

COUNCIL MEETING MINUTES

APRIL 13, 2015

President Michael Birkner called the meeting to order at 7:00 PM with the following Councilors present: Vice President Jacob Schindel, Mr. John Butterfield, Mrs. Susan Naugle, Mr. Graham Weaver, Ms. Rebecca Brown, Mr. Robert Krummerich, Mr. Scot Pitzer, and Mayor William Troxell. Mr. Kyle Leinbach was absent. Staff present included: Manager Charles Gable; Borough Secretary Sara Stull; Solicitor Harold Eastman; Chief Joseph Dougherty; Finance Director Nicolette James; Planning Director Scott Dellett and Public Works Director Dan Hilliard.

Others present included: Mark Guise, Gettysburg Municipal Authority Utilities Manager; Gary Pulcini of Capital Markets Management; Darlene Brown, PICPI, 40 East High Street; Marty Qually, Adams County Commissioner; Judie Butterfield, 999 Sunset Avenue; Charles Strauss, 38 West Middle Street; Wesley Heyser, 226 North Stratton Street; Tom McKenney, 150 York Street; Philip Goble, 132 East Middle Street; Chuck Teague, 125 East Middle Street; Stan Clark, 915 Fairview Avenue; Gene Golden, Gettysburg Signs, 145 Herrs Ridge Road; Pat McFaul, 436 East Middle Street and Rachel and Doug Stephens, Victorian Carriage Company. Representing the press were Jim Hale of the *Gettysburg Times* and Lillian Reed of the *Evening Sun*.

President Birkner announced that the Gettysburg Borough Council conducted an executive session immediately following the adjournment of its monthly general business meeting held on March 9, 2015 consistent with section 708(a)(1), section 708(a)(2) and section 708 (a) (3) of the Sunshine Act. An executive session of the Borough Council will be conducted immediately following the adjournment of this meeting consistent with section 708(a)(1), of the Sunshine Act for the purpose of discussing matters involving the employment and the terms and conditions of employment of Borough employees as related to the staffing of the Police Department.

Moved Mr. Pitzer, seconded Mr. Butterfield to approve the April 13, 2015 agenda as presented. Motion carried unanimously.

Moved Mr. Krummerich, seconded Mr. Pitzer to approve the minutes of March 9, 2015 as presented. Motion carried unanimously.

Special Presentations:

Mark Guise, Gettysburg Municipal Authority (GMA) Utilities Manager, gave a brief update regarding financing for the Sewer Interceptor Project. He said that they received bids as reported at last month's meeting, and noted that the possible lowest bidder did withdraw its bid due to clerical errors. Mr. Guise said that the GMA Board did accept the next lowest bidder which was higher at 4.5 million dollars. He said that with the cost and fees associated with it, their financing has increased to \$5,451,367.85.

Gary Pulcini explained the process to proceed with the Guaranteed Sewer Revenue Bonds. Handouts including the debt service schedule and guaranty agreement were available to Council for review. Mr. Pulcini said that the interest rate is less with the Guaranteed Revenue Bonds, which saves the rate payers money. President Birkner pointed out that this is a benefit to the rate payers with the Borough backing the revenue bonds.

Public Comment:

Philip Goble expressed some concerns that he has regarding the Parking Department and whether the magistrate can prosecute tickets written by other than police officers, the ORI number that has not been issued, and removing \$75,000 from restricted funds to make up the difference in the budget. Mr. Goble said that he is also concerned with a five-year MOU Agreement with Main Street Gettysburg. He suggested that Council only have a one-year agreement with Main Street. Mr. Goble also asked that Susan Naugle recuse herself from votes regarding Main Street since she sits on its Board even it is not required by law.

President Birkner responded that the Main Street MOU Agreement can be terminated by either party at any time so future Councils are not tied to the agreement.

Manager Gable explained the Parking Department process for writing citations. He also noted that the ORI number cannot be applied for until the parking ordinance is enacted, which is on tonight's agenda for approval.

Finance Director James addressed the question regarding the \$75,000 stating that if funding is needed prior to tax revenue money within the first quarter, that a transfer would need to be made to cover the Boroughs operating expenses. She said that the Borough has not had to transfer this money.

Commissioner Marty Qually addressed Council to inform them that the Adams County Commissioners have approved a pilot program for free public Wireless Internet service in Lincoln Square during the month of May. If the program is successful, they will expand it to one year. He will meet with the Community Development Committee to give an update on the program.

Gene Golden addressed Council concerning the sign ordinance noting that some "tweaking" needs to be done to the ordinance. He noted that when the ordinance was revised a few years ago, a sign survey was to be completed, but that it hasn't been accomplished yet. Mr. Golden said that he met with Scott Dellett to discuss particular signs, but that the conversation needs to continue with Council members. President Birkner suggested that he attend the Community Development Committee to discuss further.

Wesley Heyser said that he was also concerned with a five-year agreement with Main Street Gettysburg, and said that he is glad to hear that it can be terminated if the need arises.

Tom McKenney expressed concern that meeting minutes are not posted on the website in a timely manner. President Birkner responded that the committees are responsible to get the approved minutes to Mrs. Butterfield to place on the Website. Mr. Butterfield said that he reviewed the website today and that all approved minutes are up to date. He noted that if a committee doesn't meet than minutes would not appear. Mr. Butterfield asked Mr. McKenney to contact him if there are minutes still missing that he feels should be on the Website.

Tom McKenney also asked why the Outdoor Dining Ordinance is not available on the Website. Planning Director Dellett responded that it is only a draft form and hasn't been approved by Council. It is on tonight's agenda to authorize for advertisement for approval at next month's meeting. Mr. Dellett said that if the draft is approved tonight it would be posted on the Website tomorrow.

Mayors Remarks:

Mayor Troxell announced that the Honorable Kim Beazley, the Australian Ambassador to the United States, and his wife had an enjoyable visit to Gettysburg.

Judie Butterfield read a brief report on the guidelines for establishing Sister City relationships. The guidelines are attached to the minutes.

Council Reports:

Jacob Schindel:

Legislative

Jacob Schindel said that everyone is invited to Senator Alloway's "Yappy Hour" event on April 17th at the Gettysburg Recreation Dog Park from 4:00 PM until 6:30 PM. He will talk about legislation to prevent animal cruelty.

Jacob Schindel reported that the PA State Legislature returned to session in Harrisburg, and are reviewing the state budget and pension reform.

Jacob Schindel reported that a 911 Bill is currently being discussed regarding emergency services. He said that people are not using phone land lines because they are using cell phones. Mr. Schindel said that the current surcharge fee for electronic devices will increase from \$1.25 to \$1.65 per month.

Jacob Schindel announced that candidate forums will be held in several locations for the three Democrats seeking the Commissioner nominations.

Jacob Schindel said that a Legislative Committee meeting will be scheduled to discuss the Industrial Hemp Cultivation Resolution and also to discuss larger trucks on the road.

Public Works

Moved Mr. Schindel, seconded Mr. Krummerich to award a contract to C. E. Williams Sons, Inc. as the lowest qualified responsible bidder for the rental of heavy construction vehicles and equipment as set forth in the Borough's specifications and instruction to bidders. Motion carried unanimously.

Moved Mr. Schindel, seconded Ms. Brown to adopt a resolution to submit the application for traffic signal approval to the Pennsylvania Department of Transportation for the intersection of Baltimore Street, West Middle Street and East Middle Street. Motion carried unanimously.

Mr. Butterfield asked how many parking meters would be lost at this intersection. Public Works Director Hilliard responded four meters due to the lane change on the road.

Gettysburg Area Recreation Authority (GARA)

Jacob Schindel said that GARA continues to discuss the strategic plan. He said that they are gearing up for a good season with the sports and camps that are planned for the summer.

John Butterfield asked if the use of recycling dumpsters was discussed at the GARA meeting. Mr. Schindel said yes, and that he also spoke with Executive Director Brian Devost. He informed him that the park is in violation of the Borough Ordinances. Mr. Schindel said that he asked Mr. Devost to contact IESI garbage to get other containers if that would be better. He told him that recycling is required, but Mr. Devost is not concerned about recycling.

Susan Naugle said she noticed discussion in the GARA minutes regarding the MOU, and asked what the status is. Mr. Schindel said that he will ask at the next GARA meeting to see how they want to move forward with the MOU.

Susan Naugle handed out a memo from the PA Municipal League to the State Senate regarding purely public charities. A Bill is pending in the legislature, and it has already passed the Senate. It would make a constitutional amendment that would allow the legislature to make the determination as to what constitutes a charity. Mrs. Naugle said that the PA Municipal League and municipalities are opposed to this. She said that this is a very important issue for the Borough, and asked the Legislative Committee to review it further.

The Legislative Committee will schedule a meeting with the representatives to discuss this issue in the near future.

John Butterfield:

Finance

Moved Mr. Butterfield, seconded Mrs. Naugle to approve all bills and payrolls for the month as presented. Motion carried unanimously.

Moved Mr. Butterfield, seconded Mr. Weaver to adopt a resolution authorizing Michael Birkner, Sara Stull, Charles Gable, Susan Naugle, Jacob Schindel and Nicolette James as official signers for ACNB Bank. Motion carried unanimously.

Moved Mr. Butterfield, seconded Ms. Brown to authorize the Borough to implement a parking permit program for On-Street Long-Term parking (formerly 25 cents/hour meters) at \$45.00 per month. A roll call vote was taken. YEA: Ms. Brown, Mr. Krummerich and Mr. Pitzer. NAY: Mr. Butterfield, Mrs. Naugle, Mr. Schindel, Mr. Weaver and Mr. Birkner. The vote failed 3 YEA/5 NAY.

Manager Gable explained that some members of Council and citizens were concerned with the meter increase to \$1.00. He said that staff was directed to investigate options, and six options were presented to the Finance Committee. Manager Gable pointed out that there isn't any data recorded from the meters, and so he could only use projections.

At this time Council members discussed the options and concerns that they have regarding the parking meter increase and a permitting program. The consensus was to continue reviewing options and gather data before making a determination. At this time a roll call vote was taken.

Moved Mr. Butterfield, seconded Mr. Krummerich to enact Ordinance #1425-15 of this Borough approving a Guaranty Agreement securing a series of Sewer Revenue Bonds of the Gettysburg Municipal Authority in a principal amount not to exceed \$7,865,000, to finance improvements to sewage interceptor

lines and related facilities of the GMA. A roll call vote was taken. YEA: Ms. Brown, Mr. Butterfield, Mr. Krummerich, Mrs. Naugle, Mr. Pitzer, Mr. Schindel, Mr. Weaver and Mr. Birkner. The vote passed unanimously.

Susan Naugle

Community Development

Moved Mrs. Naugle, seconded Mr. Pitzer to approve and authorize the issuance of Certificates of Appropriateness for items A (106 East Middle Street) and B (120 North Stratton Street), as set forth in the minutes of the March 18, 2015 meeting of the Historic Architectural Review Board consistent with the findings and recommendations of HARB as set forth therein. Motion carried unanimously.

Moved Mrs. Naugle, seconded Mr. Pitzer to approve the Memorandum of Understanding between the Borough of Gettysburg and the Gettysburg Garden Club. Motion carried unanimously.

Moved Mrs. Naugle, seconded Mr. Butterfield to direct the Borough Manager to sign an agreement to become a member of the Community Partner Program with Commuter Services of Pennsylvania allowing our name and a link to our website to be placed on www.PaCommuterServices.org. Motion carried unanimously.

Susan Naugle reported that From the Ground Up program has begun cleaning sidewalks every Monday morning. Anyone interested in volunteering should meet in front of the Majestic at 8:00 AM.

Susan Naugle reported that the Borough Newsletters were mailed to residents.

Main Street Gettysburg

Susan Naugle reported on the Baltimore Street project. She said that Main Street held a committee meeting recently, and that Chad Clabaugh, Borough Engineer, was in attendance to gather information. He will present estimates for the scope of the project for a master plan at the next committee meeting.

Susan Naugle said that Council received a copy of the Main Street ten-year Economic Development Strategic Plan. If anyone has any input, they could contact Deb Adamik.

Susan Naugle reported that the Main Street Gettysburg Memorandum of Understanding (MOU), presented at the last Council meeting, has been updated to reflect the comments made. She noted that Solicitor Eastman reviewed the MOU, and it is ready for Council approval.

Moved Mrs. Naugle, seconded Mr. Butterfield to approve the Memorandum of Understanding between the Borough of Gettysburg and Main Street Gettysburg. After the amendment was made to change from a five-year term to a one-year term, a roll call vote was taken. YEA: Ms. Brown, Mr. Butterfield, Mr. Krummerich, Mrs. Naugle, Mr. Pitzer, Mr. Schindel, Mr. Weaver and Mr. Birkner. The vote passed unanimously.

Mr. Krummerich suggested changing the MOU from five-years to a one-year agreement. President Birkner pointed out that either party may terminate the agreement at any time. Solicitor Eastman said he

reviewed the agreement, and noted that the document would never lead to a lawsuit for either party. It can be terminated at any time with ninety days written notice. Some discussion ensued at this time.

Mrs. Naugle explained that Council has always had a liaison for the Main Street Gettysburg Board, and that it has never been a conflict in the past. She noted other Boards, such as the Gettysburg Municipal Authority, has a representative provided by Council. She stated that she feels this is not a conflict of interest. Mrs. Naugle pointed out that the Borough in past years gave Main Street \$50,000 along with providing office space.

Mr. Butterfield commented that a number of councilors sat on boards of various community organizations in the Borough. In some instances, it was required by state statute, and in other instances it was fulfilling a requirement of the organization's bylaws.

Moved Mr. Krummerich, seconded Mr. Pitzer to make an amendment to the original motion for the Memorandum of Understanding between the Borough of Gettysburg and Main Street Gettysburg to a one-year term and not five-year term. A roll call vote was taken. YEA: Ms. Brown, Mr. Krummerich, Mr. Pitzer, Mr. Schindel and Mr. Weaver. NAY: Mr. Butterfield, Mrs. Naugle and Mr. Birkner. The vote passed to amend the motion 5 YEA/3 NAY.

Gettysburg Municipal Authority (GMA)

Susan Naugle reported that the Gettysburg Municipal Authority continues to work on the Middle Street Project, and should complete it before Columbia Gas is ready to begin.

Gettysburg Inner Loop

Susan Naugle reported that the Gettysburg Inner Loop has been formally advised by DCNR that they will be awarded the grant for \$250,000. The grant is for design and engineering. Once the contract is received and executed, they can move forward with the project. Mrs. Naugle also reported that she attended a meeting at the National Military Park and said that they are working on a comprehensive trails plan. It is preliminary, but said that they plan to add bicycle and pedestrian trails. They will look at including destination areas within the Borough.

Graham Weaver

Public Safety

Moved Mr. Weaver, seconded Mr. Krummerich to enact Ordinance #1426-15 amending the Borough's Horse-Drawn Carriage Ordinance, Chapter 13, Part 9 of the Code of Ordinances of the Borough of Gettysburg, relative to revising horse-drawn carriage standards and safe-seating capacity regulations and relative to the elimination and repeal of the testing provisions and requirements for operators of horse-drawn carriages in the Borough. Motion carried unanimously.

Moved Mr. Weaver, seconded Mr. Butterfield a motion to authorize the solicitor to finalize and publish for enactment at the May 11, 2015 monthly general business meeting of the Borough Council a proposed ordinance authorizing the entry into an Intergovernmental Cooperation Agreement for School Resource Officer with Cumberland Township for the purpose of delegating and conferring upon the School Resource Officer the powers and authority of a sworn municipal police officer with concurrent

jurisdiction within the territorial limits of the Borough of Gettysburg at school properties of the Gettysburg Area School District for the performance of police services consistent with the Agreement for School Resource Officer dated February 2, 2015 between the District and the Township. Motion carried unanimously.

Moved Mr. Weaver, seconded Mr. Butterfield to authorize the solicitor to finalize and publish for enactment at the May 11, 2015 monthly general business meeting of the Borough Council a proposed ordinance amending Chapter 13 of the Code of Ordinances of the Borough of Gettysburg, to add a new Part 11 relative to outdoor dining and to amend Chapter 21, Part 2, section 21-223 relative to sidewalk obstructions by adding a reference to the new outdoor dining regulations. Motion carried unanimously.

Moved Mr. Weaver, seconded Mr. Pitzer to adopt a resolution opposing any Congressionally-mandated increase in truck size or weight. Motion carried unanimously.

USS Gettysburg

Graham Weaver reported that the USS Gettysburg is still in dry dock for repairs.

Rebecca Brown

Human Resources

Moved Ms. Brown, seconded Mr. Krummerich to enact Ordinance#1427-15 amending Chapter 1, Part 4.B of the Code of Ordinances of the Borough of Gettysburg, relative to the functions of the Borough Parking Department and the administration and supervision of public parking programs, systems and facilities of the Borough and the enforcement of compliance with all Borough regulations related thereto of the Parking Department and the Gettysburg Borough Police Department. A roll call vote was taken. YEA: Ms. Brown, Mr. Butterfield, Mr. Krummerich, Mrs. Naugle, Mr. Pitzer, Mr. Schindel, Mr. Weaver and Mr. Birkner. The vote passed unanimously.

Solicitor Eastman noted that both the parking department and the police department will be able to write tickets and citations.

Moved Ms. Brown, seconded Mr. Krummerich to authorize the issuance of a written notice of termination to Commonwealth Code Inspection Service, Inc. of its Agreement dated April 12, 2010 for the provision to the Borough of Gettysburg of Construction Code services with a termination date of July 31, 2015 consistent with section 11 of the Agreement. Motion carried unanimously.

Moved Ms. Brown, seconded Mr. Krummerich to adopt a resolution appointing R. Clem Malot of Pennsylvania Municipal Code Alliance, Inc. as a Building Code Official for the Borough of Gettysburg and Pennsylvania Municipal Code Alliance, Inc. as a third party Code Administrator and Code Enforcement Agency for the Borough of Gettysburg and to adopt a fee schedule for the performance of such Construction Code services by Pennsylvania Municipal Code Alliance, Inc. Motion carried unanimously.

Ms. Brown reported that the committee will be doing a one-year anniversary evaluation for the Borough Manager in May.

Robert Krummerich

College Community

Bob Krummerich reported that he along with the Mayor, John Butterfield and Scot Pitzer attended the annual college breakfast. He also reported that the college plans to have the concert and fireworks on July 4th again this year.

Manager Report

Manager Gable presented Council with the 2015 staff work plan update for review. If anyone has any questions they could contact him.

Moved Mr. Schindel, seconded Mr. Krummerich to authorize the Borough Manager to provide the required notice to Gettysburg College for the renewal of the Borough's Land Lease Agreement with Gettysburg College for the northwest stair tower of the Borough's Racehorse Alley Parking Garage for a fifteen (15) year term commencing on November 1, 2015 and ending on October 31, 2030. Motion carried unanimously.

Borough Secretary

Moved Mrs. Schindel, seconded Mr. Krummerich to accept the J.P. Harris Tax Exoneration report for tax years 2000, 2001, 2002, 2010, 2011, 2012, 2013 and 2014 as presented. Motion carried unanimously.

Department Reports

Scott Dellett announced that the HARB Training is scheduled for Wednesday, April 29th from 4:30 to 9:00 PM. He said that all Council members are invited to attend.

Dan Hilliard announced that the East Middle Street project will begin Monday, May 4th.

Public Comment

Wes Heyser said that he feels the School Resource Officer is a great program.

Moved Mr. Butterfield, seconded Mr. Krummerich to adjourn the meeting to an executive session at 10:00 PM.

Respectfully submitted,

Sara L. Stull
Borough Secretary