

COUNCIL MEETING MINUTES AUGUST 10, 2015

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

Others present included: Deborah Adamik, President, Main Street Gettysburg; Susan Flowers, Gettysburg Area Retail Merchants Association; Darlene Brown, ACHA/PICPI, 40 East High Street; Jack Bream, Gettysburg Area Recreation Authority; Charles Strauss, 38 West Middle Street; Michael Shestok, 264 Baltimore Street; Steve Hemler, 535 York Street; Barb Kingsley, Gettysburg Area School District; Brandon Guiher, Gettysburg Area High School; and Zach Golden, 1595 Herrs Ridge Road, Gettysburg. Representing the press were Jim Hale of the *Gettysburg Times* and Lillian Reed of the *Evening Sun*.

President Birkner welcomed Leonard Andrews as a member of Council to serve out the remaining term of Kyle Leinbach.

President Birkner also welcomed his brother John Birkner. He is a two-term Mayor of Westwood, New Jersey, running unopposed for a third term.

President Birkner announced that an executive session of the Borough Council of the Borough of Gettysburg was conducted immediately prior to the adjournment of the July 13, 2015 Borough Council meeting consistent with section 708(a)(1) of the Sunshine Act. An executive session of the Borough Council shall be conducted immediately prior to 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 as related to the staffing of the Borough Police Department.

Graham Weaver addressed his concern with the Council meetings running late and asked that Council adopt a five-minute rule for the public comment period.

Moved Mr. Weaver, seconded Mr. Andrews to amend the agenda limiting the public comment to five-minutes per person.

Solicitor Eastman pointed out that Borough Council already adopted its rules and regulations in 2008 which provides the public comment period to a maximum of five-minutes.

Mr. Weaver and Mr. Andrews withdrew the motion and second, respectively.

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Moved Mr. Pitzer, seconded Mr. Andrews to approve the August 10, 2015 agenda as presented. Motion carried unanimously.

After a few wording amendments were made, moved Mr. Butterfield, seconded Ms. Brown to approve the July 13, 2015 Borough Council meeting minutes. Motion carried unanimously.

Special Presentation:

Jack Bream, GARA Chairman, gave a brief overview about the athletes' Hall of Fame, noting that several plaques honoring athletes are displayed at the Charlie Sterner Recreation Building. He said that the best local athlete was Eddie Plank who played in a professional league for seventeen years. The Eddie Plank Awards were named for him to be given to successful athletes. Mr. Bream also congratulated the winner of this year's award for his fine accomplishment.

At this time Mayor Troxell presented Ravoughn Dilliard with the Eddie Plank Award in recognition as the PIAA track triple jump winner. This was greeted with warm applause.

Public Comment:

Deb Adamik, President Main Street Gettysburg, on behalf of the Baltimore Street Committee, thanked Council for its vote on the \$5,000 towards a match for the Master Plan. She reported that the application was submitted, and noted that Main Street has so far received twenty-one letters of support. Ms. Adamik said that they expect to hear about the grant in the fall, but they will continue to seek funding from public and private citizens in case they don't get the grant.

Susan Flowers, Gettysburg Area Retail Merchants Association (GARMA), said that she was available to answer any questions regarding the Memorandum of Understanding between the Borough and GARMA that is on the Council agenda for approval tonight.

Mayor Troxell had nothing to report.

President Birkner reported that he has been in contact with Robin Fitzpatrick, President, Gettysburg Area Industrial Development, about the REDDI / Stratton Street property. He has suggested a meeting with Ms. Fitzpatrick, County Commissioners and Council members to discuss the property and its future. He feels it would be important for Council to reaffirm what we are interested in and a bottom line for what we believe would be acceptable.

Jacob Schindel

Public Works:

Moved Mr. Schindel, seconded Mr. Butterfield to authorize the Borough to enter into a Memorandum of Understanding with the Gettysburg Area Retail Merchants Association, Inc. regarding matters related to the decoration of the Borough for the holiday season and holiday parking. Motion carried unanimously.

Moved Mr. Schindel, seconded Mr. Krummerich to authorize Gettysburg Borough as a tenant in possession of the Parking Garage property, to consent to and to join in an Easement Agreement between PNC Bank, National Association, and the Gettysburg Foundation for the provision of electrical service to the Gettysburg Train Station property. Motion carried unanimously.

Moved Mr. Schindel, seconded Mr. Butterfield to adopt a resolution to disconnect and remove one Met-Ed light pole #14564-18347 located at 328 Carlisle Street. Motion carried unanimously.

Moved Mr. Schindel, seconded Mrs. Naugle to adopt a resolution to add 100-watt, high pressure sodium, vapor, cobrahead street light on Met-Ed light pole #14642-18185 located in the rear of 108-112 York Street. Motion carried unanimously.

GARA report

Mr. Schindel reported that GARA moved its monthly meetings to be held on the third Tuesday at 7:00 PM. He said that the Board continues to work on the MOU between the Borough and GARA, and they are still working on the Strategic Planning. Mr. Schindel also reported that flag football will begin later this month.

John Butterfield

Finance:

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

Moved Mr. Butterfield, seconded Mr. Andrews to authorize the Borough to enter into a Memorandum of Understanding with the County of Adams for parking services in the Borough's Race Horse Alley Parking Garage for citizens of Adams County called to jury duty. Motion carried unanimously.

Mr. Butterfield reviewed the financial reports and noted that in the month of May there was \$18,204 of pillow tax collected. To date the total collected is \$49,468.14.

Susan Naugle

Mrs. Naugle recognized Barry Bernas who has been a loyal volunteer for Main Street Gettysburg, and also helps with the Monday garbage clean-up downtown.

Mrs. Naugle presented Council with a hand-out regarding the Central Adams Joint Comprehensive Plan events. An open house is scheduled on August 17th at the Agricultural Center from 3:00 – 7:00 PM for anyone interested in attending. She noted that there are also surveys for citizens to complete for recreation and joint planning.

Community Development:

Moved Mrs. Naugle, seconded Mr. Andrews to approve and authorize the issuance of Certificates of Appropriateness for New Applications Items A (58-60 Breckenridge Street), B (32 Carlisle Street), C (232 Chambersburg Street), D (46-50 East Middle Street), E (39 South Street), F (333 Baltimore Street), and G (105 East Middle Street), as set forth in the minutes of the July 15, 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. Butterfield to deny a Certificate of Appropriateness permit for New Application Item A (58-60 Breckenridge Street) for the replacement of five front exterior windows, as set forth in the minutes of the July 15, 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 Ms. Brown to authorize the solicitor to finalize and advertise for subsequent enactment a proposed ordinance amending Chapter, 19, Part 1 of the Code of Ordinances of the Borough of Gettysburg relative to street banners erected for events sponsored by the Borough of Gettysburg or erected by the Borough for seasonal or holiday purposes. Motion carried unanimously.

Gettysburg Municipal Authority report:

Mrs. Naugle reported that GMA continues discussions with the Borough regarding the future South Street project. She said that they continue to work with DEP for a corrective action plan in regards to the annual Wasteload Management Report that noted an anomaly in testing.

Gettysburg Inner Loop:

Mrs. Naugle reported that they are moving ahead with the DCNR C2P2 Grant. She said that C.S. Davidson should begin soon with the design and engineering for this project.

Mrs. Naugle announced that HABPI will be conducting a fund raiser on Saturday, August 22nd with a 10-13 mile ride. Anyone can register at HABPI.org or see her for details.

Graham Weaver

Public Safety:

Mr. Weaver said that there was an offer from a local organization to purchase body-mounted video cameras for the police Department. He asked Chief Dougherty to brief Council on the use of police body cameras. Chief Dougherty reported that PFC Chris Folster wore a camera on a trial basis for thirty-days, and that he prepared a report for the Chief based on his experience. He said that a policy was drafted using information from both the International Association of Chiefs of Police and the American Civil Liberties Union. He also pointed out that the International Association of Chiefs of Police did a study on the use of body cameras, and found that the use of cameras increased police officer accountability, police department transparency and they built a better relationship with the citizens. He noted that the American Civil Liberties Union supports the use of cameras if used properly.

Chief Dougherty said that he shared the policy he drafted with the Adams County District Attorney's Office. He said that First Assistant DA, Brian Sinnett reviewed it, said that it looked very good, and that it was something he could work with. He also said that he was glad to hear that Gettysburg was the first police department within the county that was considering this. Chief Dougherty urged Borough Council to approve the use of body cameras.

Moved Mr. Weaver, seconded Mr. Pitzer to authorize the Gettysburg Police Department to acquire body cameras for the use by its officer using only donated funds.

Mr. Krummerich asked how the data would be stored, and if it can legally be on the Borough computer server and or cloud. Chief Dougherty said that the system they get would provide storage, and that they would comply with state and federal laws. He said it would be on the police computer system only. Mr. Krummerich asked for a brief demonstration of the body camera at the next Council meeting.

Mrs. Naugle said that the information was provided to the Safety Committee, but feels that since this is a very important change for the Borough, Council should be provided with more information. She applauds the police department for reviewing the cameras. Mrs. Naugle asked if the Pennsylvania State Police instituted body cameras yet. Chief Dougherty responded no. Mrs. Naugle also expressed concern whether these cameras would be a matter of public record. She said that this could be costly and time-consuming for the Borough to manage digital data, including editing and redacting videos to be compliant with public records requests. Mrs. Naugle asked that a policy briefing be

provided to Council to explain the process and procedure, noting it's important to see how this may affect the budget.

Mr. Weaver said that his understanding is that the current police personnel would operate and maintain the cameras. He said that there would be no additional cost to the Borough. Chief Dougherty said that is correct.

Mrs. Naugle said that if Council members are to make an informed decision we should have more than just a motion. She noted that this is ironic since Mr. Weaver would object to other members making a motion without providing any background information, or providing information in the Council packets prior to the meeting. She said that she could not support this tonight without more information.

Ms. Brown agreed with Mrs. Naugle, and said that she could not vote on this motion until she had more background information on the cameras.

Mr. Weaver asked Chief Dougherty to give a demonstration of the body cameras at the next Public Safety Committee meeting.

Subsequent to further discussion, Mr. Butterfield, seconded Mr. Weaver to post-pone the motion and place on the September Council agenda. Motion carried unanimously.

Moved Mr. Weaver, seconded Mrs. Naugle to authorize the solicitor to prepare and publish for subsequent enactment and ordinance amending the provisions regulating residential parking permits and the display of permits in Chapter 15, Part 10 of the Code of Ordinances of the Borough of Gettysburg, relative to the Residential Permit Parking System. Motion carried unanimously.

USS Gettysburg:

Mr. Weaver reported that a video of the USS Gettysburg Crews recent visit will be on the Borough Website.

Rebecca Brown

Human Resources Committee:

Moved Ms. Brown, seconded Mr. Pitzer to reappoint Gary Shaffer to the Historical Architectural Review Board for a five-year term expiring in August 2020. Motion carried unanimously.

Ms. Brown commended Gary Shaffer for his many years of service to HARB noting that he is very knowledgeable of all of the historical buildings in town.

Moved Ms. Brown, seconded Mr. Pitzer to reappoint Joan Hodges to the Historical Architectural Review Board for a five-year term expiring in August 2020. Motion carried unanimously.

Robert Krummerich

College Community Committee:

Mayor Troxell announced that the Gettysburg College Freshman Walk is scheduled for Thursday, August 27th.

Mr. Butterfield asked if the Hazel Alley Group is planning to meet in September as they have in the past. Mr. Krummerich said he hasn't heard anything about a meeting.

Manager Report

Manager Gable presented Council with the upcoming budget meeting schedule.

Borough Secretary

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

Departments

Mr. Butterfield asked if there are any special events scheduled this month. Chief Dougherty responded no.

Public Comment:

Steve Hemler said that last month he expressed concern with the county moving offices out of the Borough. He asked if any Council members attended the Commissioners meeting to express the concerns of the Borough. Mr. Butterfield responded that he contacted the county, but was told that this item was not on the agenda.

Charles Strauss expressed concern again about the county offices moving out of town. He said that he met with Judge George and the Commissioners recently to discuss the issue, and was told they are looking further at needs and costs.

Moved Mr. Butterfield, seconded Mr. Krummerich to adjourn the meeting to an executive session at 8:30 PM.

The meeting reconvened at 9:40 PM and made the following motion.

Moved Mr. Weaver, seconded Mr. Krummerich to provide notification to the Civil Service Commission of the Borough of Gettysburg of two (2) vacancies in the position of corporal within the Gettysburg Police Department, and to request the Commission's certification of an eligibility list for the position of corporal. Motion carried unanimously.

With no further business to come before Council, moved Mr. Krummerich, seconded Mr. Pitzer to adjourn the meeting at 9:50 PM.

Respectfully submitted,

A handwritten signature in cursive script that reads "Sara L. Stull".

Sara L. Stull
Borough Secretary