

BOROUGH OF GETTYSBURG
59 EAST HIGH STREET, GETTYSBURG, PA 17325
COUNCIL MEETING MINUTES
OCTOBER 15, 2019

President Susan Naugle called the meeting to order at 7:00 PM with the following Councilors present: Vice President Jacob Schindel, Mr. Wesley Heyser, Mr. Christopher Berger, Ms. Patricia Lawson, Mr. John Lawver and Mrs. Judith Butterfield. Staff present included: Mayor Theodore Streeter; Borough Manager Charles Gable; Borough Secretary Sara Stull; Borough Solicitor Harold Eastman, Puhl Eastman, and Thrasher; Police Chief Robert Glenney; Finance Director Nickie James; Interim Parking Manager Becka Fissel; Public Works Director Robert Harbaugh,; Chad Clabaugh, Borough Engineer, C. S. Davidson, Inc.

Others present include: Deb Adamik, President, Main Street Gettysburg; Jacqueline White, Owner of Dobbin House Restaurant, 89 Steinwehr Avenue; Attorney Sam Wiser, Salzmann Hughes, P.C., Attorneys at Law; Debra English, 1210 Pumping Station Road, Gettysburg; Tammy Murdorf, Borough Finance Assistant; and Karen Mesher, Borough Planning Assistant. Representing the press was Alex Hayes with the *Gettysburg Times*; and filming by Community Media-ACCTV.

President Naugle announced the upcoming budget meetings will be held on October 21st and 28th and November 4th at 7:00 PM.

President Naugle announced the Halloween parade is scheduled for Tuesday, October 22nd at 7:15 PM.

President Naugle announced that an executive session of the Borough Council was conducted immediately following the adjournment of the September 23, 2019 work session consistent with section 708(a)(1), 708(a)(3), section 708(a)(4) and section 708(a)(5) of the Sunshine Act.

President Naugle announced that an executive session of the Borough Council will be conducted immediately following the adjournment of this evening's meeting consistent with section 708(a)(1), section 708(a)(2), section 708(a)(4) and section 708(a)(5) of the Sunshine Act for the following purposes: (1) to discuss matters involving the employment, the termination or resignation of employment, the terms and conditions of employment of employees, prospective employees and/or former employees of the Borough; (2) to discuss information and strategy in connection with a Petition to Vacate Grievance Award filed in the Court of Common Pleas of Adams County to Docket No. 2019-SU-687 captioned the Borough of Gettysburg, Petitioner, and the International Brotherhood of Teamsters, Local 776, Police Labor Organization, Respondent; (3) to discuss information in connection with litigation filed in the United States District Court for the Middle District of Pennsylvania to Docket No. 1:19-cv-01412 captioned Linda Atiyeh, et al., Plaintiffs v. Borough of Gettysburg, et al., Defendants; and (4) to review and discuss Borough business which, if conducted in public, would violate a lawful privilege or lead to the disclosure of confidential information protected by law.

Moved Mr. Berger, seconded Ms. Lawson to approve the October 15, 2019 agenda as presented. Motion carried unanimously.

Moved Mr. Berger, seconded Mr. Schindel to approve the CDBG Public Hearing and Council Meeting Minutes of September 9, 2019; the Broadway NID Public Hearing, and Council Special Meeting (Broadway NID) of September 23, 2019; and the Council Work Session Minutes of September 23, 2019 as presented. Motion carried unanimously.

Public Comment

Deb Adamik, President, Main Street Gettysburg read a prepared statement about the successful Long, Long, Long Dinner held on October 4th, thanking the community and everyone that helped to make the event a success (see attached).

Special Presentation

Mayor Streeter presented awards to Officer Shannon Hilliard and Officer Christopher Evans in recognition of their recent promotion to patrolman first class.

Manager Gable presented Borough Council with a plaque from the Pennsylvania Municipal League for hosting and the outstanding service provided for the annual PML Summit held in Gettysburg. A check from PML was presented to Deb Adamik, President, Main Street Gettysburg in the amount of \$250.00 for the Baltimore Street Revitalization project. Manager Gable showed a video of the Gettysburg Area Recreation Authority playground build that PML sponsored as part of the PML Summit.

Finance Department

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

Moved Mr. Heyser, seconded Ms. Lawson to accept the J. P. Harris Tax Exoneration report for tax year 2012 as presented. Motion carried unanimously.

Planning Department/Zoning/Code Enforcement/HARB

Moved Mr. Heyser, seconded Ms. Lawson to approve and authorize the issuance of Certificates of Appropriateness for the following applications: COA-19-0079, 58 Chambersburg Street – Ernie Kranias, Shaffer Design Associates, for proposed cosmetic exterior renovations to the front façade of the building as follows: the replacement of existing light fixtures, transoms and doors, and the removal of awnings and the repainting of the exterior of the building; COA-19-0086, 688, 698, 700, 712 and 714 South Washington Street – Jacqueline White for preliminary approval for the proposed project to construct a three-story 78,400 square foot parking garage consistent with the drawings and plans submitted to HARB pursuant to the application dated August 26, 2019; COA-19-0084, 59 East High Street – Charles R. Gable, Borough Manager, Borough of Gettysburg, for the proposed installation of a prefabricated shed comprised of mixed

materials to be located on the rear east side of the Borough building and property; COA-19-0088, 327 Baltimore Street – Jon Muller, Shaffer Design Associates, for the installation of a proposed wooden access ramp with railings on the north side of the building; as set forth in the minutes of the September 18, 2019 meeting of the Historic Architectural Review Board (HARB) consistent with the findings and recommendations of HARB as set forth therein. Motion carried unanimously.

Moved Ms. Lawson, seconded Mr. Schindel to approve the Applicant, Jacqueline White, to proceed with the demolition of three (3) structures at 688-690, 696-698, 700-702 South Washington Street consistent with previously approved COA-19-0038, without the condition of the provision of financial security for the erection of a replacement structure, for public health and safety purposes and that the subject parcels in conjunction with a parcel located at 712 South Washington Street are part of a project to occur at the subject properties is for public benefit, subject to the condition of the issuance of order of condemnation of the structures by Pennsylvania Municipal Code Alliance (PMCA) in its capacity as code enforcement officials of the Borough. Motion carried unanimously.

Ms. White said that the plan is to erect a parking garage at this location, which would take longer than a year to complete.

Council members agreed that the houses are beyond repair and must be demolished for the safety of the citizens. Councilman Lawver expressed concern as to why these properties were left sitting to deteriorate since Borough has code enforcement officials. Councilwoman Naugle said that we can't ignore that these properties have deteriorated beyond repair and must be demolished for safety reasons. She expressed her concern at how these houses were left vacant to deteriorate; and said that looking forward, we need to make sure that houses aren't sitting vacant and left to deteriorate. She said that housing is important, and much needed in Gettysburg.

Moved Mr. Schindel, seconded Mr. Berger to approve the Applicant, Jacqueline White, to proceed with the demolition of (1) one structure at 712 South Washington Street consistent with previously approved COA-19-0050, without the condition of the provision of financial security for the erection of a replacement structure, for the purpose that in conjunction with three (3) parcels located at 688-690, 696-698, 700-702 South Washington Street is part of a larger project and that the resulting project to occur at the subject properties is for public benefit which outweighs the loss of the current building. The vote passed 6/1 with Mrs. Naugle the dissenting vote.

Councilman Schindel said to consider the need for more parking in this area, and that he would support a parking garage. Councilwoman Lawson said that she spoke with representatives of the Historical Society who indicated that these properties weren't of historical significance; and they would support a parking garage. Councilwoman Naugle expressed her concern that this property at 714 South Washington Street is not a safety issue and is still being used; so, she feels that it shouldn't be demolished until they are ready to build the parking garage. She said that she cannot support the demolition of this property.

Councilwoman Naugle said that Biglerville Borough has an ordinance requiring that vacant properties be registered. She suggested that Council take this into consideration and said that she will research and present information at an upcoming meeting.

Moved Ms. Lawson, seconded Mr. Berger to reappoint James C. McCabe to the Historical Architectural Review Board for a five-year term expiring in August 2024. Motion carried unanimously.

Parking Department

Moved Mr. Berger, seconded Ms. Lawson to enact an ordinance amending Chapter 15, Part 3, Section 305 of the Gettysburg Borough Code of Ordinances in order to add an area on the north side of West Broadway between Carlisle Street and College Avenue as a location where parking is prohibited at all times; amending Chapter 15, Part 8, Section 801 of the Code of Ordinances to remove an area on West Broadway from Carlisle Street to College Avenue as a designated snow emergency route; and amending Chapter 15, Part 10, Section 1003.1 of the Code of Ordinances in order to remove an area on West Broadway Street from Carlisle Street to College Avenue as a designated residential parking permit street. Motion carried unanimously.

Moved Ms. Lawson, seconded Mr. Schindel to enact an ordinance amending Chapter 15, Part 8, Section 801 of the Gettysburg Borough Code of Ordinances in order to remove certain areas of South Street and South Washington Street as parts of designated snow emergency routes. Motion carried unanimously.

Moved Ms. Lawson, seconded Mr. Schindel consistent with the Memorandum of Understanding (MOU) with the Gettysburg Area Retail Merchants Association, Inc. (GARMA) to approve the request of GARMA for free holiday parking for the 2019 holiday season, from Thanksgiving Day through New Year's Day, each day from 12:00 noon through 8:00 p.m. in the designated parking areas with the exclusion of exempted meters as stated in the MOU. The designated parking areas, as requested by GARMA, are as follows: Lincoln Square and the first blocks of Baltimore Street, York Street, Carlisle Street and Chambersburg Street and the entirety of Steinwehr Avenue. Motion carried unanimously.

Public Works Department

Robert Harbaugh, Public Works Director gave the following report: The Gettysburg Municipal Authority has completed the water line work on Broadway; curbing has begun, and paving will follow; a work schedule is posted on the Borough Website to keep the Broadway residence informed. Brush pick up will begin the week of October 28th and the leaf pick up will be scheduled later in November.

Councilman Schindel suggested that street sweeping occur on one side of the street one day and the other side on another day.

Borough Engineer

Chad Clabaugh, Borough Engineer gave the following report: The recreation park fill site is complete and rough graded; plans were made to have the finish grade, seed and mulch by the end of October; the construction maintenance operations at five bridge sites is near completion with a final walk through to be scheduled later this month; the Planning Commission continues to review the Borough Sidewalk Ordinance.

Moved Ms. Lawson, seconded Mr. Berger to approve Application for Payment No. 1 to C.E. Williams and Sons for the Broadway Street Improvements Contract in the amount of \$60,561.00. Motion carried unanimously.

Moved Ms. Lawson, seconded Mr. Lawver to approve Application for Payment No. 2-Final to Pro's Concrete for the 2019 CDBG Curb Ramp Replacements Contract in the amount of \$4,376.65. Motion carried unanimously.

Police Department

Chief Glenny announced that Police Officer Christopher Evans resigned effective November 10th to pursue other opportunities. He will remain with the police department as a part time officer.

Borough Secretary

Moved Mr. Heyser, seconded Ms. Lawson to authorize a COLA increase for retired police pensioner Larry Runk, to be paid from the Police Pension Plan effective September 1, 2019. Motion carried unanimously.

Borough Manager

Manager Gable presented Council with the 2020 proposed draft Budget, noting that it includes a tax increase from 2.6384 mills to 3.1425. He explained that this year's budget is more problematic than those of the past few years because the money borrowed for road projects in 2016 will be completely spent this year; so, roadwork must be paid from the general fund. Manager Gable said that no major projects are planned for 2020, so that staff can regroup and prepare for the future. The proposed budget also includes increasing both the parking rates on Lincoln Square to \$2 per hour and the daily garage rate to \$12. Staff will discuss their departments' needs at the upcoming budget workshop meetings for Council consideration.

Moved Mr. Heyser, seconded Ms. Lawson to adopt a resolution authorizing and ratifying entry into an Agreement with FutureStake, Inc. for the acceptance of a donation and gift of certain improved real property situate at 340 Baltimore Street in the Borough of Gettysburg and identified as Adams County Tax Parcel No. 16010-0383---000. Susan C. Naugle, President of Borough Council, and Sara L. Stull, Borough Secretary, are authorized to sign, attest, execute and acknowledge the Agreement on behalf of the Borough and to perform all acts, including the execution of a HUD-1 Settlement Statement and all related documentation necessary to effectuate said transfer and the

Borough's acceptance of the gift of the donation of the real property and delivery of a deed for such purpose from FutureStake, Inc. Motion carried unanimously.

Councilwoman Lawson expressed her concern about the pillow tax, stating that she doesn't feel that Destination Gettysburg deserves 75% of the tax. She said, "I think at one time it probably was necessary to boost tourism in the Commonwealth of Pennsylvania, but I think people know where Gettysburg is now and now we need to make sure dollars are benefiting the services we provide to visitors." Ms. Lawson said that she believes Destination Gettysburg, a tourism promotion agency, should own and operate a welcome center. She went on to say that she was disappointed by Destination Gettysburg's recent move to Cumberland Township. Ms. Lawson said that she realizes changing the law will be tough but hopes to get other people together with similar concerns.

Moved Mr. Heyser, seconded Ms. Lawson to authorize entry into a Memorandum of Understanding (MOU) with the Gettysburg Area Retail Merchants Association, Inc. (GARMA) as modified for a five (5) year term beginning in 2020 through the end of the holiday season of 2024 relative to the respective responsibilities of the Borough and GARMA regarding the decoration of the Borough for the holiday season, the free parking program for the holiday season and the operating procedures for GARMA's semi-annual Outdoor Antique Show. Susan C. Naugle, President of Borough Council and Sara L. Stull, Borough Secretary, are hereby authorized to sign, execute and attest the MOU on behalf of the Borough. Motion carried unanimously.

Moved Ms. Lawson, seconded Mr. Schindel to authorize the execution and acceptance of delivery of a Right-of-Way and Easement Agreement with South Central Community Action Programs, Inc. for the purpose of conveying to the Borough of Gettysburg a right-of-way and easements for the construction, maintenance and repair areas for a public, variable-width, shared-use path for use by pedestrians, bicycles and similar users. Susan C. Naugle, President of Borough Council, and Sara L. Stull, Borough Secretary, are hereby authorized to sign, attest, executes and acknowledges the Right-of-Way and Easement Agreement on behalf of the Borough. Motion carried unanimously.

Moved Ms. Lawson, seconded Mr. Schindel to authorize the execution and acceptance of delivery of a Right-of-Way and Easement Agreement with Spectra-Kote Corporation for the purpose of conveying to the Borough of Gettysburg a right-of-way and easements for the construction, maintenance and repair areas for a public, variable-width, shared-use path for use by pedestrians, bicycles and similar users. Susan C. Naugle, President of Borough Council, and Sara L. Stull, Borough Secretary, are hereby authorized to sign, attest, executes and acknowledges the Right-of-Way and Easement Agreement on behalf of the Borough. Motion carried unanimously.

Moved Ms. Lawson, seconded Mr. Schindel to authorize the preparation of a resolution relative to the adoption of a policy of the Borough of Gettysburg for the reduction of the use of disposable plastic products, for consideration of adoption by the Borough Council at its next monthly general business meeting scheduled to be held on Tuesday, November 12, 2019. Motion passed 6/1 with Mr. Lawver the dissenting vote.

Liaison Reports

Main Street

Deb Adamik announced that plans continue for the upcoming Gettysburg Christmas Festival scheduled for the weekend of December 6th through 8th .

Gettysburg Area Recreation Authority

Councilman Schindel reported that the new playground recently installed during the PML Summit is a great addition to the Recreation Park.

Gettysburg Municipal Authority

Council President Naugle reported on the following: The NAWSC Cross Connection letter to commercial property owners will be sent out over a period of four months which began in September. Since there aren't many certified plumbers in this area to provide the testing; Manager Guise asked NAWSC to slow the process down until more local plumbers are certified. The Heritage Land water tower has been approved by Straban Township to move forward, but the Cumberland Township water tower located off Fairplay Road has not been approved by the FAA due to being too close to the Gettysburg Regional Airport. GMA will need to look for another location for the water tank; and the Interceptor Phase II location has not been determined yet.

Steinwehr Avenue Heart of Gettysburg Battlefield

Councilwoman Butterfield reported that Steinwehr Avenue continues planning for the upcoming Gettysburg Christmas Festival.

Adams County Council of Governments

Councilwoman Butterfield reported on the following: They plan to conduct more local training in Gettysburg; voted to support Marsy's Law which ensures victims of crime have equal rights; purchased a machine to dispose of needles and sharps more safely, and it will be placed at the Bonneauville Fire Department which is centrally located.

Trail Feasibility Study

Christopher Berger reported that work continues for a bike trail from Gettysburg to Emmitsburg and said that they hope to finalize a report next spring.

Council Comments

Mayor Streeter announced that Trick or Treat will be held on Halloween, October 31st from 6-8 PM. There will be no Trick or Treating along East Broadway due to construction.

Council President Naugle reported that the Pennsylvania Municipal League Resolutions were adopted at the Annual Summit except for the Post-Traumatic Stress Injury in First Responders.

Councilwoman Butterfield reported that 51 residents recycled electronics at the recent Electronic Device Recycling event. The next event will be held on Saturday, March 21, 2020.

There were no public comments at this time.

Moved Mr. Lawver seconded Mr. Schindel, to adjourn the meeting at 9:45 PM to an executive session. Motion carried unanimously

President Naugle dismissed the meeting at 10:30 PM.

Respectfully submitted,

Sara L. Stull
Borough Secretary