

BOROUGH OF GETTYSBURG
59 EAST HIGH STREET, GETTYSBURG, PA 17325
COUNCIL WORK SESSION MINUTES
SEPTEMBER 23, 2019

President Susan Naugle called the meeting to order at 7:05 PM with the following Councilors present: Vice President Jacob Schindel, Mr. Wesley Heyser, Mr. Christopher Berger, Ms. Patricia Lawson, Mr. John Lawver and Mrs. Judith Butterfield. Staff present included: Borough Solicitor Harold Eastman, Puhl Eastman & Thrasher; Borough Manager Charles Gable; Borough Secretary Sara Stull; Finance Director Nickie James; Interim Parking Manager Rebecca Fissel; Public Works Director Robert Harbaugh, and Chad Clabaugh, Borough Engineer, C. S. Davidson, Inc. Mayor Theodore Streeter was absent.

Others present include: Deb Adamik, President Main Street Gettysburg; Kathy Gilbert, President and Jennie Dillon, Vice President both representing Gettysburg Area Retail Merchants Association (GARMA); Mike Gelner, 50 East Broadway; Liz Thulin, 39 East Broadway; Donald Borock, 43 East Broadway; Michael Birkner and Robin Wagner, 66 East Broadway; Salvatore and Joan Chandon, 50 West Broadway. Jim Hale representing the *Gettysburg Times* and filming by *Community Media-ACCTV*.

Announcements

President Naugle announced GARMA will hold the annual Antique Fair on Saturday, September 28th in downtown Gettysburg.

President Naugle announced Elm Street will hold its annual Olde Getty Place Car Show on Saturday, September 28th on High Street.

President Naugle announced that the Gettysburg Area Recreation Park Playground Build will occur on Thursday, October 3rd. This is in conjunction with the Pennsylvania Municipal League Annual Summit. Anyone interested in volunteering should contact Main Street Gettysburg.

President Naugle announced that the Long, Long, Long, Long, Dinner Party along Baltimore Street is on Friday, October 4th from 5-8 PM. Anyone interested should contact Main Street for ticket information. This event will benefit the Baltimore Street Economic and Historical Revitalization Project.

President Naugle announced that an executive session of the Borough Council was conducted immediately following the adjournment of the September 9, 2019 monthly general business meeting consistent with section 708(a)(1), section 708(a)(3), section 708(a)(4) and section 708(a)(5) of the Sunshine Act.

President Naugle announced that an executive session of the Borough Council will be conducted immediately following the adjournment of this evening's work session consistent with section 708(a)(1), section 708(a)(3), section 708(a)(4) and section 708(a)(5) of the Sunshine Act for the following purposes: (1) to discuss matters involving the employment, the termination or resignation of employment, the terms and conditions of employment of employees, prospective employees and/or former employees of the Borough; (2) to receive information and to discuss the possible acquisition of real property by the Borough; (3) to discuss information in connection with litigation filed in the United States District Court for the Middle District of Pennsylvania to Docket No. 1:19-cv-01412 captioned Linda Atiyeh, et al., Plaintiffs v. Borough of Gettysburg, et al., Defendants; and (4) to review and discuss Borough business which, if conducted in public, would violate a lawful privilege or lead to the disclosure of confidential information protected by law.

Public Comment (Restricted to Old Business and New Agenda Items-not tabled items)

Salvatore Chandon, 50 West Broadway said that he supports of the upcoming Comcast Cable Franchise renewal stating that it has many benefits for the community.

Mike Gelner, 50 East Broadway expressed his concern with the street reconstruction on Broadway, stating that he and many of his neighbors felt “blindsided” by the loss of several parking spaces. He said that residents attending informational meetings were “entranced” with the new street and didn’t notice the changes with the loss of parking spaces. Mr. Gelner also said that traffic calming was important at the beginning of the project discussions but felt that the narrowing of streets would help with traffic calming. Mr. Gelner said the Borough could save money with eliminating these calming areas.

Michael Birkner, 66 East Broadway, a former Council President, said that the residents do want an improved street and don’t want to fight, but that a compromise with changes is important. He said that communication “fell apart”, and said that better communication is needed between Council, staff and citizens.

Donald Borock, 43 East Broadway said that he is opposed to the speed tables and cross walks that will eliminate parking spaces. He said that the elderly people need to be close to their homes. Mr. Borock said that he spoke to seventeen people who are opposed to the plan as it stands.

Council President Naugle said that numerous residents have expressed support for the plans but are not present at the meeting. Councilman Heyser also said that he spoke with approximately thirty people who are in support of the project.

Liz Thulin, 39 East Broadway said that the street will be narrower, so the crosswalks won’t be needed. She also said that she feels the speed table will make the street unattractive; so, they should be removed.

Robin Wagner, 66 East Broadway expressed her concern about losing parking near her house, stating that she thought the crosswalks were only to be at Carlisle Street and the Old Harrisburg Road intersections. She feels that communication fell apart; and was unhappy that she was “scolded” for contacting the Public Works Director and Borough Engineer with questions when that’s who the residents were told to contact.

New Business

Gettysburg Inner Loop (GIL) Phase B2 Update

President Naugle gave an update on the Inner Loop Grants, stating that the third grant was opened by Penn DOT for the Multi-Model Grant on September 9th and can apply up to 3 million dollars. The application deadline is in late October. A motion will need to be placed on the upcoming Council meeting agenda to authorize the submission of the grant application. She noted that we currently have an application submitted to the Department of Conservation and Natural Resources for the final design and engineer drawings for this project; and another application was submitted to the Department of Community and Economic Development for the Recreation and Trails Grant which is limited to \$250,000.

PML Resolutions

Council reviewed the following resolutions that will be presented at the upcoming Pennsylvania Municipal League Annual Summit on October 3rd-5th. President Naugle and Councilwoman Lawson were appointed at the September 9th Council meeting as the Borough’s voting delegates.

Resolution #1-2019 Adoption of the National League of Cities (NLC) Policy & Advocacy Priorities

The resolution adopts/supports NLC’s 2019 policy positions to “rebuild and reimagine America’s Infrastructure”- Guiding Principle:

- Transforming Transportation.
- Preparing a Skilled Workforce.
- Improving Broadband Access.
- Ensuring Clean and Safe Water.
- Supporting Community Resilience.
- Investing in Infrastructure.

Resolution #2-2019 Post-Traumatic Stress Injury in First Responders

The resolution opposes/rejects the inclusion of post-traumatic stress in first responders as an occupational disease as the resulting costs to employers will be more harmful than helpful to the first responder community.

- Post-traumatic stress among first responders is recognized as a common ailment.
- Providing first responders with the tools and support needed to address traumatic stress is a priority.

- House Bill 1459 of 2019 supports awareness of traumatic stress.
- House Bill 432 of 2019 defines traumatic stress within the Workers' Compensation system as an occupational disease presumed to have been caused by employment as a first responder.
- House Bill 432 shifts presumption burden to the employer to prove the injury is the result of some other activity outside work activities.
- House Bill 432 makes the injury uninsurable and cost-prohibitive from an underwriting standpoint.

Resolution #3-2019 Provision of Emergency Services

The resolution adopts/supports the final Senate Resolution 6 Report and will evaluate the resulting legislation on a case- by- case basis with a goal of supporting passage of the legislation whenever possible.

- A Commission was appointed to revisit the work of the 2005 Senate Resolution 60 Commission.
- Commission considered a comprehensive look at the crisis facing fire and emergency services which ultimately impacts the provision of public safety services.
- The Commission's report was released in 2018 with 27 recommendations (which some are listed here):
 - Revamping and expanding the Office of Fire Commissioner.
 - Offering volunteers post-secondary education credits and loan forgiveness.
 - Expanding recruitment and retention efforts.
 - Simplifying regionalization efforts.
 - Establishing basic levels of training.
 - Expanding on-line training.
 - Offering tax credits to employers who support employees who are volunteers.
 - Closing loopholes in the Foreign Fire Insurance Tax.

Resolution #4-2019 Firearm Regulation

The resolution adopts/supports the addition of three points to the League's existing five-point commonsense policy on firearm regulation:

- 1. Opposing legislation that punishes municipalities for enacting local firearm regulations,**
- 2. Supporting legislation requiring universal background checks, and**
- 3. Supporting legislation implementing an extreme risk protection order law.**
 - The NLC in 2007 adopted a resolution supporting common-sense firearm regulations.
 - Gun violence has continued unabated – victims across the nation killed by gun violence grows monthly.
 - Some municipalities have chosen to implement their own firearm regulations because the state has not addressed the issue.

- Local action has prompted state legislation (Senate Bill 531 of 2019) that punishes municipalities for enacting local regulations.
- Ongoing violence calls for action by state/federal government to implement barriers to gun-ownership to a person who is a threat to themselves or others and when a person illegally purchases or possesses a firearm.

Resolution #5-2019 Repeal of Pennsylvania's Separation Act

The resolution supports/adopts the repeal of the Pennsylvania's Separation Act.

- The Act requires public entities to bid and award separate contracts for general construction, plumbing, heating and ventilating, and electrical work – for projects over \$4000.
- Current Act is antiquated and very costly to local governments.
- Private sector construction is not held to the same standard.
- Pennsylvania is one of only a few states still operating under the Separation Act.

Resolution #6-2019 Local Tax Collection Options

The resolution supports/adopts the local option for all forms of local government to eliminate the office of elected tax collector and appoint an alternative method for collection, such as a county treasurer, a private agency, or municipal employee.

- Current tax collections laws were created in the 1940s and are outdated.
- Local control of tax collection will help ensure better service.
- Helps reduce risk of malfeasance in tax collections and eliminates the need to find someone to run for the office of tax collector.

Resolution #7-2019 Mandated Elimination of Local Tax Liability

The resolution apposes mandated elimination of local taxes without providing an alternate tax of equal value.

- Local tax structure is archaic and no longer meets local needs.
- There is no menu of taxing options to meet needs of individual municipalities.
- Periodically, legislation is introduced to freeze or eliminate a tax liability of specific taxpayers.
- Legislation does not provide a dollar for dollar tax replacement.

Resolution #8-2019 Beverage Container Deposit Recycling Program

The resolution supports the implementation of a Beverage Container Deposit Recycling Program to supplement curbside recycling and reduce litter. House Bill 1322 and Senate Bill 795.

- Successful programs in other states.
- Point of sale deposit fees returned to consumer when empties returned to retailer.
- Achieves 3 main objectives: captures large percentage of targeted containers; insures clean recycled items; and reduces litter.

- Market for recycled goods reduced by China's ban.
 - Reduces recyclables going to landfills or waste-to-energy facilities.
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Resolution #9-2019 Local Regulation of E-Scooters

The resolution opposes local preemption with a state law regulating E-Scooters and micro-mobility devices. House Bill 631

- Devices offer transportation flexibility and access to other modes of transit. Economical and on-demand.
 - Municipal concerns about proliferation of E-Scooters.
 - Municipalities need to study how devices fit into current transit systems.
 - Safety and liability issues unresolved.
 - Local regulations necessary to meet local needs.
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Resolution #10-2019 Pennsylvania Health Care Plan

This resolution supports and calls for the PA General Assembly to enact a PA Healthcare Plan.

- 2013 Economic Impact Study by the University of Massachusetts economist Gerald Friedman found PA's healthcare is on unsustainable path.
 - Healthcare costs are rising, consuming 7% of US median income in 2017.
 - Mid-income families spending on healthcare was 11.7% of income in 2017 – up 7.8% in last 10 years.
 - 52% of PA citizens support a single-payer system.
 - PA Healthcare Plan preserves private practice medicine and right to choose provider.
 - Plan would create cost savings – eliminate co-pays, deductibles, network fees; lower high admin costs of private plans; eliminate premiums and replace with 3% tax on adjusted gross income and 10% payroll tax; benefit municipalities, school districts, etc. by lower Workers Comp, vehicle insurance and liability insurance.
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Resolution #11-2019 Stormwater Management

The resolution calls on the PA General Assembly and Administration to make stormwater management a priority issue, as well as to work with local governments to develop a commonsense, effective and efficient stormwater management program.

- SW management is an important responsibility of government affecting water quality, floodplain management, infrastructure, public health and safety.
 - Compliance with state and federal mandates is confounding issue for local governments.
 - Confusing, changing and costly regulations.
 - Taxpayer dollars being directed at outcomes that are expensive and elusive.
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Resolution #12-2019 Autonomous Vehicles

The resolution urges the Commonwealth to partner with local government in preparation for autonomous vehicles on our roadways. It also opposes efforts to preempt local government regulation of autonomous vehicles on local roads.

- Technology has developed faster than society had been able to prepare.
- Requires all levels of government to work together to make best use of technology, develop policy and regulations, and prepare infrastructure.
- Potential for many benefits to Pennsylvanians.
- Must preserve local authority, including planning authority and local rights-of-way management.

Old Business

GARMA Request – Three-Hour Parking Limit For Short-Term Meters

Jennie Dillon, Vice President GARMA said that they receive lots of complaints because the current two-hour parking limit doesn't allow people enough time to shop or eat dinner. They are requesting it to be changed to a three-hour parking limit for short-term meters. GARMA members also asked that the free holiday parking from Thanksgiving to New Year's be changed from free 12:00 PM to 8:00 PM every day, and instead have free parking Monday through Friday 8:00 AM to 8:00 PM. The regular parking rates would remain the same on the weekends. Council members had no objections to either of these requests.

GARMA MOU

Jennie Dillon, Vice President GARMA said that the twice-yearly antique shows will return to GARMA next year and asked that this be amended in the Memorandum of Understanding between the Borough and GARMA.

Broadway Construction Update

Chad Clabaugh, Borough Engineer gave a brief update on East Broadway residence concerns that there was little response to their concerns. He noted that he stayed late in the evening to meet with property owners to answer their questions. He explained that there were several meetings held with the residents of Broadway where presentations were prepared as follows: October 25th Town Hall meeting for residence; November 8th meeting in Council Chambers; December 4th property owners meeting at a residence at 60 East Broadway where three plans were shown; January through March at several Council meetings that included discussions regarding the proposed plans; April 8th Council meeting presented plan; April 22nd power point at Council workshop; May 7th town hall special meeting for Broadway property owners with a power point presentation; and May 11th removed cross walk and added rain garden discussion.

Chad pointed out that he takes direction from Borough Council since he is hired by them. He said that the project will be completed by the end of this year. Council should base the project on what their goal was for Broadway reconstruction, noting that table calming and MS4 were some of the important factors in the planning process.

After Council discussion, they agreed to proceed with the Broadway construction project as planned.

Plastic Bag Resolution

President Naugle gave a brief explanation of the proposed draft plastic reduction resolution presented by Gettysburg Rising. She noted that this resolution encourages businesses to reduce the use of plastic products.

Councilman Heyser asked if the Borough would be responsible for recycling for public events that are held in the Borough and at the Recreation Park. After Council discussed the resolution, it was agreed to amend it to state as applicable for recycling at these outdoor events. Council authorized Solicitor Eastman to review and finalize the draft resolution to be placed on the October Council agenda for Council review.

Public Comment

Mike Gelner, 50 East Broadway encouraged Council to adjust the plan to keep the parking spaces on East Broadway by removing the speed tables. He said that the residents need a place to park. Mr. Gelner urged Council to support the above Resolution #4-2019 regarding the firearm regulation.

The meeting was adjourned to an executive session at 9:20 PM. President Naugle dismissed the meeting at 10:00 PM.

Respectfully submitted,

Sara L. Stull
Borough Secretary