

COUNCIL MEETING
APRIL 13, 1992

President Simpson called the meeting to order at 7:30 PM. Council members present included: Mr. Murphy, Mr. Troxell, Mr. Schmitt, Mr. DeHaas, Mrs. Gustafson, Ms. Giles, Mr. Zellner, and Mr. Ditzler. Also in Attendance: Mayor Linn, Chief Gantz, Don Oyler, Mr. Sterner, Mr. Lawver, Mr. Weikert, Dr. Powell, Ms. Filer, Tracy Lower representing the Times and Dave Perlis representing the Evening Sun.

Moved Mr. Schmitt, seconded Mr. DeHaas to approve the agenda as presented with the exception of moving Bob Crouthamel to follow the Mayors report. Motion carried.

Moved Mr. Schmitt, seconded Mr. Murphy to approve the minutes of the March meeting as presented. Motion carried.

Citizens in attendance:

1. Bryan Bell, Penna. Rural Housing Authority and Scattered Sites Programs attending for the purpose of the CDBG funds proposed for the Frederick Douglass House Project.

2. Bob Crouthamel, Fairfield Road, Gettysburg to discuss his land development project planned for Railroad Street.

3. Bill Walker and Jay Brown representing the Gettysburg College.

Larry Weikert gave a brief summary of the land development project submitted by Bob Crouthamel for a parcel on East Railroad Street. Recommends that Council send it back to the Planning & Zoning Commission for further review due to second letter received from the County Planning Office.

After a lengthy discussion as to proper procedure, several motions were offered:

Moved Mr. Murphy, seconded Mr. Schmitt to send proposal back to the Planning & Zoning Commission for further review. YEA: Mr. Murphy. NAY: Mr. Zellner, Ms. Giles, Mrs. Gustafson, Mr. Ditzler, Mr. Troxell, Mr. Schmitt, and Mr. DeHaas.

Moved Ms. Giles, seconded Mr. Schmitt that Council agree with the Planning & Zoning Commission to approve Bob Crouthamel's land development project. YEA: Mr. Zellner, Ms. Giles, Mrs. Gustafson, Mr. Schmitt, Mr. Troxell, Mr. DeHaas, and Mr. Ditzler. NAY: Mr. Murphy.

Mr. DeHaas - Highway Committee, reported that the Committee will be meeting on April 27th at 9:00 AM to discuss summer highway projects.

Mr. Schmitt - Property Committee will be continuing with plans for new office.

Mr. Troxell - Sidewalk Committee, reported they have been checking with homeowners about the tree program. The highway crews have been digging holes in the designated areas in preparation for the arrival of the trees.

After reporting on the Safety Committee, Mr. Ditzler moved, seconded Ms. Giles to approve the establishment of a police bicycle patrol. Motion carried unanimously.

Mrs. Gustafson - Health Committee, reported that the spring clean up will begin May 4th and that permits can be purchased at Code Enforcement office until April 30th.

Moved Ms. Giles, seconded Mr. Schmitt to reappoint Warren Stouck to the Board of Code Enforcement Appeals for a 5 year term. This term will expire in April 1997. Motion carried unanimously.

Moved Ms. Giles, seconded Mr. Schmitt to reappoint Sterling Musselman to the Civil Service Commission for a 6 year term. This term will expire in May 1998. Motion carried unanimously.

Moved Mr. Zellner, seconded Mr. Murphy to approve to advertise the amendments to the National Electrical Code, the Property Maintenance Code and the BOCA Basic Plumbing Code Ordinances for the next meeting. Motion carried unanimously.

Moved Mr. Murphy, seconded Mr. Schmitt to approve all bills and payrolls for the month. Motion carried unanimously.

Moved Mr. Murphy, seconded Mr. Schmitt to approve the Building Custodian position to be shared by the Fire Department and the Borough Offices. They will each pay 1/2 of the costs for salary and benefits. Motion carried unanimously.

Frank Leber - Bond Counsel, gave a brief summary on the Gettysburg College Revenue Bonds to be refinanced.

Moved Mr. Schmitt, seconded Mr. Murphy to adopt the Resolution approving and authorizing Gettysburg Municipal Authority to proceed with the College Revenue Bonds. Yeas: Mr. Murphy, Mr. Schmitt, Mr. DeHaas, Ms. Giles, and Mr. Ditzler. Abstentions due to possible close involvement with Gettysburg College: Mrs. Gustafson, Mr. Zellner, Mr. Troxell.

Moved Mr. Schmitt, seconded Mr. DeHaas to adopt the Resolution designating GMA to hold the required public hearings, advertisements, report to Council on the results of the hearing, and further authorizing the officers of the Borough to execute the certificate of approval in the College Bond project. Motion carried unanimously. Yeas: Mr. Murphy, Mr. Schmitt, Mr. DeHaas, Ms. Giles, and Mr. Ditzler. Abstentions again due to college ties: Mrs. Gustafson, Mr. Zellner, Mr. Troxell.

Frank Leber, the Borough's bond counsel, indicated need for \$100,000 prior to June 1, 1992 so as to settle on the purchase of the Old Library. This due to not being able to finalize financing prior to that date.

Moved Mr. Murphy, seconded Mr. Schmitt to approve Mr. Leber, Sterner and Oyler to obtain quotes for short term loan of \$100,000 for the purchase of the Library. Motion carried unanimously.

Note a Special Meeting will be held Tuesday May 5, 1992 to finalize this short term borrowing.

Managers report:

1. Submitted a letter to Adams County Planning on Council's behalf requesting Rt. 30 and SAMI initiatives be included in the PennDOT 12 year plan.
2. RIRA application has been denied for the Lincoln Square Project. We will reapply in 1993 if the state includes the program in its 1993 budget.. Main Street will continue with the brick sales in an effort to raise the local match.
3. Farmers Market will start on May 23rd and continue through October.
4. Property Committee will meet on April 20th at 10:30 AM to discuss the selling of the Borough Office building.
5. Anyone interested in attending the PSAB Conference this summer should contact the office.
6. Chief Gantz and Mr. Sterner will be attending the PELRAS Conference on May 7 & 8 in State College
7. Nothing to report at this time on the Police negotiations.

Parking Committee - Mr. Sterner reported that Mr. Little is pleased with the Courtesy Ticket Program. Quite a few merchants have agreed to help fund the cost of the tickets.

Dr. Powell gave a brief summary on the CDBG proposals.

Moved Mr. Schmitt, seconded Mr. Murphy to approve the Addendum to Loan Agreement dated November 29, 1990 by and between the Borough of Gettysburg ("Lender") and Pennsylvania Housing and Economic Development Corporation (PHEDC). Lender and PHEDC entered the Loan Agreement in order for Lender to lend to PHEDC the sum of \$46,000 to be used to acquire certain rental properties in the Borough and to carry out the scope of services as defined in the Loan Agreement. Motion carried unanimously.

Moved Mr. Schmitt, seconded Mr. Murphy to approve the Assumption and Loan Agreement by, between and among the Borough of Gettysburg, PHEDC Investments, Inc., Gettysburg Scattered Site Associates, and Pennsylvania Housing and Economic Development Corporation. The Borough has received a commitment from the Pennsylvania Department of Community Affairs for a grant of \$150,000 for use in the acquisition, demolition and rehabilitation of certain rental properties in the Borough. Motion carried unanimously.

Moved Mr. DeHaas, seconded Mr. Schmitt to approve the Loan Agreement For Community Development Block Grant Program Funds by and between the Borough and Gettysburg Scattered Site Associates. Motion carried unanimously.

Mr. Lawver reported that the highway crew would be starting to plant trees on Wednesday, April 22nd at 6:30 AM. The men have been working on several projects in the Recreation Park.

Mr. Lawver reported that the Railroad Crossing work will begin in May.

Chief Gantz reported that the Park Service denied his request for a detour route for the State Firemen's Parade in September.

Ms. Weaver read correspondence from Gettysburg College for a fund raising event to be held on April 27th at 8:00 PM to help with continuing the sister-city Project Gettysburg/Leon. Members of Council are invited to attend a recital by Philip Thomson held in Schmucker Hall, anyone wishing to attend should contact the office.

Moved Mr. Schmitt, seconded Mr. Ditzler to approve the reports of the Treasurer, Chief of Police, Code Enforcement Officer and Parking Department. Motion carried unanimously.

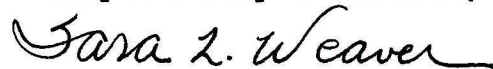
Moved Mrs. Gustafson, seconded Mr. DeHaas to approve HARB "consent agenda". Motion carried unanimously.

Mr. Murphy noted that the USS Gettysburg crew would be visiting Gettysburg on June 21 - 22. Will inform Council of the details of the schedule at a later date.

Mr. Murphy noted that the movie Killer Angels would like to film in Gettysburg but that they are still in negotiations with NPS.

With no further business the meeting was adjourned at 9:35 PM.

Respectfully submitted,



Sara L. Weaver
Borough Secretary

BOROUGH OF GETTYSBURG,
Adams County, Pennsylvania

RESOLUTION

WHEREAS, The Council of this Borough, by appropriate action heretofore duly authorized the incorporation of a municipality authority under the Pennsylvania Municipality Authorities Act of 1945, approved May 2, 1945, P.L. 382, as amended and supplemented (the "Act"), known as "Gettysburg Municipal Authority" (the "Authority"); and

WHEREAS, The Authority issues, from time to time, obligations to finance college projects located in this Borough pursuant to provisions of the Act and intends that such obligations be issued as obligations, the interest on which will be qualified for exemption from federal income taxation under provisions of Section 103 of the Internal Revenue Code of 1986, as amended (the "Code"); and

WHEREAS, The Council of this Borough has been requested by the Authority to approve, from time to time, such college projects as may be undertaken by the Authority and the issuance of such obligations to finance such projects.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE BOROUGH OF GETTYSBURG, ADAMS COUNTY, PENNSYLVANIA AS FOLLOWS:

1. The Authority is hereby designated, appointed and authorized to hold public hearings with respect to certain obligations to be issued by the Authority in connection with such projects in accordance with law as the lawful

agent of this Borough and for such purpose any one or more of the officers and/or members or the Solicitor of the Authority may conduct such hearings.

2. Following such public hearings, the Authority shall submit or cause to be submitted to this Borough a brief report, summary or synopsis of the public hearing so that this Borough may take action upon the request of the Authority for approval of the issuance of the obligations and of the proposed project to be undertaken.

3. The advertisement of such public hearings to be held on behalf of this Borough is hereby authorized.

4. The Council of this Borough designates its Mayor, President or Vice President and the Secretary or Assistant Secretary of the Borough, following any such public hearing, to execute, attest and deliver, as applicable and appropriate, a Certificate of Approval with respect to such obligations and project on behalf of the Council of this Borough.

5. All actions of the Council of this Borough and of the Authority taken in conformity with the intent and purposes of this Resolution are ratified, confirmed and approved in all respects.

DULY ADOPTED, this 13th day of April, 1992, by the Council of the
Borough of Gettysburg, Adams County, Pennsylvania, in lawful session duly
assembled.

ATTEST:

BOROUGH OF GETTYSBURG,
Adams County, Pennsylvania

By:

Sara L. Weaver
(Assistant) Secretary

By:

James E. Simpson
(Vice) President of the Council

EXAMINED AND APPROVED, this 13th day of April, 1992.

Francis J. Leno
Mayor of the Borough of Gettysburg,
Adams County, Pennsylvania

BOROUGH OF GETTYSBURG,
Adams County, Pennsylvania

RESOLUTION NO. _____

A RESOLUTION

OF THE COUNCIL OF THIS BOROUGH APPROVING THE LOCATION IN THIS BOROUGH OF A COLLEGE PROJECT OF GETTYSBURG MUNICIPAL AUTHORITY (THE "AUTHORITY"), A MUNICIPALITY AUTHORITY ORGANIZED BY THIS BOROUGH, FOR GETTYSBURG COLLEGE, A CORPORATION NOT-FOR-PROFIT, TO FINANCE THE ACQUISITION, CONSTRUCTION, FURNISHING AND EQUIPPING OF CERTAIN ADDITIONS, EXTENSIONS, ALTERATIONS, RENOVATIONS AND IMPROVEMENTS TO THE PREMISES OF GETTYSBURG COLLEGE AND TO REFUND THE AUTHORITY'S COLLEGE REVENUE BONDS, SERIES OF 1987 (GETTYSBURG COLLEGE PROJECT), DATED AS OF FEBRUARY 15, 1987; DECLARING THAT THE COUNCIL OF THIS BOROUGH APPROVES SAID COLLEGE PROJECT AND DETERMINES THAT SUCH APPROVAL DOES NOT OBLIGATE THE TAXING POWER OF THIS BOROUGH IN ANY WAY; DECLARING THAT THIS RESOLUTION IS ADOPTED FOR THE PURPOSE OF SATISFYING THE REQUIREMENTS OF SUBSECTION A OF SECTION 4 OF THE MUNICIPALITY AUTHORITIES ACT OF 1945, AS AMENDED AND SUPPLEMENTED, SO THAT CERTAIN LIMITATIONS CONTAINED IN SAID ACT WITH RESPECT TO PROHIBITING THE EXERCISE OF THE POWERS GRANTED UNDER SAID ACT IN THE CONSTRUCTION, FINANCING, IMPROVEMENT, MAINTENANCE, EXTENSION OR OPERATION OF ANY PROJECT OR PROJECTS WHICH, IN WHOLE OR IN PART, SHALL DUPLICATE OR COMPETE WITH EXISTING ENTERPRISES SERVING SUBSTANTIALLY THE SAME PURPOSES, SHALL NOT APPLY; SETTING FORTH THAT THE COUNCIL OF THIS BOROUGH DECLARES THAT SAID COLLEGE PROJECT IS DESIRABLE FOR THE HEALTH, SAFETY AND WELFARE OF THE PEOPLE IN THE AREA SERVED BY SAID COLLEGE PROJECT TO HAVE SAID COLLEGE PROJECT PROVIDED BY THE AUTHORITY; AND REPEALING ANY RESOLUTIONS OR PARTS THEREOF INCONSISTENT HERewith.

WHEREAS, The Council of this Borough (the "Council"), by appropriate action heretofore duly authorized the incorporation of a municipality authority under the Pennsylvania Municipality Authorities Act of 1945, approved May 2,

1945, P.L. 382, as amended and supplemented (the "Act"), known as "Gettysburg Municipal Authority" (the "Authority"); and

WHEREAS, Gettysburg College (the "College") is a Corporation Not-for-Profit organized and existing under laws of the Commonwealth of Pennsylvania, and has its principal place of business in this Borough; and

WHEREAS, The College proposes that the Authority finance a project to acquire, construct, furnish and equip certain additions, extensions, alterations, renovations and improvements to the premises of the College and to refund the Authority's College Revenue Bonds, Series of 1987 (Gettysburg College Project), dated as of February 15, 1987 (collectively, the "College Project"); and

WHEREAS, This Borough has declared that it approves the College Project and has determined that such approval does not obligate the taxing power of this Borough in any way.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE COUNCIL OF THE BOROUGH OF GETTYSBURG, ADAMS COUNTY, PENNSYLVANIA, AS FOLLOWS:

1. The Council of this Borough hereby specifies that the College Project, in an amount not to exceed fifteen million dollars (\$15,000,000), shall be undertaken by the Authority, to be evidenced by the College Revenue Bonds, Series of 1992 (Gettysburg College Project).

2. The Council of this Borough hereby declares that it approves the College Project and hereby determines that such approval shall not and does not obligate the taxing power of this Borough in any way.

3. The Council of this Borough hereby declares that this Resolution is adopted for the purpose of satisfying the requirements of subsection A of Section 4 of the Act so that certain limitations contained or

— provided for in the Act with respect to prohibiting the exercise of the powers granted under the Act in construction, financing, improvement, maintenance, extension or operation of any project or projects which, in whole or in part, shall duplicate or compete with existing enterprises serving substantially the same purposes, shall not apply; Therefore, the Council of this Borough hereby declares that it is desirable for the health, safety and welfare of the people in the area served by the College Project to have the College Project financed through the Authority.

4. Any other resolutions or parts of resolutions which are inconsistent herewith shall be and the same expressly are repealed.

5. In the event any provision, section, sentence, clause or part of this Resolution shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of this Resolution, it being the intent of this Borough that such remainder shall be and shall remain in full force and effect.

DULY ADOPTED, this 13th day of April, 1992, by the Council of the Borough of Gettysburg, Adams County, Pennsylvania, in lawful session duly assembled.

ATTEST:

BOROUGH OF GETTYSBURG,
Adams County, Pennsylvania

By: Gara L. Weaver
(Assistant) Secretary

By: Jeane Simpson
(Vice) President of the Council

(SEAL)

EXAMINED AND APPROVED, this 13th day of April, 1992.

Francis J. Linn
Mayor of the Borough of Gettysburg,
Adams County, Pennsylvania