

Special Meeting  
April 5, 1994

President Simpson called the meeting to order at 7:30 pm with all councilors and Mayor present. Also attending: from the Borough: Solicitor Oyler, Manager Sterner and Eric Perrson; from Gettysburg Municipal Authority: members Allen Larson, Carl Swinn and Melvin Crouse, Solicitor Charles Wolf, and Manager James Watson; County Commissioners Harry Stokes and Richard Waybright and Solicitor John White; ACEDC Director Robert Hendricks; and *Times* reporter JoAnn Bartlett.

The purpose of the meeting: to consider authorizing Gettysburg Municipal Authority to accept sewage from the proposed county business park located at the southeast corner of the intersection of U. S. Route 30 and 15.

Solicitor Oyler explained that GMA has traditionally requested Council's permission to expand its services beyond current areas. He noted that actual permission may not be a requirement for extension of service beyond the Borough, or current service area, but that GMA also requests that the Borough endorse any borrowing so as to obtain better interest rates. He further reminded Council that a resolution had been adopted in August of 1993 authorizing this request, but that approval was later rescinded. In any case, the County of Adams is prepared to proceed with plans for the business park, and action needs to be taken to provide sewer service to that parcel. The county also developed a proposed agreement for all parties involved in this undertaking including the County, ACEDC, GMA, Gettysburg and Straban Township. The agreement would outline specific actions, limitations to the sewerage expansion, and insure that all parties play a role in the planning and development of the Route 30 corridor.

GMA Chair Larson summarized the County's request for sewerage. The total flows from this project will likely approach 350,000 gpd as the park is completely developed. A limiting factor today, however, is the fact that the existing 8 inch interceptor serving the Route 30 corridor will only handle an additional 39,000 gpd, therefore the GMA will accept this amount, which will enable the park to begin development.

Of course at some future date, as the park develops, a new interceptor will be required, and the existing treatment plant will need to be expanded to accept additional flows. The plant was originally constructed with expansion in mind, and space is available to install an additional clarifier which will treat about 800,000 gpd, at an estimated cost of \$1 million. At this time, it appears the allotment of that future capacity will be:

350,000 gpd to the business park, 200,000 for Straban Township, and the remaining 250,000 gpd for the Borough. Cost of the plant expansion then would be financed by ACEDC, Straban Township, and GMA. GMA, however, would collect its cost of expansion through tapping fees from future developers.



To further clarify existing capacities along the Route 30 corridor, Mr. Larson explained that Straban Township reserves 140,000 gpd in what is know as "Segment 4". Of that 140,000 gpd, Straban's current flows total 85,000 gpd and of the remaining 55,000 gpd all but 4,000 is reserved. The 39,000 gpd for the business park is over and above the 140,000 gpd capacity of Segment 4.

Several Councilors expressed concern that this expansion may trigger DER to demand that GMA and Straban extend the serviced area beyond Route 15 to address immediate sewer needs where on-site systems are not adequate. DER normally requires municipalities to develop strategies to effectively plan for future sewage demands (Act 537 Plans), and concern has been expressed that Straban has neglected this important planning aspect. GMA officials admitted that DER could impose such a requirement, but that GMA has no intention of solving Straban's sewer problems.

When asked about the business park, Mr. Hendricks explained that ACEDC is under strict timetables to proceed, due to grant requirements, so it needs approval for sewerage quickly. The 39,000 gpd will allow ACEDC to develop 6 to 8 small businesses, which hopefully will be developed within 3 years. At this time ACEDC has no firm commitments, but does have several prospects. ACEDC will be ready to sell within 12 to 18 months, which allows time to build the infrastructure.

Solicitor Wolf noted the Straban Township Solicitor had advised Straban Supervisors not to enter into the proposed agreement between the Borough, GMA, County, ACEDC and Straban. He listed several reasons for this recommendation, most notably that, in his opinion, the Borough has no involvement in this project, no requirement to authorize GMA actions, and the agreement was simply a matter of the Borough attempting to control Straban Township's land use. Commissioner Stokes reasoned that the issue is a very complex matter, that all parties do have a stake in the development of the business park, and to insure that all are protected and have opportunity to take part in this processs, all should be a part of the agreement. GMA chair Larson admitted that he too would not recommend executing the current form of the agreement, that modifications would be necessary to statisfy GMA.

Solicitor Wolf commented again on the need for GMA to ask permission from Borough Council for this expansion of service area: the Borough created the Authority; GMA has a long tradition of wanting Council's blessing on such matters, indeed that it has always come before Council with this type of request; to give Council an opportunity to comment; to be certain that such expansions beyond our boundaries do not cost our citizens; and of great importance, to allow GMA's bonds to be guaranteed by the Borough, thereby saving financing costs through better bond ratings.

County Solicitor White summarized the immediate needs: the County wants to move on its business park; GMA won't grant approval without Council's approval; the best way for this project to proceed is with the cooperation of all parties, especially the Borough, but should the Borough not execute the agreement, then to simply adopt a resolution similar to the one passed in August of 1993.

After all those present retired from the room, Council discussed the issues and its options. Sterner noted through the years previous councils have expressed deep concerns about development along our immediate borders. Usually Straban (as well as Cumberland and the NPS) approve developments without considering the impact to the Borough, or allowing Council an opportunity to comment. The Borough has developed strategies and initiatives to maintain the health of its fragile economy, and continues efforts to keep business and entities within our borders. At some time, be it now with the proposed agreement or before the business park expands, Council should initiate meaningful dialogue with its neighbors to pursue regional planning, as well as delivery of services.

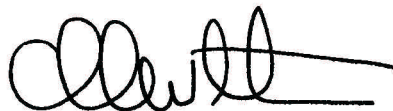
Council was in agreement that the business park is a good investment for the future of Adams County and any action that it takes should be to support the County and ACEDC. Since it appeared that Council's endorsement of the proposed agreement between the five parties may slow the progress of the business park, it was determined the best method was to simply re-adopt the previous resolution, with a minor alteration.

After all returned to the room, a motion was made by Mr. Zellner, seconded by Mr. Troxell to adopt the resolution authorizing GMA acceptance of the 39,000 gpd of sewage from the business park, and requesting opportunity to review the agreement which GMA will enter into for the expansion. Unanimously approved.

Commissioner Stokes thanked Council for its interest and support of the business park, and for its action tonight, even though Council did not execute the agreement proposed by the County. He remarked that Council should, in the near future, prepare to discuss the overall treatment plant expansion that will be required with the progress of the business park.

With no further business, motion to adjourn at 9:30 pm.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'C. Sterner', with a long horizontal line extending to the right.

Charles W. Sterner  
Borough Manager/Treasurer



**Borough of Gettysburg**

**Resolution**

**WHEREAS**, Adams County Business Park is intended to be developed in Straban Township, Adams County, Pennsylvania, at the southeast corner of the intersection of U. S. Route 30 and U. S. Route 15; and

**WHEREAS**, Gettysburg Municipal Authority has been requested to accept sewage from such Business Park for treatment at its sewage treatment plant; and

**WHEREAS**, Borough of Gettysburg has been asked to indicate whether or not it has any objections to the granting of such request; and

**WHEREAS**, Borough of Gettysburg does not object to such request so long as there is no cost to the Borough or to current users of the system.

**NOW BE IT RESOLVED**, that Borough of Gettysburg hereby consents to the acceptance of sewage from the Adams County Business Park by Gettysburg Municipal Authority for treatment at its sewage treatment plant at no cost to the Borough or to the users of the system either within the Borough or within the areas outside the Borough (other than Segment 4 designated in the Straban Township Act 537 Plan) currently served by that system.

**FURTHER RESOLVED**, that the Borough of Gettysburg be given the opportunity to review the Adams County Business Park sewer and water agreement before it is entered into by Gettysburg Municipal Authority.

I do hereby certify that I am the duly qualified and acting Secretary of the Borough of Gettysburg; that the foregoing Resolution was adopted at a special meeting of the Borough Council of that Borough duly held on April 5, 1994, at which meeting a quorum was present and voting; and that such Resolution has not been amended nor rescinded and remains in full force and effect on the date hereof.

April 5, 1994  
Date

Sara L. Weaver  
Secretary



**BOROUGH OF GETTYSBURG,  
Adams County, Pennsylvania**

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**RESOLUTION**

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WHEREAS, The Borough of Gettysburg, Adams County, Pennsylvania (the "Borough") is a municipal corporation organized and existing under the laws of the Commonwealth of Pennsylvania (the "Commonwealth"); and

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 qualified for exemption from federal income taxation under provisions of the Internal Revenue Code of 1986, as amended (the "Code"); and

WHEREAS, Pennsylvania Higher Educational Facilities Authority ("PHEFA") is a body corporate and politic constituting a public corporation and public instrumentality of the Commonwealth created and existing under the laws of the Commonwealth; and

WHEREAS, Gettysburg College (the "College") is a corporation not-for-profit organized and existing under laws of the Commonwealth, with its principal place of business at North Washington Street in this Borough; and

WHEREAS, PHEFA at the request of the College, heretofore provided the financing required in connection with: (1) financing certain College Facilities; (2) payment of the costs and expenses of the financing and related costs and expenses; and (3) the establishment of necessary funds (to the extent available), by issuance and sale of two series of obligations of PHEFA designated respectively as Gettysburg College Series C Variable-Rate Bonds and Gettysburg College Series F Variable-Rate Bonds (the "Variable Rate Bonds"), which Variable Rate Bonds were purchased by Student Loan Marketing Association ("Sallie Mae"); and

WHEREAS, Sallie Mae has presented an *Analysis of Refunding, Gettysburg College Series C and Series F Variable-Rate Bonds January 27, 1994*, as amended (the "Report"), to the College relating to the restructuring of the indebtedness of the College through the refunding of a portion of the Variable Rate Bonds (the "Refunding Project").

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 a public hearing with respect to the obligations to be issued by the Authority in connection with the Refunding Project 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 hearing.

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



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

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

5. For purposes of the Act, the Council of this Borough hereby approves the undertaking by the Authority in this Borough of the Refunding Project.

6. The Council of this Borough hereby declares that it is desirable for the health, safety and welfare of the people in the area served, or to be served, by Gettysburg College and the college facilities being refinanced through the Refunding Project, to have such college facilities refinanced through the Authority.

7. The Council of this Borough hereby declares that this resolution is adopted for the purpose, *inter alia*, 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 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.

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

9. All resolutions or parts of resolutions, insofar as such shall be inconsistent herewith, shall be and the same expressly are repealed.



DULY ADOPTED this 14th day of March, 1994, 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:

Jean E. Simpson  
(Vice) President

(SEAL)

EXAMINED AND APPROVED, this 14th day of March, 1994.

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

CERTIFICATE

I, the undersigned (~~Assistant~~) Secretary of Borough of Gettysburg, Adams County, Pennsylvania (the "Borough"), certify: that the foregoing is a true and correct copy of a Resolution which duly was adopted by affirmative vote of a majority of all members of the Council of the Borough at a meeting of said Board duly convened and held according to law on March 14, 1994, at which meeting a quorum was present; that said Resolution duly has been recorded in the minutes of the Council of the Borough; and that said Resolution is in full force and effect, without amendment, alteration or repeal, as of the date of this Certificate.

I further certify that the Council of the Borough met the advance notice and public comment requirements of the Sunshine Act, Act No. 1986-84, of the General Assembly of the Commonwealth of Pennsylvania, approved July 3, 1986 by advertising said meeting, by posting prominently a notice of said meeting at the principal office of the Borough or at the public building in which said meeting was held, and by providing a reasonable opportunity for public comment at said meeting, all in accordance with said Act.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Borough, this 14 day of MARCH 1994.

  
(Assistant) Secretary

(SEAL)