

**BOROUGH OF GETTYSBURG**  
**59 EAST HIGH STREET, GETTYSBURG, PA 17325**  
**COUNCIL MEETING MINUTES**  
**NOVEMBER 14, 2016**

President Robert Krummerich called the meeting to order at 7:00 PM with the following Councilors present: Vice President Scot Pitzer, Mrs. Susan Naugle, Mr. Jacob Schindel, Mr. Graham Weaver, Mr. Wesley Heyser and Mrs. AmyBeth Hodges. Staff present included: Mayor Theodore Streeter; Manager Charles Gable; Borough Secretary Sara Stull; Solicitor Harold Eastman; Chief Joseph Dougherty; Finance Director Nicolette James; Planning Director Becky LaBarre; Parking Supervisor, Karen Mesher; Public Works Director Dan Hilliard and Chad Clabaugh, Borough Engineer, C. S. Davidson, Inc.

Others present include: Gettysburg Borough Police Officers Shannon Hilliard, Brandi Courtesis and Michael Carricato; John Lewis, Coordinator of Educational Service, Gettysburg Area School District; Deb Adamik, President, Main Street Gettysburg; Darlene Brown, Executive Director, PA Interfaith Community Programs, Inc. (PICPI), 40 East High Street; Megan Shreve, Director, South Central Community Action Program (SCCAP), 153 North Stratton Street; Steve Hemler, 535 York Street; Stan Clark, 915 Fairview Avenue; Harry Hartman, Publisher, *The Gettysburg Times*; Mike Shestok, 264 Baltimore Street; Judi McGee, 256 Baltimore Street; Philip Goble, 132 East Middle Street; Alexandria Escalera, 32 East Lincoln Avenue; Ron Frenette and Mike Tallen, 811 Johns Avenue; Mike Coldsmith, Coldsmith Roofing, 134 East Water Street; Kristin Naugle, 142 East Water Street and Lisa Wantz, 95 Chapel Road Extended, Gettysburg.

Representing the press were Jim Hale of the *Gettysburg Times* and Lillian Reed of the *Evening Sun*.

President Krummerich announced an executive session of the Borough Council of the Borough of Gettysburg was conducted immediately following the adjournment of the October 11, 2016 Borough Council meeting consistent with sections 708(a)(1) and 708(a)(5) of the Sunshine Act.

President Krummerich announced an executive session of the Borough Council of the Borough of Gettysburg was conducted immediately following the adjournment of the October 24, 2016 Borough Council work session consistent with section 708(a)(1) of the Sunshine Act for the purpose of discussing matters involving the employment, the terms and conditions of employment and the evaluation of performance of current or former Borough employees.

President Krummerich announced an executive session of the Borough Council shall be conducted immediately prior to the adjournment of this meeting consistent with sections 708(a)(1), 708(a)(4) and 708(a)(5) of the Sunshine Act for the following reasons and purposes: (1) to discuss matters involving the employment, the terms and conditions of employment and the evaluation of performance of current or former Borough employees; (2) to consult with the Borough Manager, the Open Records Officer and the solicitor relative to determinations issued by the Pennsylvania Office of Open Records in the pending appeals filed to Docket No. AP 2016-0890, Docket No. AP 2016-1149 and Docket No. AP 2016-

1154; and (3) to review and discuss Borough business which, if conducted in public, would violate a lawful privilege or could lead to the disclosure of information or matters of confidentiality protected by law.

**Moved Mr. Schindel seconded Mr. Heyser to approve the November 14, 2016 Agenda as presented. Motion carried unanimously.**

**Moved Mr. Pitzer seconded Mr. Weaver to approve the October 11, 2016 Council Meeting minutes, and after amending the last paragraph on page 2, Mrs. Naugle's statement to read; "but doesn't agree with the suggestion that we extend all meters fees to 24 hours" the October 24, 2016 Council Work Session Meeting minutes were approved as presented. Motion carried unanimously.**

**Public Comment:**

**Kristin Naugle, 142 East Water Street**, expressed her frustration in regards to the subdivision plans for her property and the neighboring property. She said that there is an ongoing dispute in regards to right-of-way, and the alley that runs along the property line.

**Mike Coldsmith, 134 East Water Street** expressed his concern with the issues regarding transferring a property line 40 feet. He said that they were told there is an alley along the property lines, but questioned why it is not paved. Mr. Coldsmith's said that he is frustrated with the Borough Engineer taking so much time, and costing the Borough money when this project is just to move the property line 40 feet. Mr. Coldsmith's other complaint is in regards to issues he has encountered with the Borough building inspectors. He said that there is no inspection for re-roofing or roofing projects, and said that the inspectors should not be charging for these types of inspections. Mr. Coldsmith said that they can require a building permit but not inspections. He asks that Council review these issues regarding both the engineer and building inspectors.

**Steve Hemler, 535 York Street**, addressed Council with suggestions on how to increase revenue for the Borough. He said that all meters should be enforced from 6:00 AM until 2:00 AM with no exceptions. Mr. Hemler also addressed his concern regarding conflicts of interest with Council members. He noted that at the last meeting a Council member was accused of a conflict regarding parking meters and her business. Mr. Hemler said that he believes there is a conflict when members of Council serve on other Boards such as Main Street and the Gettysburg Municipal Authority.

**Mike Shestok, 264 Baltimore Street**, addressed Council and stated that he supports Council in their decision to purchase the parking garage property. He said that he agrees with Mr. Hemler's statements regarding parking; and said that if the increase rates at the parking garage, then they should be increased throughout town. Mr. Shestok stated that he does not agree with the \$5.00 vehicle registration fee introduced by the County, because there is no guarantee of a fair rate of return to the Borough. He said that he would rather have his taxes increased so that the money is used strictly for the Borough. Mr. Shestok also said that other ways to increase money for the Borough would be for Council to donate one-half of their annual salary back to the Borough.

### **Special Presentation:**

Mayor Streeter presented awards to the following Police Officers: Shannon Hilliard – PA DUI Associations “Top Gun” Award; Brandi Courtesis and Michael Carricato – appointments to the position of Patrol Officer First Class. Bill Orth is on vacation, but was awarded for his appointment to position of Master Patrol Officer after serving ten years.

Mayor Streeter presented a Proclamation to Megan Shreve, Executive Director, SCCAP, declaring November 14-18 as Pennsylvania Education for Youth Experiencing Homelessness Awareness Week within the Borough. Mayor Streeter said that John Lewis, Coordinator of Educational Service, Gettysburg Area School District, reported that 137 students in the district were homeless or inadequately housed during the 2015-2016 school year.

Councilman Schindel announced that the local Marine Corp Reserve Detachment has an over abundance of toys for children. If anyone knows of anyone in need of toys, they should contact Dick Bradley, Coordinator for Toys-for-Tots, at 717-676-0628.

**Moved Mr. Schindel, seconded Mr. Pitzer to approve all bills and payrolls for the month as presented. Motion carried unanimously.**

**Moved Mr. Schindel, seconded Mr. Pitzer to adopt a resolution appointing Smith Elliott Kearns & Company, LLC as the independent auditor of the Borough of Gettysburg during fiscal year 2017 in order to make an independent examination of the accounting records of the Borough for fiscal year 2016 and to perform such other duties and to exercise the powers as conferred upon an independent auditor under the Borough Code. YEA: Mr. Heyser, Mrs. Hodges, Mr. Schindel, Mr. Pitzer, Mr. Krummerich, and Mrs. Naugle. NAY: Mr. Weaver. The vote passed 6/1.**

Councilman Weaver noted that he voted no because he favors frequent re-competes in the interest of saving money for the Borough.

**Moved Mr. Heyser, seconded Mrs. Hodges to approve and authorize the issuance of a Certificate of Appropriateness for item C (196 South Stratton Street), as set forth in the minutes of the October 19, 2016, meeting of the Historic Architectural Review Board consistent with the findings and recommendations of HARB as set forth therein. Motion carried unanimously.**

**Moved Mr. Schindel, seconded Mrs. Naugle to honor the MOU with the Gettysburg Area Retail Merchants Association (GARMA), and approve their request for free holiday parking in the designated parking areas with the exclusion of exempted meters as stated in the MOU. Motion carried unanimously.**

Councilman Schindel commented that the holiday parking is to help promote shopping downtown. He said that he doesn't feel that parking should be free for over a month each year; and asked Council to consider seasonal parking rates, and to also lower rates during the non-busy months in the future. Mr. Schindel said that we need to think of Gettysburg as a destination location.

**After some discussion moved Mr. Schindel, seconded Mrs. Naugle to authorize the Borough Manager to send a letter of support to the County Commissioners supporting the implementation of the vehicle surcharge as authorized in Act 89 of 2013. YEA: Mr. Heyser, Mr. Schindel, Mr. Krummerich and Mrs. Naugle. NAY: Mrs. Hodges, Mr. Pitzer and Mr. Weaver. The vote passed 4/3.**

Some members of Council expressed their concern with supporting another tax, and possible misinformation to the community. The Commissioners are asking for support, but there is no guarantee that the Borough will receive its fair share of this tax. It was also noted that this is premature at this time because the County hasn't secured plans as to how the money would be distributed to the Borough and Townships.

Other Council members were in support of the vehicle surcharge tax, stating that it would generate an additional source of income for the Borough. It could be used to help secure grants for the Borough.

Councilman Pitzer suggested that a presentation be given by the County to explain their initiative in more detail.

Public Works Director Hilliard announced that leaf pick-up would begin the week of November 21<sup>st</sup>.

**Moved Mr. Pitzer, seconded Mr. Schindel to approve the financial security for the completion of the required improvements for the conditionally approved land development project of Gettysburg College for its Welcome Center Renovation in the amount of \$49,459.30 consistent with the certification letter dated November, 9, 2016 issued by C.S. Davidson, Inc., Borough Engineer, and in a form authorized by the Pennsylvania Municipalities Planning Code. Motion carried unanimously.**

**Moved Mrs. Hodges, seconded Mr. Pitzer authorizing the Borough to execute and deliver a Memorandum of Land Development Agreement and an Operation and Maintenance Agreement for Stormwater Management Practices for the approved Welcome Center Renovation land development project of Gettysburg College. Motion carried unanimously.**

Chief Dougherty announced that the Remembrance Day Parade is scheduled for November 19<sup>th</sup> and the Christmas Parade is on December 3<sup>rd</sup>.

Chief Dougherty reported that in an effort to suppress noise and disturbance calls in the vicinity of the College, the officers have dedicated seventeen hours of additional routine patrols in the area. He also reported that he has received three anonymous phone calls after business hours in the past ten days from the same male complaining about speeding on Middle Street. The message also said that he was a County employee at night and noticed the speeding. He did not specify the time or area of street, nor did he leave his name or contact information for a return phone call.

Manager Gable presented the proposed 2017 budget to Council. He reviewed the budget summary showing comparisons from 2014 thru 2017. Manager Gable reviewed each department in detail.

Manager Gable presented two options to Borough Council for consideration as follows: **Option 1** – Set property tax rate to 3.9203 mills and fire tax rate to .25 mills, which includes the following: \$25,000 increase in earned income tax and \$10,000 pillow tax increase projections; special event fee increase of \$2,000; and also includes Mrs. Hodges concept of increasing the parking garage rates to \$1.00 per hour, and her recommendation of increasing the parking garage daily rate from \$10.00 to \$12.00. Manager Gable pointed out that this option would begin to address the structural deficit, and said that this is staff's recommendation. **Option 2** – Set the tax rate at 3.7703 mills keeping it at the current rate. It would include the same three items as explained in Option 1, along with the two ideas proposed by Councilwoman Hodges raising the parking garage rates from .75 cents per hour to \$1.00, and the daily parking permits would increase by \$2.00. It would also include 24-hour enforcement of the seventeen meters on Race Horse Alley, and would increase parking fines from \$20.00 to \$25.00 and keeping the current discount period. See attached report.

**Moved Mrs. Naugle, seconded Mr. Schindel to authorize the solicitor to prepare, finalize and publish a proposed ordinance for enactment at the next general business meeting of the Borough Council to be held on December 12, 2016 for the purposes of amending certain provisions to the Borough's Non-Uniformed Employees' Pension Fund in order to comply with applicable provisions of the Internal Revenue Code. Motion carried unanimously.**

**Moved Mrs. Naugle, seconded Mr. Heyser to adopt a resolution to excuse the police from making contributions to the Police Pension Fund for 2016. YEA: Mr. Heyser, Mrs. Hodges, Mr. Schindel, Mr. Pitzer, Mr. Krummerich and Mrs. Naugle. NAY: Mr. Weaver. The vote passed 6 /1.**

After an extensive discussion by Council regarding the proposed budget options the following motions were made.

**Moved Mr. Heyser, seconded Mr. Schindel to authorize the solicitor to prepare, finalize and publish a proposed ordinance for enactment at the next general business meeting of the Borough Council to be held on December 12, 2016 for the purposes of fixing the real property tax rate for the Borough of Gettysburg for fiscal year 2017 at 3.7703 mills, the occupation tax rate at 30 mills and the fire protection services appropriations tax rate at .25 mills. YEA: Mr. Heyser, Mrs. Hodges, Mr. Schindel, Mr. Pitzer, Mr. Krummerich and Mr. Weaver. NAY: Mrs. Naugle. The vote passed 6/1.**

Councilwoman Naugle asked that Councilwoman Hodges to recuse herself from this vote, because she has made it very clear that there is remuneration to her Brafferton Inn business based on these spaces and the use that her business makes of them.

Solicitor Eastman said that he couldn't issue an opinion at this time for whether it would be a conflict of interest since he didn't have all the information. He asked

Councilwoman Hodges if she had contacted the State Ethics Commission for a determination, and she replied that she had not contacted them.

**Moved Mr. Pitzer, seconded Mrs. Hodges to amend Option 2 setting the parking fines at \$25.00 and eliminating the discount; and eliminating the 24 hour enforcement of the seventeen meters on Race Horse Alley. YEA: Mr. Heyser, Mrs. Hodges, Mr. Pitzer and Mr. Krummerich. NAY: Mrs. Naugle, Mr. Schindel and Mr. Weaver. The vote passed 4 /3.**

Councilman Heyser suggested reducing the appropriation to Main Street Gettysburg from \$20,000.00 to \$15,000.00. He said that his goal is to see Main Street work towards becoming more self-sufficient. Councilman Heyser pointed out that he supports the work that they provide to the Borough. Councilwoman Hodges agreed with Councilman Heyser to reduce the appropriation. Councilman Pitzer said that he doesn't approve that the Borough taxpayers provide appropriations to these non-profits. Councilman Weaver said that these non-profits are valuable to the Borough with the many services that they provide.

**Moved Mr. Heyser, seconded Mrs. Hodges to reduce the appropriation for Main Street Gettysburg from \$20,000.00 to \$15,000.00. YEA: Mr. Heyser, Mrs. Hodges and Mr. Pitzer. NAY: Mrs. Naugle, Mr. Schindel, Mr. Weaver and Mr. Krummerich. The vote failed 3 /4.**

**Moved Mr. Schindel, seconded Mr. Heyser to authorize the Borough Secretary to give notice and cause the same to be published that the proposed budget providing an annual estimate of revenues and an annual estimate of expenditures for fiscal year 2017 has been prepared and will be made available for public inspection for a period of not less than ten (10) days prior to the completion and adoption of the budget for fiscal year 2017 by the Borough Council. Motion carried unanimously.**

#### **Liaison Reports:**

##### **Gettysburg Area Recreation Authority**

Councilman Schindel reported that the Gettysburg Battlefield Marathon Dinner was held on November 5<sup>th</sup>, and the Linda Kranias 5K Run was well attended on Saturday, November 12<sup>th</sup>.

##### **Gettysburg Municipal Authority**

Councilwoman Naugle reported that Andrew Merkel, Adams County Office of Planning & Development, attended their meeting to update the draft Comprehensive Plan. He discussed backups to water due to an emergency, population growth and decline, and types of service areas. One of the recommendations was a request for GMA to adopt a ten-year Water Supply Facilities Work Plan.

### **Steinwehr Avenue Heart of Gettysburg Battlefield**

Councilwoman Hodges reported that Chris Ackerman will fill the open seat due to the passing of George Lomas on the Board. She announced that the Victorian Christmas will be held on December 10<sup>th</sup> from 10:00 AM until 4:00 PM.

### **Adams County Borough Association**

Mayor Streeter announced that they will honor retired Mayor William Troxell at the upcoming Adams County Borough's Association meeting.

### **Adams County Transportation Planning Organization**

Councilwoman Naugle asked that the Central Adams Joint Comprehensive Plan be place on the monthly Council agendas. She noted that the York and Adams Metropolitan Planning Area, established after the 2010 Census, continues to work together.

### **National Park Service Advisory Committee**

Councilman Weaver reported that the current NPS projects are as follows: rehab of Cemetery Hill/ Ridge to repair walkways and stone walls; rehab Little Round Top to repair walkways and stone walls; repair cannon carriages; managing vegetation in open fields on the battlefield through burning and cutting; and future land acquisitions with the highest priority a tract of Seminary land on the west side of Seminary Avenue.

### **Council:**

Councilman Pitzer suggested cancelling the December Council Work Session meeting since it follows the Christmas Holiday. Councilman Heyser said that it may be premature at this time to cancel, and Council should wait until December to make a final decision.

### **Public Comment:**

**Alexandria Escalera, 32 East Lincoln Avenue**, expressed her concern about the comments regarding Mrs. Hodges to recuse herself from a vote. She said that the innuendo that she may be benefiting from the meters was overwhelming, and stated that there are other public officials throughout town that benefit from taxpayers.

**Lisa Wantz, 95 Chapel Road Extended, Gettysburg**, noted that she doesn't live in the Borough, but was interested in taxes going up. She also said that there is concern with certain members of Council being signaled out for conflicts of interest.

**Steve Hemler, 535 York Street** expressed his concern regarding the donations given to non-profits. He thought that Main Street Gettysburg was to be self-sufficient after five-years.

**Deb Adamik, President, Main Street Gettysburg**, said that she has worked nearly ten-years (started in 2007) for Main Street Gettysburg and was never told about any 5 year self-sustainability agreement made with the Borough at the time it was founded in 1984. Clearly over the past 32 years, a lot has changed, including the value and partnership that MSG offers the community. Not only does the National and State Main Street organizations encourage and expect the municipalities to financially support Main Street organizations, they have researched and proven that Main Street models are the least expensive way to improve the economy of downtowns. Also the financial allocation of the Borough provides the foundation for other for profit donors to want to give, thus creating greater return on the Borough's investment. The work that MSG does helps to increase revenue stream for the Borough and provides services that otherwise the municipality would have to provide to the community at a much higher cost than \$20,000.

At this time President Krummerich adjourned the meeting to an executive session at 10:00 PM.

**The meeting reconvened and the following motion was made: Moved Mr. Heyser, seconded Mr. Schindel to authorize Solicitor Eastman to file a Petition for Reconsideration to the Pennsylvania Office of Open Records and an appeal in the form of a Petition for Review to the Court of Common Pleas of Adams County, Pennsylvania relative to the final determination issued by the Office of Open Records on November 2, 2016 in the matter of Stan Clark v. Borough of Gettysburg, AP 2016-0890. Motion carried unanimously.**

Solicitor Eastman noted that the Office of Open Records ruling resulted from a Right-to-Know request that was submitted by Stan Clark.

Moved Mr. Pitzer, seconded Mr. Heyser to adjourn the meeting at 10:40 PM.

Respectfully submitted,

Sara L. Stull  
Borough Secretary