

COUNCIL MINUTES  
FEBRUARY 14, 2005

President Streeter called the meeting to order at 7:30 PM with the following Councilors present: Ms. Giles, Mr. Eline, Mr. Monahan, Ms. Smith, Mr. Murphy, Mr. Peterson and Mayor Troxell. Staff included Manager Sterner, Secretary Stull, Solicitor Eastman, Planning Director Powell, Parking Manager Little, Rec Director Corson, Finance Director Overton and Public Works Director Gammell.

Representing the press were Matt Major of the *Gettysburg Times* and Christina Kustofic of the *Evening Sun*.

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

Moved Mr. Peterson, seconded Mr. Monahan to approve the Public Hearing and Council Minutes of January 10<sup>th</sup> as presented. Motion carried unanimously.

Mayor Troxell presented proclamations to Phillip Murray of the Gettysburg Hotel, Ron Hankey of Adams County National Bank and Chris Glatfelter of the Adams County Arts Council for their contributions and continued support of the annual New Years Eve celebrations. All received a hearty round of applause!

Citizens in attendance:

Herb Riede, Leadership Adams/Hanover, who also serves as a council member in McSherrystown, presented Council with a resolution for consideration of a community support program for schools. Mr. Streeter referred this to the Community Development Committee for further review.

Nell Matthews, 248 Springs Avenue, reported to Council on the newly formed Gettysburg Community Pool Committee. They meet once a month and hope to find a location and funding for a pool for the community. They plan to apply to the state of a grant that would fund a feasibility study and need Council's authorization. Mr. Streeter referred her to the Finance Committee.

Jim Ekdahl, Times Square II, attended to observe and answer any questions concerning the amendment to the Zoning Ordinance and Map.

Jonathan Patrono, Patrono & Associates and Giovanni Cucuzza, La Bella Italia Restaurant, attended to answer questions pertaining to the process of renovations at Mr. Cucuzza's restaurant on York Street.

Mr. Streeter announced a Council Workshop would be held on Wednesday, March 9<sup>th</sup> at 6:00 PM at the Hotel. The agenda will include the Housing Authority and

redevelopment of the Third Ward. Invited guest will include Gary Shaffer, Architect, Alice Estrada, Main Street Gettysburg and Housing Authority representatives.

Moved Mr. Eline, seconded Mr. Murphy to enact an ordinance amending the Borough Zoning Ordinance and the Zoning Map by changing the zoning district designation for a two (2) acre tract of land, fronting on East Water Street, from the Industrial District to the R-2 Moderate Density Residential District. Motion carried unanimously.

Moved Mr. Eline, seconded Mr. Murphy to reallocate \$10,211.27 in Fiscal Year 2001 CDBG funds to FY 2004: \$5,105.64 to the Borough of Gettysburg for Code Enforcement and \$5,105.63 to Adams County Housing Authority for the Digges-Monroe housing project on South Washington Street. Motion carried unanimously.

Mr. Eline thanked everyone who attended and supported the DEP announcement of our participation in their BAT program.

Mr. Monahan expressed his concerns in regards to Main Street's position on the use of the Train Station, particularly regarding retail space.

Ms. Giles asked Solicitor Eastman to give a brief overview on the amendments to ordinances that would allow alcohol within the Rec Park. She also suggested requiring persons holding events to be responsible for having liability insurance. Solicitor Eastman reported he reviewed the Borough Ordinance, Chapter 6, Conduct and Rules and Regulations that would need to be amended to enable the transportation and use of alcohol for certain outdoor events (subject to Borough approval) such as beer and wine festivals within the Rec Park. Mr. Peterson expressed his opposition to such events in the Rec Park and exposing children to alcohol.

Ms. Giles reported that she has resigned from the Adams County Planning Commission. Mr. Streeter referred this to the Human Relations Committee to find a suitable replacement.

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

Moved Mr. Murphy, seconded Ms. Smith to enact an ordinance amending the tax collector's compensation ordinance by setting the tax collector's compensation at \$1.80 for each tax account collected. Motion carried unanimously.

Moved Mr. Murphy, seconded Mr. Monahan to authorize a 3.86 % COLA for retired police officer Dennis Wright effective November 1, 2004. Motion carried unanimously.

Mr. Monahan reported that he has arranged to meet with our congressional delegation in Washington, DC on March 3<sup>rd</sup>. His committee will meet with Cong. Platts and Senators Specter and Santorum.

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

Ms. Smith gave a brief report for the Shade Tree Commission on the two sycamore trees in the parking lot of the Housing Authority (the old High Street School). Both trees were inspected by a tree health expert from Cumberland Valley Tree Service and found to be in poor condition. They would need to undergo a very expensive rehabilitation process which could take up to seven years. Ms. Giles asked that Wayne Mayers, Landscape Architect, who also serves on the Shade Tree Commission, review the report to see if the trees must be removed. Mr. Peterson noted that the Housing Authority is simply looking for direction from Council and if they can be saved they would do their best.

Ms. Smith introduced Winfield Hall who is the Borough's newly named part time volunteer coordinator.

Ms. Smith reported that the College Community Committee met and discussed various college issues and Greek life.

Mr. Peterson presented Council with a brochure that the Rec Park Capital Campaign designed for use in fund raising.

Moved Mr. Peterson, seconded Mr. Murphy to reappoint Craig Showvaker to the Property Maintenance Appeals Board for a two-year term to expire in 2006; to accept the resignation of Charles W. Sterner as Assistant Borough Secretary and to adopt a resolution appointing Merry V. Bush as Assistant Borough Secretary. Motion carried unanimously.

Bids for materials were opened for the Railroad and Baltimore Street projects:

Hanover Concrete	\$93.00 per c y	Railroad Street
Hanover Concrete	\$93.00 per c y	Baltimore Street
Conewago Concrete	\$95.00 per c y	Railroad Street
Conewago Concrete	\$95.00 per c y	Baltimore Street

The Manager and Solicitor will review the bid documents and we will submit to Penn DOT for approval.

Solicitor Eastman reported that Council would need to hold a Public Hearing on the liquor license transfer of Mr. Cucuzzo, owner of the La Bella Italia Restaurant, and then grant approval, if Council desires, by resolution or ordinance.

Moved Mr. Monahan, seconded Mr. Murphy to advertise a Public Hearing on the matter of the La Bella liquor license transfer either February 28, 2005 at 2:00 PM or on March 14, at 7:00 PM, dependant on the need to meet the 45 day requirement. (Mr. Eastman will report on the need to meet within 45 days at a later time.) Motion carried unanimously. *Subsequent to this meeting, Mr. Eastman determined that the hearing could be held on Monday, March 14 at 7:00 PM prior to the regular meeting of Council and that hearing was properly advertised.*

Ms. Stull reported that the Adams County Office of Planning and Development has requested that Council appoint a representative to serve on the Adams County Comprehensive Plan. Mr. Streeter agreed to serve.

Mr. Powell reported that 1863 railroad tracks were discovered under the floor of the train station. Steps will be taken to properly preserve them.

Ms. Gammell reported she and the GMA engineers are preparing a presentation on water and sewer for the public works committee meeting in March. A tour of the Gettysburg Municipal Authority will follow.

Mr. Little announced the Chamber of Commerce voted to keep the Farmers Market on the square.

Solicitor Eastman gave a brief report on the financial security that is required by La Bella Italia Restaurant for completion of public improvements on their land development project. The amount estimated by La Bella's architect was \$5,116.65 however; the Borough Engineer estimated the cost to be \$5,757.40, a difference of \$640.75. The amount would be due and held in escrow at ACNB until completion of the project.

Moved Mr. Monahan, seconded Mr. Murphy to set the security amount for La Bella at \$5,116.65. Following a brief discussion, the motion and second were withdrawn.

Mr. Patrono noted that La Bella could send invoices for the work directly to the Borough for payment from the security deposit. Council agreed that after inspection by the Borough Engineer these invoices would be paid from the escrow account.

Moved Mr. Monahan, seconded Mr. Murphy to set amount of financial security for the completion of public improvements in connection with the La Bella Italia Restaurant land development project in the amount of \$5,757.40 consistent with the letter of the Borough's engineer, C.S. Davidson, Inc., dated February 1, 2005 in the form of an escrow deposit account with Adams County National Bank. Motion carried unanimously.

Council adjourned to an executive session.

At the conclusion of the executive session, it was announced that the purpose of the executive session was to discuss real estate matters.

Solicitor Eastman reviewed the Option Agreement between Marina Cullison and Shelly Verber, co-partners trading as Parksville Properties and the Borough of Gettysburg. The Option Agreement would be in effect for a period of 2 years, expiring in 2007 unless extended in writing by both parties. A settlement date has been scheduled for Wednesday, February 16, 2005 at 1:30 PM.

Moved Mr. Monahan, seconded Mr. Murphy to approve the Option Agreement between Parksville Properties and the Borough of Gettysburg in the amount of \$1,800,000.00. Motion carried unanimously.

With no further business, Mr. Monahan moved, seconded Mr. Murphy to adjourn the meeting at 9:25 PM.

Respectfully submitted,



Sara L. Stull  
Borough Secretary

