

**BOROUGH OF GETTYSBURG**  
**59 EAST HIGH STREET, GETTYSBURG, PA 17325**  
**COUNCIL MEETING MINUTES**  
**SEPTEMBER 10, 2018**

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

Others present include: Craig Witmer, CPA and Teena Curnow, representing Smith Elliott Kearns & Company; Janet Riggs, President, Lacrosse Coach Carol Cantele, Gettysburg College; Jack Bream, Eddie Plank Awards; Deb Adamik, President, Main Street Gettysburg; Robin Fitzpatrick, President, Adams Economic Alliance; Winona Peterson, NPS 1195 Baltimore Pike; Sarah Kipp, Planning Commission Member, 126 Baltimore Street; Alexandria Escalera, 32 East Lincoln Avenue; Mike Shestok, 264 Baltimore Street; Wendy Allen, 329 Baltimore Street; Jane and Kim Patrono, 98 East Broadway; David Rice and Dora Townson, 145 West Broadway; Susan Cipperly, 314 North Stratton Street; Monica Oss, Open Minds, 15 Lincoln Square; Mike Tallent, 811 Johns Avenue; Kurt Kramer, 12 Wade Avenue; Carol Miller, 47 North Hay Street; Pat Verderosa, 265 Victor Street; Jim Paddock, 1777 Fairfield Road; Al Ferranto, 501 Knight Road; Lois Starkey, Orrtanna; and Becka Fissel, Borough Parking Enforcement Officer. Representing the press was Jim Hale with the *Gettysburg Times*.

President Susan Naugle announced that an executive session of the Borough Council shall be conducted immediately following the adjournment of this meeting consistent with section 708(a)(1) of the Sunshine Act to discuss matters involving the employment and the evaluation of performance of Borough employees.

**Moved Mr. Lawver, seconded Mr. Schindel to approve the September 10, 2018 agenda as presented. Motion carried unanimously.**

**Moved Mr. Berger seconded Mr. Schindel to approve the Public Hearing and Council Meeting Minutes of August 13, 2018, and the Public Hearing, Special Council Meeting and Council Work Session Meeting Minutes of August 27, 2018. Motion carried unanimously.**

## **Special Presentations:**

### **Eddie Plank Awards**

**Mayor Streeter and Jack Bream** presented the Eddie Plank Award to members of the Gettysburg College's 2017-2018 NCAA Division III National Champion Women's Lacrosse Team. The award is named after a Major League Baseball Hall of Famer from Gettysburg; and the award recognizes athletic achievements by individuals with ties to the Borough. Along with President Janet Riggs and Coach Carol Cantele, members of the Lacrosse Team included: Katrina Niedziela, Shelby Fragetta, Courtney Patterson, Kerry McKeever, Emma Hill, Laura Winters, Brianna Stokes, Bailey Pilder, Steph Colson, Lauren Cole, Sara Howard and Gabby Dunning.

### **Audit Presentation**

**Craig Witmer, CPA and Teena Curnow, Smith Elliott Kearns & Company** presented Council with the Annual Audited Financial Statements for the year ending December 31, 2017. Ms. Curnow reported that it is an "unmodified" opinion, which is the best that you can get. She gave a presentation summarizing the financial statements.

Mr. Witmer gave a brief summary of the management letter which discloses any findings and recommendations for Borough Council. He said that there were no findings that rose to the level of material weaknesses or deficiencies. Mr. Witmer did point out a recommendation regarding an issue that occurred with a purchase as opposed to a trade with specific equipment. It was initially approved by Council and intended to be a trade-in, but was actually a sale to Borough employees and some outside. He said that it was not done in the proper manner of bidding procedures, and monies were not turned over immediately to the Finance Department. Mr. Witmer recommended that policies and procedures be reviewed to make sure this is corrected. The information presented by the auditors is located on the Borough Website at [www.gettysburgpa.gov](http://www.gettysburgpa.gov).

### **Public Comments:**

**Monica Oss, Open Minds, 15 Lincoln Square** expressed her concern regarding the building height, stating that it should be kept at the current height. She said that the historical character of downtown needs to be preserved. Ms. Oss asked Council to consider in their deliberation why the rush to change the height, and if a study has been completed. She asked if the developer had asked for a change in the height or submitted plans for his development.

**Jim Paddock, 1777 Fairfield Road (owns property at 262 Baltimore Street)** said that he supports the REDDI property development site and LERTA, but is opposed to the height increase. He would agree with a 75-foot height increase. Mr. Paddock said that

it should be primarily residential use and limited commercial, because it could be a negative impact on the existing downtown businesses.

**Kim Patrono, 98 East Broadway** asked for an explanation of the procedures and the height options.

**David Rice, 145 West Broadway** applauded Council for being considerate of the economic development and taking time to review this matter carefully. He cautioned Council in making a permanent decision with the zoning changes before hearing the plans and reviewing the study.

**Susan Cipperly, 314 North Stratton Street** presented Council, prior to this meeting, with her follow-up comments from the Public Hearing and Council Work Session meetings. She continued to express her concerns with the building height increase. Ms. Cipperly suggested that Council table the residential height portions of the ordinance amendments currently under review until more consideration can be made.

**Sarah Kipp, Planning Commission Member, 126 Baltimore Street** expressed her concerns again regarding the building heights. She pointed out other similar size towns noting Lititz, Colledgeville and Cooperstown, and their height requirements. Ms. Kipp suggested Council consider taking a variance when builders come forward with building plans and not change the height increase. Ms. Kipp also asked Council to review the LERTA language for commercial and residential areas before approval.

**Alexandria Escalera, 32 East Lincoln Avenue** expressed her concerns with the special pricing for parking meters that have been bagged at York Street area businesses. She noted that the ordinance doesn't apply to these types of rentals. Ms. Escalera said that the ordinance does allow for special request such as funerals, building construction, and loading and unloading which are expected requests. She noted that she is not unhappy with Gallery 30 for bagging meters, but said there are many businesses throughout town that may want to do the same. She stated that she could understand the reason for bagging meters for the construction period, but then they should be removed. Ms. Escalera said that it is not beneficial to the Borough to rent meters for this purpose. She asked that Council review the ordinance and amends it appropriately.

President Naugle said that Council is currently reviewing this ordinance for amendments to be made in the near future.

**Al Ferranto, 501 Knight Road** read a proclamation on The Bells of Peace: A World War I Remembrance. He said that the United States World War I Centennial Commission had asked all Americans across the nation to toll bells in remembrance of those who served in World War 1 at 11:00 AM on November 11, 2018.

Robin Fitzpatrick, President, Adams Economic Alliance, read a prepared statement from their board (see attached).

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

**Moved Mr. Berger, seconded Mr. Schindel to accept the J. P. Harris Tax Exoneration report for tax years 2005 through 2014 as presented with the exception of Jonathan G. Moody. Motion carried unanimously.**

**Moved Mr. Strauss, seconded Mr. Heyser to accept the recommendations of the Gettysburg Borough Historic Architectural Review Board (HARB) following its review on Wednesday August 15, 2018 and grant a Certificate of Appropriateness for the following applications: COA-18-0056: 213 Steinwehr Avenue – Bases Loaded, for a full metal roof overlay as presented in the application dated July 12, 2018; and COA-18-0078: 128-130 Chambersburg Street – SPG Capital, LLC, to remove four deteriorated windows and replace in-kind with new wood windows as presented in the application dated August 8, 2018. Motion carried unanimously.**

**Moved Mr. Heyser, seconded Ms. Lawson to authorize the Solicitor's review of an ordinance amending and updating the Gettysburg Borough Subdivision and Land Development Ordinance of 1999. Motion carried unanimously.**

**Moved Mr. Heyser, seconded Mr. Lawver to authorize the setting of a public hearing of the Borough Council to be held on Monday, November 5, 2018, commencing at 6:30 p.m. and to authorize the provision of public notice of the public hearing consistent with section 505 of the Pennsylvania Municipalities Planning Code concerning proposed amendments to the Gettysburg Borough Subdivision and Land Development Ordinance. Motion carried unanimously.**

President Naugle gave a brief summary and timeline regarding the Gettysburg Station property. She pointed out that the Residential Office Redevelopment (ROR) Zoning District has been in discussion for a long time, and before any developer came forward with an interest in the property. Ms. Naugle said that a committee was formed to review and make recommendations along with the Borough Planning Commission and Adams County Planning Commission. She noted that it is an important piece of property for the Borough to consider and what's in the best interest for the Borough and community. Ms. Naugle pointed out that the Borough has been talking about increasing the building height and wanting high density, and also to maximize tax benefits.

Solicitor Eastman explained the procedural process, stating that Council has received recommendations from both the Planning Commission and the Adams County Planning Commission to take into consideration. He said that tonight's meeting is not to take any action to enact the zoning changes, but to make direction to changes to be made

to the initial text that was advertised; and that a public hearing would then be set to receive comments with those zoning text changes. Solicitor Eastman noted that the earliest to proceed with the zoning ordinance amendments would be directed at the November Council meeting.

President Naugle responded to a question regarding a formal study on the Gettysburg Station property, stated that she is not aware of any. She said that she believes that Council had received comments over the years from interested builders as to what the issues were with the property that prevent them from following through with development. Manager Gable added that Ms. Fitzpatrick mentioned in her comments that there was no formal study completed. She said that multiple developers were interested in the site and one stated that he was in line with the vision of Borough Council but still had a 7 million dollar short-fall in funding among other impediments with the property. He referred citizens to the January 18, 2018 joint meeting between Borough Council and the Borough Planning Commission where this was discussed in detail. It can be found on the Borough's Website at [www.gettysburgpa.gov](http://www.gettysburgpa.gov).

**After some discussion moved Ms. Lawson, seconded Mr. Berger to retain 45 feet maximum building height in the R-1 Low Density Residential District, R-1A Preservation Residential District, and R-2 Moderate Density Residential District. Motion passed 6 YEA / 1 NAY with Mr. Schindel the dissenting vote.**

Councilman Strauss said that he was surprised to see this motion on the agenda tonight, and didn't recall discussing it more thoroughly. He said that the Planning Commission did review and had received recommendations from County Planning, and were advised to consider stories of 12 feet. Mr. Strauss said that the Planning Commission should have a chance to revisit the recommendation and make it 36 or 24 feet; and reconsider the reason why we're going from 48 to 45 feet.

Planning Director LaBarre said that the Adams County Office of Planning and Development advised them to be as consistent as possible.

Councilman Heyser said that there are two zoning districts that cover a large portion of town. He views this as maintaining the status quo at this location, and said that he feels there will be a time to revisit this in the future for comprehensive zoning districts.

President Naugle noted that the last zoning revisions were updated in 2008, and it was only a partial at that time. She said that Council has been waiting on a comprehensive plan to be completed by the County so that Council could conduct a complete zoning update of all districts.

Solicitor Eastman commented that Council is not bypassing the comments of the Planning Commission, but to get all commentary into the ordinance provisions which will

then be sent to the Planning Commission for review. Their recommendations would be given to Council along with the comments from the next public hearing.

After some discussion moved Mr. Heyser, seconded Mr. Schindel to remove Single-family attached dwellings, Single-family semidetached dwellings, and Two-family dwellings from the list of uses permitted by right in Section 27-8A02 of the ordinance. Motion passed 6 YEA/1 NAY with Mr. Strauss the dissenting vote.

After some discussion moved Mr. Heyser, seconded Mr. Schindel to authorize the preparation of an ordinance for the purpose of amending the text of the Gettysburg Borough Zoning Ordinance relative to certain building height dimensional standards throughout the Zoning Ordinance and to provide for an incentive-based, extended height mixed-use building use to be permitted by special exception with a maximum building height not to exceed seventy two (72') feet with an additional twelve (12') feet of building height allocated for mechanical equipment in the Residential Office Redevelopment (ROR) District and to add related definitions to Part 2 of the Zoning Ordinance and to add additional specific requirements and criteria for the proposed special exception use, and to allow for additional incentive based building height, up to seventy-two (72') feet, according to the following site improvement schedule:

Site Improvement	Increase in Building Height
Internal Parking	24 feet
Relocation of Transit Services and Public Restrooms	12 feet
Public Green Space	24 feet
Gettysburg Inner Loop	12 feet.

After some discussion a roll call vote was taken. YEA: Mr. Berger, Mr. Heyser, Mr. Lawver and Mr. Schindel. NAY: Ms. Lawson, Mr. Strauss and Ms. Naugle. The vote passed 4 YEA/3 NAY.

President Naugle, Mr. Strauss and Ms. Lawson expressed their support for a 60-foot maximum building height and opposed the 72-foot height. They felt the continued reliance on the existing process that developers can seek variances if needed.

Councilman Heyser and Councilman Berger said that green space was important, and a priority for the community to use for farmers markets, events etc.

Councilman Lawver said that he is in favor of keeping the current effort moving forward, and will vote for the 72-foot maximum height. He pointed out that this site has remained undeveloped for fifteen years; and that past developers have always fallen through because of the height and money.

Councilwoman Lawson noted that she spoke with a Lancaster community where Mr. Harrison has developed property, and they spoke favorable of him. She said that she would prefer to see plans before making any height changes. Mr. Strauss said that he has

nothing against the developer, but is thinking about what the community can handle for the proposed area.

**Moved Ms. Lawson, seconded Mr. Berger to authorize the setting of a public hearing of the Borough Council to be held on Monday, October 22, 2018, commencing at 6:30 p.m. and to authorize the provision of public notice of the public hearing consistent with section 609 of the Pennsylvania Municipalities Planning Code concerning proposed amendments to the text of the Gettysburg Borough Zoning Ordinance to include the addition of an incentive-based, extended height mixed-use building use to be permitted in the ROR Residential Office Redevelopment District. Motion carried unanimously.**

**Moved Mr. Heyser, seconded Mr. Schindel to authorize the finalization and publication for subsequent enactment at the October 9, 2018 monthly general business meeting of the Borough Council of an ordinance for the general purpose of granting tax exemption relief for certain new construction and improvements to designated deteriorated properties within the Borough pursuant to the Local Economic Revitalization Tax Assistance Act ("LERTA"), and for the specific purposes of setting a maximum tax exemption amount, adopting a tax exemption schedule for a minimum fifty (50%) percent non-residential and minimum twenty-five (25%) percent residential use with construction costs of improvements exceeding one million (\$1,000,000.00) dollars, setting forth a procedure for securing a tax exemption, and providing for a rollback of taxes exempted due to a subsequent change of use and with the following tax exemption schedule:**

<u>Year</u>	<u>Percentage</u>
1	100%
2	100%
3	90%
4	90%
5	80%
6	80%
7	70%
8	70%
9	60%
10	60%

**Motion carried unanimously.**

Parking Manager Miller reported that the department has been busy renewing the annual Residential Parking Permits.

**Moved Ms. Lawson, seconded Mr. Heyser to authorize the Parking Manager and the Solicitor to prepare a proposed ordinance for the purpose of amending Chapter 15 of the Code of Ordinances relative to the regulation of the reservation and use of parking spaces in metered zones for monthly usage, special events usage and temporary usage. Motion carried unanimously.**

Interim Public Works Director Robert Harbaugh reported that Carlisle Street paving is scheduled for this Wednesday, and then they will proceed with paving on Victor, Pine and Barlow Streets. He reported that the new fuel pumps are scheduled to be installed this month, and top soil was delivered to the Recreation Park. The Public Works crew will spread the soil when the weather permits.

Chad Clabaugh, Borough Engineer, gave a brief history of the Broadway Street islands. He asked Council for suggestions pointing out that it would help with the MS4; and that some options would increase the grass area. He is gathering information and will present it to Council at the Work Session meeting.

**Moved Ms. Lawson, seconded Mr. Heyser to authorize the Borough to proceed with the incorporation process for the formation and organization of a municipal authority under the Municipalities Authorities Act for the purposes of the administration and the assessment of related fees for the implementation and operation of the Borough's Municipal Separate Storm Sewer System (MS4) and program. Motion carried unanimously.**

**Moved Mr. Schindel, seconded Mr. Heyser to approve Change Order No. 1 to the Stratton Street Storm Sewer Improvements Contract for the paving base repairs on Pine, Victor, and Barlow Street. Motion carried unanimously.**

**Moved Mr. Schindel, seconded Ms. Lawson to Approve Change Order No. 2 to the Stratton Street Stratton Street Storm Sewer Improvements Contract for a 100 day time extension. Motion carried unanimously.**

**Moved Mr. Strauss, seconded Mr. Heyser to Approve Application for Payment No. 1 for the Stratton Street Stratton Street Storm Sewer Improvements Contract in the amount of \$37,206.18. Motion carried unanimously.**

**Moved Mr. Heyser, seconded Mr. Schindel to release the financial security for public improvements for the Foursquare Church Land Development project in the amount of \$264,719.40 leaving a balance of \$0.00. Motion carried unanimously.**

**Moved Mr. Lawver, seconded Mr. Schindel to approve Payment #1 for the 2018 CDBG Curb Ramps Replacements Project submitted by Kinsley Construction. Motion carried unanimously.**

**Moved Mr. Heyser, seconded Mr. Strauss to authorize a COLA increase for retired police pensioner Kevin Wilson, to be paid from the Police Pension Plan effective August 1, 2018. Motion carried unanimously.**

**Moved Mr. Schindel, seconded Mr. Lawver to adopt a resolution to excuse the police from making contributions to the Police Pension Fund for 2018. Motion carried unanimously.**

Manager Gable reported that the Hoffman Trust Grant for the Biser Fitness Trail has been completed and closed as required by August 31<sup>st</sup>. He said that an application was submitted to the Association of Pennsylvania Municipal Management for the Charlie Sterner Internship Program.

**Moved Ms. Lawson, seconded Mr. Heyser to adopt a resolution authorizing the submission of an application for 2018 Community Development Block Grant Funds to the Pennsylvania Department of Community and Economic Development. Motion carried unanimously.**

**Moved Mr. Heyser, seconded Mr. Berger to approve the Minimum Municipal Obligation (MMO) for the Gettysburg Police and Non-Uniformed Pension Plans for 2019. Motion carried unanimously.**

### **Liaison Reports:**

#### **Main Street Gettysburg**

Deb Adamik announced that the Waterford Group Charitable Foundation Grant (employees of the Gettysburg Hotel), has awarded \$600 to Main Street Gettysburg. Ms. Adamik announced the upcoming events: BINGO, October 13<sup>th</sup> to be held at the Gettysburg Fire Department, tickets are available for \$20.00; and The Gettysburg Christmas Festival is being planned for Saturday December 1<sup>st</sup>. Information on the Gettysburg Christmas Festival can be found on the festival's website at [www.AGettysburgChristmasFestival.com](http://www.AGettysburgChristmasFestival.com).

#### **Gettysburg Area Recreation Authority**

Councilman Schindel reported that the Heritage Festival has been cancelled due to the rainy weather. He announced the upcoming events that GARA has scheduled: Bus trips to Ocean City in September and New York City in December; and "Pantsuit Politics Live" at the Majestic on November 17, 2018 at 7:00 PM, tickets are \$35.00; he noted a portion of the sales will benefit GARA.

#### **Gettysburg Municipal Authority**

Council President Naugle reported that GMA continued discussions of the York Water connection application to the Susquehanna River Basin Commission. She said the National park Service has accepted the proposed location of a new water storage tank on Herr's Ridge, but has asked for consideration of relocating a new tank proposed for Cemetery Hill to the heritage Hill Site off Natural Springs Road. GMA is considering increasing the capacity of the heritage Hill tank to 1.5 million gallons.

## **Planning Commission**

Councilman Strauss announced that there will be a Planning Commission Board Member opening upon the resignation of Sarah Kipp.

## **Recycling Committee**

Council President Naugle announced that the electronic device pick-up is scheduled for Saturday, September 15<sup>th</sup>. Information to pre-register can be found on the Borough Website or contact Judith Butterfield by September 13<sup>th</sup>.

## **Elected Official's Comments:**

Mayor Streeter announced that Police Officer Christopher Evans will complete his one-year probation period this month.

Councilman Strauss announced that a town hall meeting is scheduled for Thursday, October 25<sup>th</sup> at 7:00 PM at the Charlie Sterner Recreation Building.

There were no public comments at this time.

**Moved Mr. Schindel, seconded Ms. Lawson to adjourn the meeting at 10:30 PM to an executive session. Motion carried unanimously.**

President Susan Naugle dismissed the meeting at 11:07 PM.

Respectfully submitted,



Sara L. Stull  
Borough Secretary

I am Robin Fitzpatrick, President of the AC Industrial Development Authority and I'm here tonight on behalf of the Board of Directors and its Chairman Jim Williams. The Adams County Industrial Development Authority was created in 1998 by the Board of Commissioners; Tom Weaver, Harry Stokes and Tom Collins; pursuant to and in accordance with the Economic Development Financing Law for the purpose of acquiring, holding, constructing, improving, maintaining, owning financing and leasing of projects. The Authority shall have no power at any time to engage in business, trade or commerce for a profit as an owner or lessee of a project or otherwise. Our meetings are held on the third Thursday of each month in the offices of the Adams Economic Alliance at 8 am. Because we are a unit of county government, the meetings are public and comply with the Sunshine Act.

In 2013 after more than 10 years of the 108 North Stratton Street site commonly referred to as REDDI, members of Borough Council sought out the assistance of Senator Alloway, the Board of Commissioners and the ACIDA for help with this site. Two offers had been made that would have resulted in 100% residential use. Borough officials expressed concern about this use conflicting with their own vision of mixed used development. A partnership was created wherein the ACIDA would acquire and demolish the derelict buildings while creating a build ready site. The County of Adams agreed to guarantee financing via a commercial lender. Demolition concluded successfully and marketing of the site began in full

with the assistance of the ACOPD. The first RFP resulted in one proposal that was somewhat well received but did not show full build out as borough council desired. The second RFP dropped many of the first ones requirements and end results. One proposal was received with a mixed use concept but required 7 million dollars in public funding to make it come to fruition.

Between 2015 and the present, more than 10 developers of which I'm aware have toured the site, participated in due diligence activities, and even made an offer.

In January 2017, the ACIDA was approached by borough manager Charles Gable to participate in what was conceived as a Borough project; provide suggestions as to how the borough can increase density and therefore expand the tax base.

Borough staff, elected officials and public volunteers participated in the year plus meetings toward making recommendations, those which you are considering tonight. It was midway through that process that Tim Harrison visited the Borough and expressed an interest in manifesting your vision.

Please remember what Gary Hartman, the solicitor for the ACIDA, said when he attended a recent meeting of yours. Make decisions based on what you want for your community not for Tim Harrison or any other developer. The ACIDA is not asking you to change anything in order to sell the property. As we've seen, it can be sold and developed as is. You are considering changes and incentives that will bring about the

type of development that has not been achievable on this site  
in more than 15 years. Thank you.