

**COUNCIL MEETING
OCTOBER 9, 2001**

President Eline called the meeting to order at 7:30 PM with the following Councilors present: Mr. Streeter, Mr. Monahan, Mr. Murphy, Ms Smith, Mr. Fleet and Mayor Troxell. Ms. Giles, Mr. Miller and Mr. Andrews were absent. Staff present included Manager Sterner, Secretary Stull, Solicitor Eastman, Highway Superintendent Lawver, Code Enforcement Officer Weikert, Rec Director Weikert, Parking Manager Little Main Street Director Trostle.

Representing the press were Beth Kanagy of the Times and Stacey Ward of the Evening Sun.

Mr. Murphy offered a resolution for Council's approval that notes, with deep regret, the passing of the Reverend Doctor Robert MacAskill on September 25, 2001. Moved Mr. Streeter, seconded Mr. Monahan to approve the resolution in remembrance of Reverend MacAskill. Motion carried unanimously. The resolution will be conveyed to his family and included with the Borough's official record.

Moved Mr. Streeter, seconded Mr. Monahan to approve the agenda as presented. Motion carried unanimously.

Moved Mr. Streeter, seconded Mr. Monahan to approve the September 10 minutes as presented. Motion carried unanimously.

Citizens in attendance:

Carol Miller, Hay Street, read a letter to Council expressing her support for the police union. She suggested the police be granted health insurance at retirement, with officers contributing to that cost if need be.

Vicky Corbett, United Way of Adams County, expressed her opposition to the proposed loitering ordinance. She feels this will discriminate against all youth, especially the minority youth.

Sheila Supenski, AME Zion Church and Axa Jones, The Center/El Centro, also voiced opposition to the loitering ordinance.

Tammy Myers, Civil War Wax Museum, attended to follow up on the Wax museum request for Borough assistance in replacing their concrete walks with bricks.

Jim Ekdahl and John Krichten attended to follow up on their HARB application.

Richard Schmoyer, Adams County Planning Office, attended to answer any questions on the bike trail Resolution.

Mr. Eline reported on the North Gettysburg Trail. The County is recommending in order to satisfy grant requirements, that the several municipalities agree to continued maintenance of the trail after construction. He asked Council to approve a resolution agreeing to continued maintenance of the trail so that the County can submit the application for funding.

Mr. Fleet, noting that the grant is to PennDOT under the CMAQ program, asked if it would compete, or would there be funds for that project as well as the Borough's submission for shuttle money. Schmoyer said the County is set to receive about 2 million dollars, which is sufficient for both projects.

Mr. Murphy asked about the location of the trail. Schmoyer replied that the trail is both on and off road. The first phase would connect the Borough to the new high school. Only a very small portion of phase one is in the Borough. The trail would begin on Carlisle Street, proceed through the county land to the Old Harrisburg Road, north through NPS lands. It will traverse both Cumberland and Straban townships.

Mr. Streeter noted that while he supports the trail, he is concerned about the long term effect to our busy the highway crew. They may be over taxed with additional maintenance responsibilities.

Moved Mr. Fleet, seconded Mr. Streeter to adopt the resolution agreeing to assisting with the maintenance of the trail, and offering support to the grant applications for engineering and construction from appropriate state offices for the North Gettysburg Trail. Motion carried unanimously.

Mr. Monahan reported on the Safety Committee meeting. The Committee is prepared to recommend to Council the adoption of the Loitering Ordinance.

Mayor Troxell noted we do need and he supports a loitering ordinance. Something needs to be done to solve these problems and also work with the youth.

Mr. Streeter pointed out that certain folks spend much time on the Square and asked Mr. Eastman about the legality of the ordinance.

Solicitor Eastman noted that he has some concerns but is not prepared to discuss them.

Mr. Fleet noted that under the proposed ordinance loitering shall mean remaining in essentially one location either alone or in concert with others.

Ms. Smith asked what is the cause of the loitering. What are youth doing congregating in these areas. She asked if we would just push from one area to another. She also questioned if they simply don't have anything to do.

Mayor Troxell reported some are drug related problems. Other areas such as, York and Lancaster do have loitering ordinances. He believes the ordinance will make the community a better place.

Mr. Monahan noted the benches on the square were put there to rest not to sit all day and night or to sleep on. Calls are made to the police department but the Chief says there isn't much they can do. Mr. Monahan feels a loitering ordinance would provide the police with a good tool.

Mayor Troxell noted we do need to do something to help citizens that are being disturbed by loitering problems. If the ordinance doesn't work it can be amended.

Solicitor Eastman pointed out that some ordinances around the country have been unconstitutionally vague and declared invalid by the courts. We would need to clearly define what is illegal conduct. The courts have ordered that such ordinances should tie in with criminal acts such as, drugs, prostitution etc.

Mr. Fleet suggested reviewing the ordinance from Lancaster and to send the ordinance back to the committee for further review.

Mayor Troxell noted this has been on going for several years. Interested citizens should come to the committee meeting to help work out this ordinance.

Solicitor Eastman pointed out that we now have in place a loitering ordinance. We would simply amend that one.

Mr. Monahan invited anyone that is interested in attending the next Safety Committee for further discussion should do so on Monday, October 15 at 3:00.

Mr. Monahan reported on the Legislative Committee. They met with Commissioners Collins and Weaver to discuss the pillow tax. Council lobbied for a portion of the tax and it appears that we will get something. They also met with Senator Punt to discuss the Pillow Tax, Train Station and Wills House. A luncheon is being planned for Wednesday, November 7 with Representative Maitlands staff.

Mr. Streeter reported the Transportation Committee met with Senator Punt along with other officials to discuss the Adams County Route 30 Corridor Study for the 2003 transportation program.

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

Moved Mr. Murphy, seconded Mr. Monahan to approve HARB consent agenda as presented. Motion carried unanimously.

Mr. Monahan reported the Community Development Committee invited Cathy Cresswell, Adams County Economic Development Corporation, to meet with Council to discuss upcoming projects and see what initiatives they are taking on behalf of the Borough. Mr. Murphy noted Ms. Cresswell will be attending the next Finance Committee meeting on Wednesday, October 17 at 4:00.

Mr. Fleet reported the next College Relations meeting will be held at the College on Thursday, October 18 at 3:00.

Mr. Fleet noted the Residential Rental Unit Ordinance will be ready for adoption in November.

Ms. Smith reported the next Human Relations Committee will be held on Thursday, October, 11 at 4:00.

Moved Mr. Monahan, seconded Mr. Fleet to approve the addendum to the C.S. Davidson engineering contract for the parking garage in the amount of \$14,700 for design of the lateral resisting system and \$36,900 on the floor design of the rest room facilities. Motion carried unanimously.

Moved Mr. Fleet, seconded Ms. Smith to approve the resolution authorizing GPU to install a streetlight in Zerfing Alley East (near the rear of 314 E. Middle) on pole #14771-18145. Motion carried unanimously.

Manager Sterner reported the Public Works Committee recommend that the Borough assist the Wax Museum with concrete walk removal in their project to install brick walks. The work will need to be done at a slow time to meet the Highway Department schedule.

Solicitor Eastman presented Council his status report for their review.

As Pension Administrator, Manager Sterner presented Council with the 2002 Pension MMO (Minimum Municipal Obligation). It will be included in the 2002 budget document.

He asked that Council schedule a session on Monday, November 5 at 7:00 PM to work on the proposed 2002 budget.

Moved Ms. Smith, seconded Mr. Murphy to reappoint Dorothy Fidler to the Shade Tree Commission for five (5) years, said term to expire in October 2006. Motion carried unanimously.

Moved Mr. Fleet, seconded Mr. Streeter to reappoint by Resolution, Beverly Ruggles to the Regulated Rental Unit Appeals Board for five (5) years, said term to expire on October 31, 2006. Motion carried unanimously.

Mrs. Stull reported Holly Weaner, Straban Township and Richard Harris, Highland Township declined to accept re-appointment as townships representatives to the Rec Board.

Mr. Trostle reported the Main Street MOU will be ready to be signed at next months meeting. The parties will be invited to the meeting for a ceremonial signing.

Ms. Weikert reported the grand opening of the new Rec building is being planned for Sunday, November 18. She reported that Mr. LeVan donated another \$25,000 for a total of \$50,000. The large assembly room will be named in honor of his family.

Mr. Little suggested that Council end the meeting with a moment of silence for all the lives lost on September 11.

After a moment of silence, Council convened an executive session.

After a brief time in executive session, President Eline re-opened the meeting to the public. He announced the purpose of the executive session was to discuss a personnel matter and to receive an update on pending litigation from the solicitor.

With no further business to come before Council, moved Mr. Murphy, seconded Mr. Fleet to adjourn the meeting at 9:30 PM.

Respectfully submitted,



Sara L. Stull
Borough Secretary

