

BOROUGH OF GETTYSBURG
59 EAST HIGH STREET, GETTYSBURG, PA 17325
COUNCIL MEETING MINUTES
AUGUST 14, 2017

President Robert Krummerich called the meeting to order at 7:15 PM with the following Councilors present: Vice President Scot Pitzer, Mrs. Susan Naugle, Mr. Graham Weaver, Mr. Jacob Schindel, Mr. Wesley Heyser and Mrs. AmyBeth Hodges. Borough staff present included: Mayor Theodore Streeter; Borough Manager Charles Gable; Borough Secretary Sara Stull; Solicitor Harold Eastman; Chief Joseph Dougherty; Planning Director Becky LaBarre; Finance Director Nicolette James; and Chad Clabaugh, Borough Engineer, C. S. Davidson, Inc.

Others present include: Deb Adamik, President, Main Street Gettysburg; Darlene Brown, Executive Director, PA Interfaith Community Programs, Inc. (PICPI), 40 East High Street; Linda Atiyeh, Gallery 30, 26 York Street; Richard Fulton, 841 Johns Avenue; Jeffrey Zimmerman 217 Baltimore Street; Dominic Picarelli, 273 West Street; Charles Strauss, 38 West Middle Street; Judith Butterfield, 999 Sunset Avenue; Sarah Kipp, 126 Baltimore Street; Chris Berger, 156 Seminary Avenue; Mike Shestok, 264 Baltimore Street; Ron Frenette, 811 Johns Avenue; Bob Weaner, 35 North Hay Street; Nancy Kramer, 12 Wade Avenue; Suzanne Christianson, 109 Springs Avenue; Melva and Lynda Cockle; Becka Fissel, Borough Parking Enforcement Officer and Dallas Plank.

Representing the press were Jim Hale with the *Gettysburg Times* and Lillian Reed of the *Evening Sun*.

President Krummerich opened the meeting by asking for a moment of silence in honor of “our neighbors in Charlottesville and what they’ve gone through,” referring to the death of a woman when a vehicle slammed into a group of counter-protestors at a white supremacy rally. He said that something similar could have taken place in Gettysburg when members of the Ku Klux Klan and other armed activists were expected to gather in July. He commended Chief Dougherty and the police department for their collaboration with other authorities to plan for this event, which ended without violence.

President Krummerich also complimented Solicitor Eastman and the Borough’s legal team for providing Council with timely and accurate updates.

President Krummerich announced an executive session of the Borough Council was conducted immediately following the adjournment of the July 10, 2017 business meeting consistent with section 708(a)(2) of the Sunshine Act.

President Krummerich announced an executive session of the Borough Council was conducted immediately following the adjournment of the July 24, 2017 work session consistent with section 708(a)(2) of the Sunshine Act.

President Krummerich announced an executive session of the Borough Council shall be conducted immediately prior to the adjournment of this meeting consistent with sections 708(a)(1) and 708(a)(2) of the Sunshine Act for the following reasons and purposes: (1) to

discuss matters involving the employment, the terms and conditions of employment and the evaluation of performance of Borough employees; (2) to meet with the Borough Manager to receive an information update related to the negotiation of a new collective bargaining agreement with the Teamsters Local No. 776 on behalf of the officers of the Gettysburg Borough Police Department; and (3) to meet with the Borough Manager to receive an information update and progress report related to the negotiation of a new collective bargaining agreement with the Teamsters Local No. 776 on behalf of the non-uniformed employees of the Borough of Gettysburg.

Solicitor Eastman announced that in addition to the matters just announced for the Borough Council executive session this evening, the Borough Council will also discuss matters and receive information from the Borough Manager and the Borough Engineer relative to the consideration of the purchase or lease of real property by the Borough consistent with section 708(a)(3) of the Sunshine Act.

Moved Mr. Weaver seconded Mr. Schindel to approve the August 14, 2017 agenda as presented. After Council discussion the motion was amended by Councilman Pitzer to remove the HARB motion to re-appoint Colleen Lingle and delay it for a month. Mr. Pitzer moved, seconded Mrs. Hodges to approve the August 14, 2017 amended agenda. The vote passed 6/1 with Mrs. Naugle the dissenting vote.

Moved Mr. Schindel, seconded Mrs. Hodges to approve the July 10, 2017 Council Business Meeting minutes and the July 24, 2017 Council Work Session minutes as presented. Motion carried unanimously.

Public Comment:

Charles Strauss, 38 West Middle Street, said that a LERTA was a great success for rebuilding the Gettysburg Hotel, and would be beneficial for developing the blighted REDDI property and surrounding area. Mr. Strauss also expressed his concern with the board appointments, stating the process has been confusing. He asked that Council devise a better plan for the process of accepting applications and making board appointments.

Suzanne Christianson, 109 Springs Avenue, said that she had submitted her board appointment application late not realizing there was a deadline for appointments. She said that she would be interested in serving on a Board in the future.

President Krummerich explained that in the past Borough Council had a committee to review applications and appointments to present to the full Council. He said that Council will discuss appointment procedures at their next work session meeting.

Special Presentations: Candidates for Boards and Commissions

Richard Fulton, 841 Johns Avenue, addressed Council and said that he has lived in Gettysburg for fifteen-years. He said that he works in journalism and through that has attended many planning meetings. Mr. Fulton said that he is interested in environmental issues that should be reviewed when developing, and would be grateful to serve on the Planning Commission.

Jeffrey Zimmerman 217 Baltimore Street, addressed Council stating that he would be honored to serve on the Planning Commission. He said that he moved to Gettysburg in 2012, and that he is a former U.S. Marine Corps Officer and security consultant.

Dominic Picarelli, 273 West Street, addressed Council and said that he would be glad to serve on the planning Commission again, noting that he served previously. He said that he specializes in environmental planning and is a member of the American Planning Association.

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

Moved Mr. Schindel, seconded Mr. Heyser to accept the J. P. Harris Tax Exoneration reports for tax years 2005 thru 2014 as presented. Motion carried unanimously.

Moved Mrs. Hodges, seconded Mr. Pitzer to accept recommendations by the Gettysburg Historical Architectural Review Board (HARB) made following its review on Wednesday July 19, 2017 and amend Certificate of Appropriateness #COA-17-0068, Daniel & Elizabeth Fetter – 142 E. Middle Street, to also include the removal of existing two-over-two windows on the original dwelling and replace with new six-over-six wood windows per documentation provided. Motion carried unanimously.

Moved, Mr. Heyser seconded Mrs. Hodges to accept recommendations by the Gettysburg Historical Architectural Review Board (HARB) made following its review on Wednesday July 19, 2017 and grant a Certificate of Appropriateness #COA-17-0070, Melva Cockle – 168-170 Carlisle Street, for replacement roofing material as resubmitted. Motion carried unanimously.

Moved Mr. Pitzer, seconded Mr. Schindel to refer the following Zoning Map Amendment requests to the Gettysburg Planning Commission for review and recommendations:

- 1) #ZMA-17-0002, Loring Shultz, 401 Baltimore Street, 50 South Street and two (2) additional South Street parcels to the RO - Residential Office district;**
- 2) #ZMA-17-0003, Gettysburg Presbyterian Church, 2 parcels on the southeast corner of Schoolhouse Alley and Wall Alley to the RO - Residential Office district.**

Motion carried unanimously.

Moved Mr. Pitzer, seconded Mr. Schindel to authorize the Borough Engineer to testify on behalf of the Borough in the case of Zoning Hearing Board application #ZHB-17-06, J. Matthew Moon - 98 Springs Avenue, regarding the location of a section of the Gettysburg Inner Loop at this property and provide testimony as it relates to the property owner's variance request. Motion carried unanimously.

Moved Mr. Schindel, seconded Mrs. Naugle to appoint John Rice as a member of the Gettysburg Borough Planning Commission in order to fill the vacancy created by the resignation of Caroline Smith and to serve on the Planning Commission for the remainder of the unexpired term of Ms. Smith which will expire on the first Monday in January 2021. A roll call vote was taken. YEA: Mr. Heyser, Mrs. Naugle, Mr. Schindel and Mr. Krummerich. NAY: Mrs. Hodges, Mr. Pitzer and Mr. Weaver. The motion passed 4/3.

Moved Mr. Schindel, seconded Mrs. Naugle to appoint Dominic Picarelli as a member of the Gettysburg Borough Planning Commission in order to fill the vacancy created by the resignation of Peter L. Smith and to serve on the Planning Commission for the remainder of the unexpired term of Mr. Smith which will expire on the first Monday of January 2018. A roll call vote was taken. YEA: Mrs. Hodges, Mrs. Naugle, Mr. Schindel and Mr. Krummerich. NAY: Mr. Heyser, Mr. Pitzer and Mr. Weaver. The motion passed 4/3.

Moved Mr. Pitzer, seconded Mr. Schindel to adopt a resolution appointing Jeffrey Zimmerman as an alternate member of the Gettysburg Borough Planning Commission for a four (4) year term which shall expire on August 15, 2021. A roll call vote was taken. YEA: Mr. Heyser, Mrs. Hodges, Mrs. Naugle, Mr. Pitzer, Mr. Schindel, Mr. Weaver and Mr. Krummerich. Motion carried unanimously.

Moved Mr. Pitzer, seconded Mrs. Naugle to re-appoint Clem Malot to the Gettysburg Historical Architectural Review Board for a five-year term, expiring in August 2022, to serve in the capacity of Code Enforcement Officer as required by Section 11-105.A. of the Historic District Ordinance. The motion passed 6/1 with Mrs. Hodges the dissenting vote.

Chad Clabaugh, Borough Engineer, C. S. Davidson, Inc., gave a brief update on the street repair work taking place this summer. He said that the paving on North Washington Street and Breckenridge Street are complete. He noted that paving on Fourth Street was delayed to allow time for Columbia Gas to complete their utility work, but is expected to begin in the near future. Chad noted the pavement preservation program that they instituted for the Borough this year is going well. He said that the streets approved earlier this year are: Sixth Street, Hay Street, High Street, Village Drive, South Washington Street and North Washington Street (north of Broadway). The street paving should be completed in the near future.

Chad also reported on the MS4 Project noting that the pollution reduction plan must be permitted by the Department of Environmental Protection. The plan he presented recently shows that the Borough will meet the sediment reductions as required by law. He said that the Borough must show a viable way of funding for this project, and noted that the first year is funded already. The Borough will research for grants or other funding sources to fund in the future. Chad said that the public comment period is still open and will close in October. He will then finalize and submit the plan to DEP for approval.

Moved Mr. Schindel, seconded Mr. Pitzer to award the annual contract for the Racehorse Alley Parking Garage maintenance and repair to Structural Restoration Services, Inc., as a qualified and responsible contractor, in the amount of \$15,705.00. Motion carried unanimously.

Chief Dougherty said that there is a misconception regarding loitering in the Borough. He pointed out that there is no commonwealth or borough legislation that prohibits loitering, and that it is not illegal. Chief Dougherty pointed out that if they are pan-handling or drugs involved then charges could be filed. He noted that people have constitutional rights and can sit or lay on benches however long they wish.

Manager Reports:

Manager Gable announced that the first “Coffee and Conversation” recently held with Borough Staff was successful. He said that sixteen people attended with a variety of questions and concerns. Some were regarding ADA Compliance, CDBG funding, loitering and homeless people. The next events are scheduled for August 24th at McDonalds Restaurant at 9:00 AM and September 28th at the Best Western Hotel at 1:00 PM, both located on Steinwehr Avenue.

Moved Mr. Heyser, seconded Mrs. Hodges to direct the preparation of a resolution for adoption at the next general business meeting of the Borough Council to be held on September 11, 2017 for the purposes of determining the boundaries of a deteriorated area in the Borough to include the following six (6) properties: (1) Map 7, Parcel 126 (North Stratton Street); (2) Map 7, Parcel 125 (108 North Stratton Street); (3) Map 7, Parcel 125A (102 North Stratton Street); (4) Map 7, Parcel 109 (103 Carlisle Street); (5) Map 7, Parcel 140 (153 North Stratton Street); (6) Map 7, Parcel 141 (151 North Stratton Street), as identified by the Borough in anticipation of the subsequent enactment of an ordinance authorizing the granting of tax exemptions for certain new construction and improvements to be made within such deteriorated area consistent with the provisions of the Local Economic Revitalization Tax Assistance Act (LERTA). Motion carried unanimously.

Moved Mr. Heyser, seconded Mrs. Hodges to set a special meeting of Borough Council to be held on Monday, September 11, 2017 at 6:30 p.m. for the purpose of conducting a public hearing in order to receive comments and recommendations of interested individuals residing within the Borough of Gettysburg concerning an application filed by Linda Atiyeh, or her assigns, for the intermunicipal transfer of a liquor license for use in the Borough at either 19 York Street or 3 Chambersburg Street and for the purpose of rendering a decision to approve or disapprove the Applicant's request for an intermunicipal transfer of the license at either of the proposed locations. Motion carried unanimously.

Liaison Reports:

Gettysburg Area Recreation Authority

Councilwoman Naugle expressed her concerns that helmets aren't worn at the skate park, and doesn't want the Borough to be held liable for any injuries. Councilman Schindel

responded that GARA has signs posted at the Rec Park for people to wear helmets when using the skate park, so the Borough would not be liable.

Gettysburg Municipal Authority

Councilwoman Naugle reported that she was unable to attend the July 17 meeting but met with Mark Guise for an update. The quarterly budget report shows that GMA is on track at mid-year with its 2017 projections despite unexpected expense to replace failing pumps. The Lincoln Commons project at Rt. 30 and Rt. 15 is progressing with strip mall proposals and tapping fees have been paid. This development may have some impact on downtown businesses. The agreement to lease an unpotable well along Carlisle St to the college was approved. The college will use the water to irrigate soccer fields. The agreement limits usage to 100,000 gallons/day. Manager Guise discussed comments submitted to the County Office of Planning and Development regarding the current draft of the Central Adams Joint Comprehensive Plan. The PA Department of Environmental Protection has returned GMA's 2006 application for an out-of-basin transfer of water via an interconnection with York Water Co. The reason being that there has been no recent activity and the department "lacks sufficient information to make a determination."

Steinwehr Avenue Heart of Gettysburg Battlefield (SAHGB)

Councilwoman Hodges reported that the utility pole project on Steinwehr Avenue is complete. She said that the utility boxes will be wrapped with information regarding businesses and maps to disguise them.

National Park Service Advisory Committee

Councilman Weaver reported that the NPS suggested contacting the NPS Rivers and Trails Conservation Assistance Program or Certified Local Government Programs to help with securing funds to help move the Biser Fitness Trail.

Elected Official's Comments:

Mayor Streeter asked that citizens be patient and understand the shortage of staff when calling the Borough offices. He noted that we are short staffed, and also employees have been taking vacation time over the summer which really creates a shortage.

Councilwoman Naugle announced that the Adams County Planning Office is hosting a TV and computer drop-off event on September 9th at the Adams County Emergency Services building. This is for Adams County residents only and pre-registration is required. If anyone is interested in helping with this event should contact Commissioner Marty Qually for details.

Councilman Schindel noted that another winery recently opened in the Borough making that six locations. He said that the wine tours have become very popular and with other new restaurants and drinking establishments opening, makes it important for Council to discuss the open container ordinance in the near future.

Councilman Heyser reported that Council will receive a series of questions and background information regarding the Sign Ordinance prior to the August Council Work Session. That will give Council time to review it and be ready for discussion in September.

Councilman Pitzer said that he reviewed HARB applicant Suzanne Christianson's application and feels that she would be qualified for the Board. He asked that Council review the applicants and make an appointment in September.

Public Comments:

Mike Shestok, 264 Baltimore Street, expressed his concerns in regards to the zoning map amendment regarding the Gettysburg Presbyterian Church. He asked that safety is taking into consideration with the students that walk Wall Alley and the many activities that take place at the church.

President Krummerich adjourned the meeting to an executive session at 8:45 PM. President Krummerich reconvened the Council meeting at 9:30 PM.

Moved Mr. Schindel, seconded Mr. Heyser to authorize entry into a new Collective Bargaining Agreement between the Borough of Gettysburg and the Teamsters Local Union No. 776 on behalf of the police officer employees of the Gettysburg Borough Police Department for the contract term and period of five (5) years from January 1, 2018 through December 31, 2022. Robert L. Krummerich, President of Borough Council, and Sara L. Stull, Borough Secretary, are hereby authorized to execute, attest and deliver the Collective Bargaining Agreement on behalf of the Borough of Gettysburg. A roll call vote was taken. YEA: Mr. Heyser, Mrs. Hodges, Mrs. Naugle, Mr. Schindel and Mr. Krummerich. NAY: Mr. Pitzer and Mr. Weaver. The vote passed 5/2.

Mayor Streeter pointed out that this is the first contract that has been negotiated without arbitration in many years. He said that both sides entered into this negotiation in good faith and negotiated honestly. Mayor Streeter noted that each party did get items they wanted and is happy with the outcome.

Councilman Heyser thanked Borough staff, elected officials and police officers for coming together to reach a contract without arbitration.

Councilman Schindel said that many hours were spent negotiating the contract and is pleased with the outcome.

Councilman Weaver said that he is unhappy for several reasons. He pointed out that Council's hands are tied in regards to disbanding or merging of the police department with this contract. Mr. Weaver also said that he is unhappy that a pension contribution was not included in this contract. He said that during the last contract negotiations he was told that a pension contribution would be included in the next contract, but that didn't happen. Mr. Weaver did agree that there are some good reasons to vote for this contract, but not the ones that he feels are important to him.

Councilwoman Naugle echoed Mayor Streeter's comments and is willing to vote to approve the contract.

Councilman Pitzer said that he has serious concerns about the five-year clause because it takes away Council's ability to set policy regarding merging, privatization, and disbanding. He said that he has been pro-police and that his decision has nothing to do with the police officers. Mr. Pitzer said that Council and the Borough has difficulty managing its police department and by agreeing to this clause is another five-years.

President Krummerich acknowledged Mayor Streeter, Councilman Schindel, Manager Gable, Borough Secretary Stull and Finance Director James for their work in the negotiation proceedings, noting that the Borough was well represented. He noted that there are many aspects of the contract the Borough doesn't like and believes there are probably aspects that the Teamsters didn't like. President Krummerich said that it is the essence of a compromise between both parties.

With no further business to come before Council, moved Mr. Schindel, seconded Mr. Pitzer to adjourn the meeting at 9:40 PM. Motion carried unanimously.

Respectfully submitted,

A handwritten signature in black ink, reading "Sara L. Stull". The signature is written in a cursive, flowing style.

Sara L. Stull
Borough Secretary