

COUNCIL MEETING MINUTES

AUGUST 14, 2006

President Streeter called the meeting to order at 7:30 PM with the following Councilors present: Mr. Jamie Fleet, Ms. Holly Giles, Mr. Bill Monahan, Ms. Caroline Smith, Mr. John Murphy, Mr. Bob Miller, Mr. Dick Peterson, Mr. Marty Qually and Mayor William Troxell. Staff present included Manager John Lawver, Borough Secretary Sara Stull, Solicitor Harry Eastman, Historic Preservation Officer Walter Powell, Parking Manager Bill Little, Rec Director Beth Corson and Finance Director Mona Overton.

Representing the press were Scot Pitzer of the *Gettysburg Times*, Meg Bernhardt of the *Evening Sun*, Max Stevens with *WGET* and Reps from *Channel 21 News*, *Channel 27 News* and *WHVR 1280 AM*.

Ms. Qually led everyone with a moment of silence in memory of Sam Mudd who passed away on August 8, 2006.

Moved Mr. Peterson, seconded Mr. Monahan to approve the agenda as presented. Motion carried unanimously.

Moved Mr. Miller, seconded M. Peterson to approve the council minutes of July 10th as presented. Motion carried unanimously.

Solicitor Eastman announced Council held an executive session on July 26th at 1:00 PM to discuss employment of Borough employees.

Solicitor Eastman announced Council held an executive session on August 14th at 7:00 PM to review the Chance Community Benefits Agreement regarding the legality of the agreement. Motion carried unanimously.

Mr. Streeter announced Walt Powell would continue his employment at the Borough until further notice.

Citizens in attendance:

Susan Paddock, No Casino Gettysburg reported they have over 160 business owners, 90 within the Borough who signed a petition against the Casino.

Tommy Gilbert and Bob Gilbert, Hobby Shop, 350 East Water Street, reported they are in support of Borough Council and their tough decision of signing the Community Benefits Agreement. Feels it would be great for Gettysburg and all of Adams County.

Graham Weaver, 721 Sunset Avenue, is against the casino.

Gene Golden, Gettysburg Signs, is pro casino and hopes that Council approves the agreement.

Darlene Brown, 40-42 South Street, HARB appeal, asked Council to defer till a later date. Ms. Giles asked if this was a timing issue with HARB. Mr. Powell responded yes and she could defer back to HARB for further review. Solicitor Eastman announced she has the option to give an additional 30 days to Borough Council. Ms. Brown will present a letter to Borough Council approving the delay for 30 days for her property on South Washington Street.

Darlene Brown and Laura Northup, Adams County Housing Authority, reported the RFP's for the Elm Street Program should be complete in the near future.

Chuck Teague, Police Chaplin was here to observe the meeting.

John McKenna, NPS was here to observe the meeting.

Jacob Schindel, Jeff Klein, Ken Farabaugh, Robert DeFayette, Phyllis Hale, Patrick Naugle, Robert Wagner, John and Judy Butterfield, Jean and Dan Siderio, and Mary Jane and Don Carver were here to observe the meeting.

Solicitor Eastman read the Crossroads Community Benefit Agreement Resolution defining the agreement.

Moved Ms. Smith, seconded Mr. Murphy to adopt the proposed resolution of the Crossroads Community Benefits Agreement. YEA: Ms. Smith, Mr. Streeter, Mr. Fleet, Mr. Monahan, Ms. Giles. NAY: Mr. Qually, Mr. Miller, Mr. Murphy, Mr. Peterson.

Council Discussion:

Mr. Qually pointed out this is not whether or not Borough Council approves the casino but to approve the resolution. He agreed we need an "iron clad agreement". Mr. Qually went on to say he thought the Borough would receive \$1 Million with no strings attached. Don't like the timing on this and feels Council should wait and see what else is available before approving the resolution. Straban Township has yet to work with the Borough on these issues.

Mr. Streeter announced he approves the casino and that the Borough would always have the grant. He disagreed with Mr. Qually stating the Borough would always receive the \$1 Million regardless. The escalation clause wasn't included but that doesn't mean the Borough would not receive more money. It's a grant that the Borough would apply for each year.

Ms. Giles said it is insulting if people think Council is signing the agreement because of 1 person. The Borough is desperate for money and no one else has stepped up to give us a \$1 Million gift.

Mr. Peterson pointed out people coming to the casino are a different group than tourist visiting the Battlefield. Looking at government statistics, people are spending their money at the casinos and not at the local businesses.

Mr. Fleet asked what the Gaming Board would “flag” in this agreement.

Solicitor Eastman pointed out Council is not the decision maker that the location is not within the Borough. The Gaming Board is who would make the final approval.

Mr. Fleet noted he supported this in April because it would benefit the Borough’s budget. He has reservations now, not with the investors but due to the inadequate legal council with Crossroads. It appears the Attorney copied this agreement and just changed the names.

Solicitor Eastman commented Council does have a couple of options. A 30-day extension had been granted which expires tomorrow, August 15th. He received another 30-day extension today, August 14th at 4:00, expiring on September 15th. Solicitor Eastman pointed out an agreement is nothing more than an offer until it’s final. He went on to say this is a grant either Council accepts it or they don’t. There are also no limitations on the amount of funds received but that the Borough is constrained by Borough Code and the procedure to spend that money.

Mr. Peterson agreed with Mr. Fleet that it has been bad Legal Council for Chance Management, this process began in April and now it’s August.

Mr. Murphy pointed out as Finance Chairman he is looking at the best deal for the Gettysburg Borough.

Mr. Fleet agreed he supports the Borough receiving the \$1 Million but does not want to be advertising for Chance by approving the economic benefit to everyone.

The discussion ended at this time on the Chance Management Community Benefits Agreement.

Moved Ms. Smith, seconded Mr. Murphy to approve the letter outlining the conditions for Main Street to utilize office space at the Train Station. Motion carried unanimously.

Mr. Streeter announced a meeting would be held at the Train Station on August 23rd with John, Walt and the contractor to discuss what needs to be done to bring the building up to code before Main Street can move in.

Mr. Fleet announced the Hazel Alley Group would hold their meeting on August 28th at 6:30 PM in the Eisenhower Room at the Adams County Library.

Moved Ms. Giles, seconded Ms. Smith to approve an ordinance amending Chapter 15, Part 7 of the Temporary Reserved Parking Spaces and Placement of Open Top Refuse Containers in Unmetered or Metered Zones. Motion carried unanimously.

Moved Ms. Giles, Mr. Miller to authorize Solicitor Eastman to prepare and advertise an ordinance amending changing the 100 block of West High Street and 100 block of Franklin Street to Residential Parking (RPP). Motion carried unanimously.

Moved Mr. Murphy, seconded Mr. Peterson to approve all bills and payrolls as presented. Motion carried unanimously.

Mr. Monahan announced that Dr. Sam Mudd had a true appreciation for the Borough and did a lot of volunteer work for the Borough. He was instrumental in starting the ground up program that has become very successful. Sam will be greatly missed by many.

Mr. Monahan reported Phase I of the REDDI Project is complete. Phase II will be presented to Council for review in the near future.

Moved Mr. Peterson, seconded Ms. Smith to reappoint Peggy Gustafson and Elwood Christ to the HARB for another five-year term expiring in August 2011. Motion carried unanimously.

Moved Mr. Monahan, seconded Mr. Fleet to approve HARB items A, C & D as presented. Motion carried unanimously.

Moved Mr. Monahan, seconded Mr. Murphy to refer HARB item B, Darlene Brown, 40-42 South Street back to HARB for review. Motion carried unanimously.

Mr. Qually asked why Borough staff isn't taking minutes at the Zoning Hearing meetings. It is costly to have the solicitor prepare their minutes.

Mr. Powell explained he had ask Chairman, John Butterfield to have a member of the Zoning Board take the minutes which has been their solicitor. This has been a staff issue he will need to address.

Ms. Giles reiterated the planning department staff should be taking minutes and not paying the solicitor or anyone else.

Moved Mr. Qually, seconded Ms. Smith to authorize the solicitor to advertise a Public Hearing to be held on August 28th at 3:00 PM for a presentation on the Flex Residential Plan for Times Square II. Motion carried unanimously.

Ms. Smith asked the status of the Chapel Fields sidewalks.

Solicitor Eastman explained this must come before Council because of the financial security. After the inspection takes place Council would need to approve before releasing the funds to the Housing Authority.

Mr. Powell complimented Council on the great discussion on the Chance Agreement that has been very difficult issue for them.

Moved Mr. Fleet, seconded Ms. Giles not to approve the Chapel Fields Project with the Housing Authority until the final inspection is complete. Motion carried unanimously.

After a brief executive session, Solicitor Eastman announced the executive session was to discuss a personnel issue.

Moved Mr. Murphy, seconded Mr. Peterson to adjourn the meeting at 9:45 PM.

Respectfully submitted,

Sara L. Stull
Borough Secretary