

**BOROUGH OF GETTYSBURG
TROXELL COUNCIL CHAMBERS
59 EAST HIGH STREET, GETTYSBURG, PA 17325
COUNCIL WORK SESSION MINUTES
NOVEMBER 28, 2023**

President Wesley K. Heyser called the meeting to order at 7:00 PM with the following
Councilors present: Vice-President Matthew Moon; Mr. Christopher Berger, Mrs. Judith Butterfield; and Mr. John Lawver. Ms. Patricia Lawson and Mr. Chad-Alan Carr were absent.
Staff present included: Mayor Rita Frealing; Borough Solicitor Harold Eastman, Barley Snyder; Borough Manager Charles Gable; Assistant Borough Manager/Secretary Sara Stull; Police Chief Robert Glenny; HR Coordinator Kara Riethmaier; Planning Assistant Karen Mesher; and Parking Manager Rebecca Fissel. **Staff absent included:** Planning Director Carly Marshall; Director of Historic & Environmental Preservation Debra English; Public Works Director Robert Harbaugh; and Borough Engineer Chad Clabaugh.

Others present included: Jill Sellers, President of Main Street Gettysburg; Scott English, owner of The Gettysburg Academy, 66-68 W. High Street; Linda Atiyeh, owner of The Upper Crust, 26 York Street; Shelley Knouse, owner of Fresh Boutique, 28 Chambersburg Street; David Petters, KADEL LLC, owner of the Blue and Gray Restaurant, 2 Lincoln Square; Susan Cipperly, 314 North Stratton Street; Susan and Gary Casteel, 131 South Washington Street; and representing the Shade Tree Commission were Susan Naugle, 650 Red Patch Avenue; David Rice, 145 West Broadway; and Martin Jolin, 612 Long Lane; and Filming by *Community Media-ACCTV*. There was no one present from the *Gettysburg Times*.

President Wesley Heyser announced an executive session of the Brough Council will be conducted immediately following the adjournment of this evening's Borough Council Work Session meeting consistent with section 708(a)(1), section 708(a)(3) and section 708(a)(5) of the Sunshine Act for the following purposes: (1) to provide information and discuss matters involving the employment, the terms and conditions of employment, the salary and benefits of current and prospective Borough employees, and to discuss the investigation of complaints involving current Borough employees with the Borough's insurance defense and litigation legal counsel; (2) to discuss matters in connection with the possible purchase or lease of real property; and (3) to review and discuss matters of Borough business which, if conducted in public, could lead to the disclosure of information and matters of confidentiality protected by law.

Special Presentation

There was no special presentation.

Public Comment (Restricted to items appearing on the agenda – not tabled items)

There was no public comment at this time.

Old Business

A. Bus Parking – Revised Pilot Program for the Spring

Manager Gable said that Councilwoman Lawson asked that Council revisit the Parking Pilot Program and because she is unable to attend tonight's meeting, and this will be tabled until the January Work Session.

B. 2024 Budget

• 2024 Fee Resolution

Manager Gable said that the convenience fee for the Mobile Pay-by-App was inadvertently missed during the budget discussion regarding the fee resolution. He said that currently the fee is assessed at \$0.35 cents and the vendor is asking for some relief.

Parking Manager Fissel explained that the convenience fee was set approximately three years ago by the vendor; and now they are asking to increase the fee to \$0.55 cents and assess it to the customers or if the Borough could absorb the fee. She noted that in the Borough's agreement with the vendor that it does allow for fee changes to be made at any time.

Councilman Moon expressed his concerns about the high fees and said that the Borough can not absorb the increase; and that the Borough Tax Payers should not be made to do so. He said that we had conversations regarding this vendor and whether or not they would be around for a while, and said that the fee increase may not have anything to do with inflation but with their own business practice. He asked Parking Manager Fissel to research other vendors.

Councilman Lawver agreed with Councilman Moon that the fee increase to \$0.55 cents is too much.

Parking Manager Fissel said that when the Borough used the Passport vendor a few years ago they charged \$0.35 cents, but they also added \$0.17 cents per transaction and an additional 3%. She said that she contacted Park Mobile for rates and they charge \$0.45 cents plus \$0.14 cents per transaction and an additional 3% noting that all the pay apps are comparable with their fees.

Councilman Moon asked if we know what the dollar amount would be if the Borough absorbed these fees.

Parking Manager Fissel responded it would be \$40,000 to \$50,000 per year. She said that there were 135,826 transactions in 2022 and 198,054 transactions in 2023 so far.

The Borough Council consensus was to keep the convenience fee for the Mobile Pay-by-App at \$0.35 cents.

New Business

Shade Tree Commission

Shade Tree Commission Chairman David Rice gave a brief history from when he was appointed on November 13, 2017. A handout with a description of the role and duties of Shade Tree Commission which are governed by the Borough Code of Ordinance (see attached). He recognized former member Jane Parker Scott who recently passed away stating that she was very instrumental in the success of the Shade Tree Commission for over twenty years. The Commission then became non-active and as new members were appointed, they began to work more actively and started reviewing the trees around town. The Shade Tree Commission looks throughout town to determine where the appropriate locations are to plant trees which are planted in the Borough's right-of-way. He noted that the Bradford Pear Trees were dying and so they had them replaced. He said that another issue is the sidewalks that are heaving up and creating a public hazard, and noted that the property owners are responsible for the sidewalk. He said that there has been some talk about property owners upset that they were not notified when the trees are planted, and said that it is not regulated in the ordinance.

President Wesley Heyser said that it may not be in the ordinance but it would be a courtesy to inform the property owners about a planned tree planting placed in front of their building. He pointed out Councilman Carr's displeasure about the tree that was placed in front of his business without his knowledge.

Councilman Moon said that communicating with property owners is a best practice. He pointed out the disappointment by Christ Lutheran Church on Chambersburg Street in which the membership replaced their sidewalk; and within two years, it was dug up to plant a tree. He also noted that the sidewalks need to be in compliance with the Americans with Disabilities Act (ADA).

Mayor Frealing asked who is liable when someone falls on the sidewalk.

President Wesley Heyser responded that the property owners are responsible for the sidewalks.

Councilwoman Butterfield noted that signs located in the tree wells have presented problems at times.

Councilman Berger said that the downtown area is different from the residential areas, and feels that those property owners would want to have input about trees planted in front of their property.

Mayor Frealing asked who planted all the trees on Breckenridge Street.

Shade Tree Member Susan Naugle responded that the Shade Tree Commission planted trees along the South side of Breckenridge Street, and noted that they are small flowering trees. She noted some of the difficulties that must be taken in to consideration before planting trees are the public utilities and small sidewalk areas.

Councilman Lawver pointed out that some residential areas from the face of curb back 10 feet is the Borough's right-of-way noting that some trees are actually planted on the residential property. He pointed out that the Public Works crew does a great job in trimming the trees for sight clearance at intersections and they do not prune trees stating they are not arborists.

Shade Tree Member Susan Naugle said that she provides people with literature about the trees that were planted and asks them to water the tree for the first year.

Shade Tree Commission Chairman David Rice said that the Commission could provide information to Council about what they have done and their plans moving forward.

President Wesley Heyser said that after Borough Council reorganizes in January they will contact the Shade Tree Commission to schedule a meeting to discuss further.

Public Comment

Shelley Knouse, owner of Fresh Boutique, 28 Chambersburg Street expressed her concerns about the proposed sign ordinance and asked that Council table it to give citizens more time to review it. She noted that a tree obscures her building façade so it is hard to advertise her business.

Scott English, owner of The Gettysburg Academy, 66-68 W. High Street agreed to keep the parking Pay-by-App fee at \$0.35 cents. He thanked the Shade Tree Commission for all the work that they do noting there is a lot to consider before planting a tree, and asked if the trees are calculated for stormwater credits to meet the MS4 requirements. He said that it is important to notify the property owners before planting a tree.

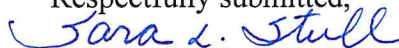
Susan Casteel, 131 South Washington Street asked about the rezoning process and questioned the purpose of removing certain streets from the Old Town Zoning to a proposed Moderate Density Zoning.

President Wesley Heyser responded that the Planning Commission is the appropriate Board to address your questions and said that after they have a draft completed it will come to Borough Council for review. The Planning Commission will provide Borough Council with an explanation of the rezoning changes.

Susan Cipperly, 314 North Stratton Street said that she does not use a parking app and asked Council to keep the option for people to pay cash for parking. She feels that the tax payers should not pay the fee for the parking app.

President Wesley Heyser dismissed the meeting at 8:15 PM to an executive session.

Respectfully submitted,



Sara L. Stull

Borough Secretary

GETTYSBURG BOROUGH SHADE TREE COMMISSION

Authority for a Commission

Authority for the Commission derives from the Pennsylvania Borough Code (Chapter 27, Subchapter B, Shade Trees). The PA Code gives the Council authority over "the exclusive care, custody and control of shade trees in the borough" and authority to establish, by ordinance, "a shade tree commission and delegate to the shade tree commission the exclusive care, custody and control of shade trees, as well as authorization to plant, transplant, remove, maintain and protect shade trees on the streets and highways in the borough." The Code provides broad guidelines to the council including the following:

- May establish an ordinance to plant, transplant or remove shade trees.
- May employ persons and make and enforce regulations related to shade trees.
- May require the planting and replanting of shade trees along the streets at designated locations by the owners of the property abutting the street.
- May require property owners to remove diseased plants, shrubs, and trees.
- Assess costs, to include penalties and liens upon failure of a property owner to pay, for necessary removal of diseased plants and for the planting and removal of shade trees, to include guards, curbing, grading and replacement of pavement and sidewalk.
- May levy a general tax to defray the cost and expenses of caring for shade trees and for related public notices.
- Provides guidelines for establishing a shade tree commission and specifies duties of the commission to include an annual report, publication of notices for meetings by the commission, and annual certification of a budget to be covered by funds raised by taxation.

Borough Council created a Shade Tree Commission by ordinance on October 9, 1990.

What We Do

The role and duties of the Commission are governed by the Borough Code of Ordinances, Chapter 25, Trees.

Note: The Commission has discussed the need for revisions to the ordinance in conjunction with the Borough's current work on revisions to SALDO, Zoning, and requirements related to sidewalks. The list of recommended tree species is out of date, the permit provisions and form are confusing, and some provisions of the PA Code should be reviewed for possible inclusion.

- Review and act upon applications for permits to plant, remove or maintain street trees and park trees.
- Determine, in conjunction with Public Works, locations for planting trees and suitable trees to be planted.
- Maintain, protect, and remove street and park trees.
- Determine if a tree, including on private property, is a danger to the public welfare or to property and work with Code Enforcement, in the case of a tree on private property, to require the pruning or removal of said tree at the cost of the property owner.

- Assure that trees overhanging sidewalks or streets are trimmed to a minimum of 8 and 16 feet, respectively.
- Prescribe rules and regulations regarding penalties for violations of ordinance provisions to be approved by Borough Council and enacted as an ordinance.
- Provide public notice of meetings when and where work related to shade trees will be discussed.
- Prepare and submit to Borough Council a budget request for the upcoming fiscal year.
- Provide an annual report to Council on all transactions and expenses of the preceding fiscal year.

Why We Do It

Trees are a long-term investment in a healthy community. According to the U.S Department of Agriculture, Forest Service, "they are valuable assets worth three times your initial investment." According to forestry experts, trees are critical infrastructure that can help cities withstand the effects of climate change by providing shade, absorbing stormwater and filtering air pollution (*Borough News, April 2023*). Community benefits of trees include:

- **Reduces Erosion**
- **Filters toxins from ground water**
- **Increases property values up to 15%***
- **Cools streets, sidewalks, and homes**
- **Encourages alternative transportation, like walking and biking**
- **Improves air quality and reduces greenhouse gases**
- **Reduces noise pollution**
- **Contributes to both physical and mental wellbeing**

(*Wolf, Kathleen L, PhD, University of Washington (2007) City Trees and Property values, *Arborist News* 16, 4:34-36)

Studies have shown that each mature tree in a front yard adds to a home's sale price (U.S. Forest Service). In addition to increasing property values, shade trees benefit individual property owners in other ways. When deciduous trees are placed on the southern exposure of a home, they allow the sun to warm the home on cold winter days and, during summer months, can save up to 56% on annual air-conditioning costs. Evergreens planted in the northern exposure block winter winds and can save up to 3 percent on heating costs.

Street Trees

"Trees, shrubs, bushes and all other woody vegetation on land lying between property lines on either side of all streets, avenues or ways within the Borough."

The Commission interprets this to be trees planted within the Borough right-of-way along the curb edge of the sidewalk.

Park Trees

Vegetation as above, but in public parks or to which the public has free access as a park, as well as all facilities, parking area, open spaces and other areas owned and operated by the Borough.

GARA has independently taken on the work of planting trees at Rec Park. The Commission has taken advantage of this provision to plant some trees on park land along the sidewalk.