

COUNCIL MEETING
NOVEMBER 12, 1991

Vice President Ditzler called the meeting to order at 7:30 PM with all of Council present except for President Frazee. Also in attendance: Mayor Linn, Don Oyler, Chief Gantz, Mr. Sterner, Mr. Lawver, Mr. Weikert, Mr. Little, Ms. Filer, Mr. Powell. Eric Persson of Main Street; Tracy Lower representing The Gettysburg Times; Dave Perlis representing The Evening Sun; Bill Walker representing Gettysburg College.

Moved Mrs. Simpson, seconded Mr. DeHaas to approve the agenda as presented.

Moved Mr. Schmitt, seconded Mr. Murphy to approve October Council minutes with Daniels correction on page 3. Motion carried.

Citizens in Attendance:

Neil Oussoren, 985 Highland Avenue, concerned with the proposed tax increase. Noted that added cost of a new borough building, swimming pool, increased contributions to the library, and Police salaries should be reviewed.

Peggy Gustafson, 429 Carlisle Street, recently elected to fill a seat on Council from the First Ward, was here to observe.

Holly Giles, 35 Chambersburg Street, observing as she will be a new member of Council, elected from the Second Ward.

Linda Cockle, 168 Carlisle Street, attending as a follow up to her permit for awning which was approved by HARB.

Jack Thrush, Springs Avenue, observing.

Dawn Williams, Susan Trostle, Bob Weikert, representing the Gettysburg Area Retail Merchants Association. Merchants are requesting that the Holiday shopping parking be free from 12:00 noon until 9:00 PM.

Moved Mrs. Daniels, seconded Mr. Murphy to approve the Holiday free parking on streets only. This would be in effect on November 29 and December 9 through January 2 from 12:00 noon until 9:00 PM. Unanimously carried.

Moved Mrs. Simpson, seconded Mr. DeHaas to proceed with the closing of Schoolhouse Alley from High Street to Wall Alley. Motion carried.

Mr. Oyler noted that his office will advertise the necessary public hearing for the Schoolhouse Alley vacation.

Moved Mr. Eline, seconded Mrs. Simpson to pay all bills and payrolls. Motion carried.

Moved Mr. Eline, seconded Mr. Schmitt to adopt the Proposed 1992 Budget in the amount of \$1,880,443. Motion carried. The budget is available in the Borough Office for citizens to review.

Moved Mr. Eline, seconded Mr. Murphy to adopt the proposed tax rates for 1992, and advertise same. Motion carried.

Moved Mr. Eline, seconded Mr. Schmitt to approve the dissolution of the Gettysburg School Board Authority. Motion carried.

Moved Mr. Eline, seconded Mrs. Simpson to approve submitting the RIRA grant application due November 22, 1991. This would be for the 2nd phase of square work in the Northwest quadrant in front of AAA Travel Service. Motion carried with Mrs. Daniels abstaining.

Moved Mr. Schmitt, seconded Mrs. Daniels to approve submitting a grant application to RIRA for a swimming pool feasibility study. YEA: Mr. Schmitt and Mrs. Daniels. NAY: Mr. DeHaas, Mr. Eline, Mrs. Simpson, Mr. Witt and Mr. Murphy. Motion failed.

Moved Mr. Eline, seconded Mrs. Simpson to accept the Company "K" Trust funds in the amount of \$3,500 for the ongoing maintenance of the monument. Motion carried.

Moved Mrs. Simpson, seconded Mr. Schmitt to approve the hiring of Crabtree Rohrbaugh as Architect for the new office building at a fee of \$39,000. Motion carried.

Moved Mr. Schmitt, seconded Mr. Eline to authorize Mr. Sterner to proceed with the 1989 Bond Self Liquidating Debt proceedings. This will be reported back to Council when all is in order to file with PA DCA. Motion carried.

Moved Mr. Schmitt, seconded Mrs. Simpson to approve the Amendment to the Agreement of Sale for the Old Library. Motion carried.

Mr. Murphy noted that sidewalk repairs on the southwest side are going very well and will finish marking by Friday Nov. 22. They will continue with the Northwest side in March.

Mr. Murphy noted that the Tree Committee will meet at 4:00 PM on Friday, November 15.

Moved Mr. Witt, seconded Mr. Schmitt to adopt the amendment to the Solid Waste Ordinance. Motion carried.

Moved Mr. Witt, seconded Mr. Murphy to adopt an ordinance providing for collection of recyclable materials and imposing penalties for violations thereof. Motion carried.

Moved Mr. Witt, seconded Mr. Schmitt to approve the recycling program regulations established for Borough residents. Motion carried.

Moved Mr. Witt, seconded Mr. Schmitt to approve extending the no parking zone on the East side of South 5th Street, South of Hanover Street. The zone will be extended approximately eighty-seven feet beyond the current yellow line. Motion carried.

Moved Mr. Schmitt, seconded Mr. Eline to approve the Adams County 911 Agreement. Motion carried.

Managers Report

1. Will proceed with the widening of Race Horse Alley. The College has agreed to deed to the Borough 12 feet along the entire south side of the Ice House property.
2. Lincoln Square is progressing slowly with the landscaping soon to be complete. Crosswalks should soon be completed.
3. Jean Simpson, Roosevelt Sistrunk and Charlie Sterner are the Committee for the Eichelberger-Stahle Charity Fund. They will submit names for December meeting.

Mr. Little thanked Council on behalf of the Veterans for its part in the Flag Ceremony November 11 on the Square.

Moved Mrs. Simpson, seconded Mr. Witt to approve changing the parking meter hours, on borough streets only, back to 8:00 PM instead of 9:00 PM. Mr. Oyler to advertise the ordinance for the December meeting.

Moved Mr. Schmitt, seconded Mr. Eline to adopt the Recreational Improvement and Rehabilitation Act (RIRA) Program Resolution. The purpose of obtaining grant funds is to rehabilitate the Northwest Plaza of Lincoln Square Park in the amount of \$152,160. Motion carried.

Mr. Lawver reporting for the Highway Department noted that they will continue with leaf pickup throughout November. Streets will be done first then the alleys. The men are still working on the sidewalk at the Rec Park along Long Lane.

Mr. Weikert reported that the recycling bins have been distributed to all residential properties.

Moved Mrs. Simpson, seconded Mr. Schmitt to approve the Frederick Douglas Homes subdivision submitted by Interfaith Housing located at the corner of High and Franklin Streets. Motion carried.

Moved Mr. Schmitt, seconded Mrs. Simpson to approve the reports of the Treasurer, Chief of Police, Code Enforcement, and Parking. Motion carried.

Moved Mrs. Daniels, seconded Mr. Schmitt to approve HARB "consent agenda" including 3A, 3B, 4B, and 4C. Motion carried.

Mrs. Daniels and Mr. Eline discussed Council's November decision permitting the demolition of Building B of the Ice House project. Mrs. Daniels questioned whether it is permissible to demolish a structurally viable building in order to widen an alley. HARB is to protect and revive the Historical Buildings.

Moved to adjourn at 9:35 PM.

Respectfully submitted,

Sara L. Weaver

Sara L. Weaver
Borough Secretary

RESOLUTION

WHEREAS, A Certificate Requesting Termination (the "Certificate") executed by each of the members of the Gettysburg School Authority (the "Authority"), dated May 23, 1991, has been presented to this meeting by the Solicitor to the Authority; and

WHEREAS, THE Certificate has been reviewed and approved by the Borough Solicitor; and

WHEREAS, in order for a Municipal Authority to dissolve it is necessary under the law for the sponsoring municipality to approve the Certificate of Dissolution; and

WHEREAS, the Borough of Gettysburg has chartered the Authority; and

WHEREAS, it appears as though all real estate of the Authority has been conveyed to the Gettysburg Area School District; all outstanding bills and other money obligations have been satisfied or otherwise adequately provided for; and it further appears that there is no further need to continue the existence of the Authority.

NOW THEREFORE BE IT RESOLVED, that the Borough does hereby approve the Certificate of Dissolution of the Gettysburg School Authority in the form presented by the Authority to this Meeting;

BE IT FURTHER RESOLVED , that the appropriate Borough officials are directed and authorized to note on the Certifi-

cate this approval by their signatures and by the seal of this Borough.

ADOPTED this 12th day of November, 1991.,
at a duly advertised meeting of the Borough of Gettysburg.

BOROUGH OF GETTYSBURG

By: [Signature]
Vice - President
Borough Council
J. William Ditzler

ATTEST:

Gara L. Weaver
Secretary

CERTIFICATE REQUESTING TERMINATION

THIS CERTIFICATE is made this 23d day of May 1991, by the Gettysburg Area School Authority (the "Authority") to the Borough of Gettysburg, Adams County, Pennsylvania (the "Borough") pursuant to the provisions of the Municipality Authorities Act of 1945, 53 P.S. §301 et seq., and especially §317, relating to termination of the existence of the Authority.

The Authority hereby certifies and represents to the Borough that:

1. The Gettysburg School Authority was incorporated under the provisions of the Municipal Authorities Act by the Borough by an Ordinance enacted on the 7th day of August, 1950, the Certificate of Incorporation having been duly issued by the Secretary of the Commonwealth of Pennsylvania on August 29, 1950, file No. 3-1-50.21 1382. A copy of the Certificate of Incorporation is attached as Exhibit "A".

2. The purpose of the Authority was to provide financing of school building projects for the Gettysburg Area School District (the "School District") by the issuance of school revenue bonds secured by lease rentals from the School District.

3. Pursuant to its purpose the Authority, over the years, has acquired and held in its name fee simple title to various tracts of real estate upon which school buildings and appurtenances were erected and leased to the School District.

4. Further pursuant to its purpose the Authority, over the years, has issued various public bonds, the payment of which were secured by the revenues from the leases with the School District.

5. The Authority, by various deeds of conveyance, has conveyed all interest in all real estate it once held to the School District with the result that the Authority has no interest remaining in any real estate. The opinion of the Authority Solicitor to the effect the Authority holds no interest in real estate is attached as Exhibit "B".

6. The Authority, through its Trustees, has finally and fully paid and discharged all outstanding bonds, together with interest due thereon, and it has settled all other claims which were outstanding against the Authority. A report by the Authority Auditor to the effect that all obligations of the Authority have been satisfied is attached as Exhibit "C".

7. The school District adopted a Resolution on April 22, 1991, suggesting that the Authority dissolve. A copy of the Resolution is attached as Exhibit "D"

8. The Authority, at a duly advertised meeting, adopted a Resolution dated May 23, 1991, providing for the dissolution and termination of the Authority. A copy of the Resolution is attached as Exhibit "E".

WHEREFORE, the Authority respectfully requests the Borough of Gettysburg approve this Certificate, and approve

the request of the Authority that the Authority be terminated and dissolved, and further that the Borough forward this Certificate, with its approval endorsed, to the Secretary of the Commonwealth for filing with that Office.

Respectfully,

GETTYSBURG SCHOOL AUTHORITY

BY:

BY:

BY:

BY:

BY:

APPROVED by Resolution at a regular meeting of the Borough Council of the Borough of Gettysburg, Adams County, Pennsylvania, on the 12 day of November, 1991.

GETTYSBURG BOROUGH

BY:

Vice-President

BY:

Mayor

ATTEST:

Sara L. Weaver
Secretary

3-1-50.21 1382



DEPARTMENT OF STATE

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

WHEREAS, In and by the provisions of Act No. 164, approved the second day of May, Anno Domini one thousand nine hundred and forty-five, P. L. 382, as amended, the Department of State is authorized and required to issue a

CERTIFICATE OF INCORPORATION

evidencing the incorporation of an authority under the provisions of said Act.

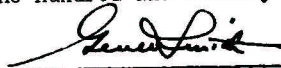
AND WHEREAS, The stipulations and conditions of said Act have been fully complied with by the Municipal Authorities of the Borough of Gettysburg, County of Adams, and Commonwealth of Pennsylvania, desiring the organization of

THE GETTYSBURG SCHOOL AUTHORITY

THEREFORE, KNOW YE, That subject to the Constitution of this Commonwealth, and under the authority of Act No. 164, approved the second day of May, Anno Domini one thousand nine hundred and forty-five, P. L. 382, as amended, I DO BY THESE PRESENTS, which I have caused to be sealed with the Great Seal of the Commonwealth, declare and certify the creation, erection and incorporation of "THE GETTYSBURG SCHOOL AUTHORITY", into a body politic and corporate in deed and in law by the name chosen and hereinbefore specified, now to become operative with authority to transact business, and which shall exist for a term of fifty years unless sooner dissolved according to law.

Such corporation shall have and enjoy and shall be subject to all the powers duties, requirements, and restrictions, specified and enjoined in and by the above Act of Assembly and all other applicable laws of this Commonwealth.

GIVEN under my Hand and the Great Seal of the Commonwealth, at the City of Harrisburg, this 29th day of August, in the year of our Lord one thousand nine hundred and fifty, and of the Commonwealth the one hundred and seventy-fifth.


Secretary of the Commonwealth



haw

EXHIBIT "A"

SWOPE, HEISER & McQUAIDE
ATTORNEYS AT LAW
104 BALTIMORE STREET
GETTYSBURG, PENNSYLVANIA 17325

DONALD M. SWOPE (1913-1982)
HENRY O. HEISER, III
ROBERT L. McQUAIDE

ROY A. KEEFER
HAROLD A. EASTMAN, JR.

TELEPHONE (717) 334-2134
FAX NUMBER (717) 334-8065

J. DONALD SWOPE (1907-1940)
SWOPE, BROWN & SWOPE (1940-1956)
BROWN, SWOPE & MacPHAIL (1956-1966)
DONALD M. SWOPE (1966-1969)
SWOPE & FRAZEE (1969-1980)

October 15, 1991

Gettysburg Borough
34 East Middle Street
Gettysburg, PA 17325

Ladies and Gentlemen:

This office is solicitor to both the Gettysburg Area School District and Gettysburg School Authority, having served in those capacities for more than the last twenty years. We have caused a search to be performed of the land records of Adams County, Pennsylvania.

Based on the aforementioned search, it is our opinion that the Gettysburg School Authority does not have recorded title to any real estate interests in Adams County, Pennsylvania.

Very truly yours,

SWOPE, HEISER & McQUAIDE


Robert L. McQuaide

RLM:met

EXHIBIT "B"