smart Transportation Project application by Healthy Adams Bicycle/Pedestrian Inc. to the Pennsylvania Department of Transportation under its Pennsylvania Community Initiative. Motion carried unanimously.

Ms. Estrada asked who the applicant would be for this project. Mr. Jolin responded the Borough of Gettysburg must apply although he would be available for assistance. Mrs. Naugle pointed out the group has put a lot of work in to determining the bike loop. There is a huge potential to vitalize areas within the borough.

Mr. Birkner reported the Recycling Committee recently met with the Rescue Mission administration. It was a successful meeting however; the Rescue Mission expressed concern with the tonnage reporting and would lose approximately \$4,000. The Rescue Mission would approve to a 50% split with the Borough.

Moved Mr. Birkner, seconded Mrs. Naugle to except a 1-year agreement for a 50% split of tonnage collected by the Rescue Mission. After some discussion both Mr. Birkner and Mrs. Naugle withdrew their motion.

Solicitor Eastman pointed out the Recycling Ordinance is on the agenda for adoption tonight and those rule and regulations should be followed.

Moved Mr. Birkner, seconded Mr. Streeter to approve a resolution of the Borough of Gettysburg to commit to participate in a Peer-to-Peer Technical Assistance Project. Motion carried unanimously.

Moved Mr. Birkner, seconded Mr. Streeter to approve HARB consent agenda as presented. 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 adopt the 2009 Gettysburg Borough Budget in the amount of \$4,254,430.00. YEA: Mr. Krummerich, Mr. Birkner, Ms. Giles, Mr. Peterson, Mr. Butterfield, Mrs. Naugle; NAY: Ms. Smith, Ms. Estrada, Mr. Streeter.

Solicitor Eastman noted Borough Code provides Council to modify the budget after final adoption during the fiscal year if needed.

Mr. Butterfield suggested an AD HOC Committee be formed to develop a five-year plan for capital reserve items that need funding. Council must formulate projects and prepare a time line for these projects. Mr. Peterson appointed Mr. Butterfield to serve as the chairman for this committee.

Mr. Streeter pointed out Council will need to get information from the state as to what the Borough is eligible to tax for example the pillow tax.

Ms. Giles stated she doesn't feel an AD HOC committee is needed, as there is already a finance and legislative committee that these concerns should be addressed.

Mr. Butterfield asked to defer his request for an AD HOC committee until next month when Council can discuss the issue further.

Mr. Krummerich noted the Finance Director is currently devising a 5-year plan to present to the finance committee.

Moved Mr. Krummerich, seconded Ms. Giles to enact an Ordinance fixing for fiscal year 2009 the tax rate upon assessed real estate at 14.38 mills and the occupation tax rate at 30 mills. Motion carried unanimously.

Ms. Estrada asked the status regarding a grant writer since Mr. Sands gave a presentation to the finance committee. Mrs. Naugle responded she was obtaining information from other municipalities regarding a job description. Manager Lawver noted he would be working with the Human Resources committee to discuss other options regarding this.

Ms. Estrada announced the Adams County Transit Authority plans to break ground next summer for the new transit stop. Mr. Birkner asked if they would continue to work with PHMC on the plan drawings. Ms. Estrada responded yes they would also work with PHMC.

Ms. Smith reported the College Community committee met and are pleased with how well the College Security, Borough Police and Code Enforcement are working well together.

Mr. Birkner gave a brief update regarding Sculptor Stanley Watts who is interested in placing a Lincoln Statue somewhere in the Borough. He and his Attorney plan to visit Gettysburg within the next month to look at suggested locations and will then donate the statue to Council.

Mr. Streeter reported he is planning to invite Senator Alloway to Gettysburg to meet all of Council.

Ms. Estrada asked if Mr. Streeter is continuing to serve on the Inter Municipal Governmental Transportation Committee with the Chamber of Commerce. Mr. Streeter responded yes and will update Council, as information becomes available.

Moved Mr. Butterfield, seconded Ms. Giles to authorize the Civil Service Commission to advertise for police officer testing. Motion carried unanimously.

Mr. Butterfield reported the Safety Committee would address the false alarm calls to the police department with the Chief to determine a solution. He noted Chief Gerpoli in his report of the police department that the amount of false alarms presented a problem.

Mayor Troxell stated he asked the Chief to wait for a decision from all of Council as to how to handle this issue as it may cause added work to his department. Ms. Giles believes the Chief can handle the administrative process.

Solicitor Eastman pointed out the State Statute of Crime Codes allows the Chief to make a determination if criminal intent was involved and whether the police should site the business involved.

Chief Dougherty asked for guidance from Council as to how stringent they want to be and that he would follow their decision.

Ms. Giles noted the Safety Committee recommended the police department handle this.

Mr. Butterfield prepared a letter for the Chief's review to send to businesses regarding the false alarms. Ms. Giles stressed that the police should call the business instead of sending letters; the policy is already established it just needs to be enforced.

Moved Mr. Butterfield, seconded Ms. Giles to authorize solicitor to advertise for enactment a revised ordinance designating U.S Business Route 15 as a scenic by-way and regulating outdoor advertising devices along the U.S. Business Route 15 corridor. Motion carried unanimously.

Moved Mr. Butterfield, seconded Mr. Streeter to enact an ordinance repealing Chapter 6, Part 9 of the Code of Ordinances of the Borough of Gettysburg prohibiting loitering. Motion carried unanimously.

Moved Mr. Butterfield, seconded Mr. Streeter to enact an ordinance amending Chapter 20, Part 2 of the Code of Ordinances of the Borough of Gettysburg regulating Recycling. Motion carried unanimously.

Moved Mr. Butterfield, seconded Mr. Streeter to adopt resolution setting permit fees under amended Recycling Ordinance. Motion carried unanimously.

Moved Mr. Butterfield, seconded Mr. Birkner to adopt resolution adopting Rules and Regulations of the Borough Council of the Borough of Gettysburg regarding conduct of public meetings. Motion carried unanimously.

Moved Mr. Butterfield, seconded Ms. Giles to adopt policy regarding request for Public Records under the amended Right to Know Law. Motion carried unanimously.

Moved Mr. Butterfield, seconded Mr. Krummerich to appoint Sara L. Stull, Borough Secretary as the Open Records Officer of The Borough of Gettysburg. Motion carried unanimously.

Moved Mr. Butterfield, seconded Mr. Streeter to authorize Solicitor to advertise for enactment an Ordinance amending the Ordinance of the Borough of Gettysburg

regulating Flood Plains. Motion carried unanimously.

Manager Lawver reported at the Community Development Committee meeting it was discussed to keep the Christmas decorations up through inauguration day on January 20th. The Borough usually takes the tree down the first week in January. Mr. Peterson said GARMA and Main Street were contacted about leaving their decorations up and everyone was in agreement.

Mrs. Naugle reported the Human Resources Committee continues to address an employee study and is waiting on information for a review process similar to the police department review.

Moved Mrs. Naugle, seconded Mr. Butterfield to appoint Thomas Kellam to the Gettysburg Borough Planning Commission for a five-year term commencing on January 1, 2009 and expiring on December 31, 2013. Motion carried unanimously.

Moved Mrs. Naugle, seconded Ms. Giles to adopt resolution appointing Walton V. Davis to the Gettysburg Borough Zoning Hearing Board for a five-year term commencing on January 1, 2009 and expiring on December 31, 2013. Motion carried unanimously.

Moved Mr. Butterfield, seconded Ms. Giles, to adopt resolution and authorize the Borough Manager to execute the Reimbursement and Maintenance Agreement with Penn DOT. Motion carried unanimously.

Moved Mr. Streeter, seconded Ms. Giles to accept the J. P. Harris Tax Exoneration report for 2003, 2005 and 2006 as presented. Motion carried unanimously.

Moved Ms. Giles, seconded Mr. Streeter to approve distribution list for the Eichelberger-Stahle fund, recipients to receive a \$30.00 gift card to Kennie's Markets. Motion carried unanimously.

Mr. Butterfield asked why permit fees for the College were waived. Manager Lawver responded it has always been done through past administration. Ms. Estrada asked because they are exempt status, same as the fire department are they always waived. Ms. Overton responded the past administration waived the fees but there isn't an exception in the ordinance to waive fees. Mr. Peterson asked that the finance committee be tasked to review this.

Moved Ms. Giles, seconded Ms. Estrada to authorize the release of the financial security for the completion of required improvements in connection with The Gettysburg College Central Energy Plant parking lot project in the amount of \$550,189.64 consistent with the certification of C. S. Davidson Inc. dated November 25th, 2008. Motion carried unanimously.

Moved Mr. Butterfield, seconded Ms. Giles to authorize the partial release of the financial security for the completion of required improvements in connection with The Gettysburg College land development project (Phase I) for the expansion of its athletic center from the original amount of \$306,092.49 to the amount of \$95,793.28 consistent with the certification of C.S. Davidson dated December 3rd, 2008. Motion carried unanimously.

Moved Ms. Giles seconded Mr. Streeter to authorize the partial release of the financial security for the completion of required improvement in connection with West Street Plaza, Phase II from the original amount of \$110,732.85 to the amount of \$37,009.10 consistent with the certification of C. S. Davidson Inc. dated December 1st, 2008. Motion carried unanimously.

Moved Mr. Streeter, seconded Mr. Butterfield to authorize sponsorship of Smart Transportation Project Application to The Pennsylvania Department of Transportation under its Pennsylvania Community Initiative for The Steinwehr Avenue traffic and streetscape improvements in the amount of \$2,500,000.00. Motion carried unanimously.

With no further business to come before council moved Ms. Giles, seconded Mr. Streeter to adjourn the meeting at 9:35 pm.

Respectfully submitted,

Sara L. Stull
Borough Secretary