

COUNCIL MEETING MINUTES DECEMBER 11, 2006

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

Others present included Frank Leber, Esquire, Rhoades & Sinon, Darlene Brown and Laura Northup representing ACHA, George Muschamp, Gettysburg College, John and Judie Butterfield, Janet Gliem, Stephanie McKinney, Janice Pietrone, Jim Paddock, Loretta and Jim Cleveland, Jane English, Dan Ebaugh, Harriet Marritz, Andy Jurcak, Ann Harner, Claire Lewis, Frederick Wentz, Steve Garvick, Maureen Weaver, Denise Weldon-Siviy, Robert Sullivan, Patrick Naugle, William Michels, Carey Moore, Julie Green, Susan Naugle, Patricia Moore, Bob Wagner, Scott McPherson, Edward McPherson, Ken Farabaugh, Denis Sullivan and Susan Cipperly.

Representing the press were Scot Pitzer of the *Gettysburg Times*, Meg Bernhardt of the *Evening Sun* and Darryl Wheeler, photographer with the *Gettysburg Times*.

Moved Mr. Qually, seconded Mr. Miller to approve the agenda as presented. Motion carried unanimously.

Moved Mr. Fleet, seconded Mr. Peterson to approve the Public Hearing minutes of December 5, 2006 as presented. Motion carried unanimously.

Moved Mr. Murphy, seconded Mr. Peterson to approve the Special Council Meeting minutes of November 20, 2006 as presented. Motion carried unanimously.

Moved Mr. Peterson, seconded Mr. Miller to approve the Council Meeting minutes of November 13, 2006 as presented. Motion carried unanimously.

Moved Mr. Qually, seconded Mr. Peterson to approve the Public Hearing minutes of November 13, 2006 as presented. Motion carried unanimously.

Solicitor Eastman announced that on December 5th Council held an executive session to discuss the application for the flexible residential development for Penn Square Townhomes.

Mr. Streeter reported he and Mr. Monahan met with the County Commissioners and Straban Township to discuss the casino tax. The letter of intent wasn't prepared at this time.

Mr. Peterson expressed his concern that council members weren't aware of the "private meeting" but received a note from President Streeter on December 4th to discuss the letter of intent. He noted he is not angry but disappointed and asked that in the future issues should go before the committees keeping everyone informed.

Mr. Streeter noted they were just doing their "homework" before presenting to council. He apologized to anyone that may feel offended.

Mr. Qually pointed out if this would have been a few months ago it would have gone through the proper channels but this was so close to the deadline.

Ms. Smith and Mr. Miller thanked Mr. Streeter and Mr. Monahan for their work involved with the casino issues.

Mr. Murphy also expressed his concern that all council members weren't informed about the meeting with the commissioners.

Solicitor Eastman reported he spoke to John Hartzell, Solicitor for the County, who said the commissioners are agreeable to revenue sharing and support 12.5% going to the borough. However, he is not sure how it would be handled, by ordinance or resolution, but that they were not issuing a letter of intent for the council meeting tonight.

Citizens in attendance:

Susan Naugle, 650 Red Patch Avenue, expressed her disappointment with the county and asked that the borough will allow for proper committees and public review prior to the revenue sharing being approved.

Bob Wagner, Roselawn Development Co. asked if the borough departments, such as police and highway, presented expected expenses if the casino is approved.

Frederick Wentz, 130 South Hay Street, appreciates council informing the public with the progress of the casino issues, although he noted everyone should try working together.

Jim Paddock, No Casino, asked how 12.5% was determined without knowing the effects a casino may bring to the borough. If the revenue sharing is approved it would just give Crossroads fuel for the upcoming public hearing. Mr. Streeter responded they felt it was an equitable share. It would be difficult to set an expense to the borough.

Carey Moore, 35 West Broadway, asked council to reflect on what they may have done differently. It is hard for 9 members of council to always get along with everyone having their own views.

Mr. Streeter responded all members of council work for the citizens of the borough. Mr. Peterson noted he likes all of council, they may not always agree but they

do work together on issues. Mr. Murphy also noted these are very talented council members who have had great challenges, although looking back communication is sometimes a problem. Mayor Troxell reiterated this group of council members is very talented and the citizens are fortunate to have them.

Jim Cleveland, 36 East Lincoln Avenue, asked that council review additional cost to the borough if a casino is approved.

Ken Farabaugh, 68 East Middle Street, is against the casino and noted the community has become so divided with this issue. It will take time for everyone to heal but must go on.

Bob Wagner, Roselawn Development Co. asked if the adjoining properties to the proposed Penn Square Townhome project have been posted. Solicitor Eastman noted the properties didn't need to be posted but that it need to be advertised 2 times which it was.

Mayor Troxell presented Judie and John Butterfield with a gift certificate and proclamation in recognition for all their hard work on the Train Station dedication ceremony. The event was very successful.

Mayor Troxell also presented Sara Stull with a gift certificate from the Train Station Committee in recognition of her work with the committee.

Frank Leber, Esquire, Rhoades & Sinon, gave a brief overview of a Tax and Revenue Anticipation Note (TRAN) for \$350,000 at 7% interest with Adams County National Bank. The note issued is in anticipation of current taxes, revenues, subsidies and reimbursements to be collected and received in the fiscal year ending December 31, 2007.

Moved Mr. Murphy, seconded Mr. Peterson to approve resolution authorizing and directing issuance of a Tax and Revenue Anticipation Note (TRAN) of the local government unit pursuant to the local government unit debt act of the Commonwealth of Pennsylvania in the amount of \$350,000 at 7% interest payable to Adams County National Bank by December 31, 2007. All YEA: Ms. Smith, Mr. Monahan, Mr. Qually, Ms. Giles, Mr. Fleet, Mr. Streeter, Mr. Murphy, Mr. Miller, Mr. Peterson.

Moved Mr. Murphy, seconded Mr. Peterson to pay all bills and payrolls as submitted for the month. Motion carried unanimously.

Mr. Fleet announced the College Community Committee would meet on Monday, January 8, 2007 at 6:00 PM in Council Chambers.

Ms. Giles asked that the Safety Committee reconsider removing the "No Parking" sign on the square for police use. Respects the committee's decision in her absence but feels they shouldn't remove a much-needed space from the square. They will discuss further at the January committee meeting.

Chief Dougherty noted the police foot patrol has been out working but it is a problem finding a space to parking within 1 block of the square.

Mr. Monahan reported he would be meeting with Senator Terry Punt, Cathy Creswell, and Chris Seitz in the near future. Possibly the 2 million dollars will be released soon.

Moved Ms. Smith, seconded Mr. Murphy, to authorize, Theodore H. Streeter, President of Borough Council and Sara L. Stull, Borough Secretary, to execute and deliver on behalf of Borough of Gettysburg an agreement for payroll services and benefits with Main Street Gettysburg, Inc. Motion carried unanimously.

Mr. Monahan pointed out the Main Street minute's show the Railroad Station operates on a separate budget and must show a profit to be open. Ms. Smith asked Council to review the minutes during her absence.

Mr. Miller reported the pool committee hasn't reported back to the public works committee whether they are looking at other locations. He suggested Council not approve the grant for a feasibility study at this time.

Dr. Powell explained the DCNR contract would need to be approved before funding is released for the study. Ms. Giles asked who is paying Wayne Wade, Wade Associates, LLC for their services. Dr. Powell responded he would not receive any funds until the contract is complete.

Moved Mr. Miller, seconded Mr. Monahan to adopt an ordinance prohibiting the use of groundwater as a water supply for human consumption or domestic use by the installation or use of water supply wells or by any other method and mandating the use of the public water system for the provision of water for human consumption or domestic use. Motion carried unanimously.

Moved Mr. Peterson. Seconded Mr. Qually to approve HARB consent agenda as presented. Motion carried unanimously.

Moved Mr. Peterson, seconded Mr. Miller to appoint H. Richard Clark to HARB to fulfill the un-expired term of Karen Falk to expire in August 2009. Motion carried unanimously.

Moved Mr. Peterson, seconded Ms. Smith to reappoint Radcliff Schultz to the Borough Planning Commission for a five (5) year term to expire in December 2011. Motion carried unanimously.

Moved Mr. Peterson, seconded Ms. Smith to approve resolution reappointing Michael Birkner to the Zoning Hearing Board for a five (5) year term to expire on December 31, 2011. Motion carried unanimously.

Moved Mr. Peterson, seconded Ms. Smith to approve resolution reappointing Beverly Ruggles to the Regulated Rental Unit Appeals Board for a five (5) year term to expire October 31, 2011. Motion carried unanimously.

Moved Mr. Peterson, seconded Ms. Smith to reappoint Allen McDonnell, Marion Ruff and Craig Showvaker to the Property Maintenance Appeals Board for another two (2) year term to expire in December 2008. Motion carried unanimously.

Mr. Qually reported the Planning Commission would hold a workshop with Tom Comitta, Consultant on Tuesday, January 16, 2007 at 5:30 in Council Chambers.

Mr. Qually reported the Adams County Green Space Advisory Committee submitted a draft resolution for Council review.

Moved Mr. Miller, seconded Mr. Fleet to approve resolution for removal of two (2) Metropolitan Edison Company owned, 175-watt, mercury vapor, cobrahead streetlights and wood poles. The streetlights are located on pole 14564-18347 in front of 328 Carlisle Street and pole 14564-18363 in front of 340 Carlisle Street within the Borough. Motion carried unanimously.

Manager Lawver suggested the Human Relations Committee meet on Tuesday, January 9, 2007 to discuss the personnel changes that will go into effect.

Manager Lawver reported he received a call from Ruth Grietch to complain about the rate increase with Comcast Cable TV. It is hard for the senior citizens to pay these added fees and asked that Council review these changes. Mr. Monahan responded he is reviewing this and will report his findings to Council.

Moved Mr. Miller, seconded Mr. Murphy to approve the Eichelberger - Stahle charity distribution as presented. Motion carried unanimously.

Moved Mr. Fleet, seconded Mr. Peterson to accept the J. P. Harris exoneration report for tax years 1998 – 2005 as presented. Motion carried unanimously.

Dr. Powell gave a brief overview of the procedure for opting out of the PA Uniform Construction Code (UCC) enforcement. Solicitor Eastman noted the Borough must give 180 days notice. He pointed out to Council that they would be opting out of the administration only and this would require approval by two motions.

Moved Mr. Fleet, seconded Ms. Giles to authorize notice to PA Department of Labor and Industry of Borough's intention to adopt an ordinance ceasing the Borough's Administration with enforcement of the Uniform Construction Code (UCC) effective June 30, 2007. Motion carried unanimously.

Moved Mr. Fleet, seconded Ms. Giles to authorize Solicitor to prepare an ordinance ceasing the Borough Administration and enforcement of the Uniform Construction Code (UCC) effective June 30, 2007. Motion carried unanimously.

Moved Mr. Monahan, seconded Mr. Murphy to authorize submitting a letter to the PA Department of Labor and Industry asking them to consider reducing the 180-day notice that is required due to a hardship. Motion carried unanimously.

Moved Mr. Monahan, seconded Mr. Miller to approve the Elm Street Program contract authorizing the Adams Council Interfaith Housing Authority as the administrators. Motion carried unanimously.

With no further business, moved Mr. Miller, seconded Mr. Murphy to adjourn the meeting at 9:10 PM.

Respectfully submitted,

Sara L. Stull
Borough Secretary