

## **COUNCIL MEETING MINUTES NOVEMBER 9, 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; Public Works Director Dan Hilliard and Chad Clabaugh, Engineer, C. S. Davidson. Planning Director Scott Dellett was absent.

Others present included: Deb Adamik, President, Main Street Gettysburg; Emmett Patterson, Main Street Gettysburg Board Chairman; Darlene Brown, Executive Director, ACHA/PICPI; Wesley Heyser, 226 North Stratton Street; Mike Shestok, 264 Baltimore Street; AmyBeth Hodges, 137 Ridge Avenue; Steve Hemler, 535 York Street; Stan Clark, 915 Fairview Avenue. Representing the press were Jim Hale of the *Gettysburg Times* and Davin Jurgensen of the *Evening Sun*.

**An executive session of the Borough Council of the Borough of Gettysburg was conducted on Thursday, October 29, 2015 commencing at 5:00 PM consistent with section 708(a)(1) and section 708(a)(4) of the Sunshine Act for the following purposes: (1) to discuss matters involving the employment and the investigation, review and evaluation of performance of employees of the Gettysburg Borough Police Department relative to the May 12, 2015 arrest of Derek Twyman; and (2) to consult with its Chief of Police, the Mayor, the Borough Manager, the Borough's labor and employment law counsel and the Borough Solicitor in connection with matters on which identifiable claims could be made against the Borough in connection with the May 12, 2015 arrest. An executive session of the Borough Council shall be conducted immediately prior to the adjournment of this meeting consistent with section 708(a)(1) and section 708(a)(4) of the Sunshine Act for the following purposes: (1) to discuss matters involving the employment and the review and evaluation of performance of Borough employees and the hiring process of prospective employees of the Borough Police Department and a requested hearing before the Gettysburg Civil Service Commission; and (2) to consult with its Chief of Police, the Mayor, the Borough Manager and the Borough Solicitor in connection with matters on which identifiable claims could be made against the Borough relative to the May 12, 2015 arrest.**

**Moved Mr. Andrews, seconded Mr. Krummerich to approve the November 9, 2015 agenda as presented. Motion carried unanimously.**

**Moved Mr. Pitzer, seconded Mr. Butterfield to approve the minutes of the October 13, 2015 Borough Council meeting as presented. Motion carried unanimously.**

### **Public Comment:**

**Stan Clark, 915 Fairview Avenue, welcomed new Council members elect, AmyBeth Hodges and Wesley Heyser.**

**Mike Shestok, 264 Baltimore Street**, addressed Council and thanked them for listening to his concerns throughout this past year. He said that it's unfortunate to the Council members that won't be serving next year, because they brought a lot of experience to Council. He asked that Council members be patient with the new members as they settle in to their position. Mr. Shestok asked that as Council prepares the budget, they recognize the staff, noting that Sara Stull has over twenty-five years of service, and that Manager Gable and Nickie James have been doing a fine job since beginning work with the Borough. He said that he doesn't want Council to cut staff or services, but would rather take a small tax increase. He also said that he hopes that the incoming Council does not reopen the budget.

**Deb Adamik, President, Main Street Gettysburg**, congratulated the incoming Council members, Wesley Heyser and AmyBeth Hodges, and looks forward to working with them. She handed out welcome packets to Council members that Main Street has prepared for new businesses. Mrs. Adamik said that the packets contain information for businesses such as permits, licensing, etc. She said that a luncheon meeting with realtors is scheduled on December 3<sup>rd</sup> to present this information.

**Emmett Patterson, owner McDonald's Restaurant, Steinwehr Avenue**, addressed Council and said that Council needs to be business friendly. He said that the Borough staff is outstanding and works hard, and that Manager Gable did an exceptional budget presentation. He asked that Council not cut any services, and said that if non-profits are cut, then that would cut some of the services also provided to the citizens. Mr. Patterson noted that Main Street only has two employees, and many volunteers that provide a lot of services to the Borough. He said that the Borough must address the problem of declining property values to prevent big tax increases in the future.

**Mayor Troxell** announced that the Adams County Boroughs Association meeting will be held on Monday, November 16<sup>th</sup> at 6:15 PM at the Pike Restaurant. If anyone is interested, they should contact Sara to reserve a seat.

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

**Moved Mr. Butterfield, seconded Ms. Brown, to authorize a COLA increase for retired police pensioner Frederick Gantz, to be paid from the Police Pension Plan effective September 1, 2015. Motion carried unanimously.**

**Moved Mr. Butterfield, seconded Mr. Andrews, to approve application for payment #1 for the 2015 CDBG Curb Ramp Projects in the amount of \$153,834.71. Motion carried unanimously.**

**Moved Mr. Butterfield, seconded Mr. Andrews, to adopt a resolution appointing Smith Elliott Kearns & Company, LLC as the independent auditor of the Borough of Gettysburg during fiscal year 2016 in order to make an independent examination of the accounting records of the Borough for fiscal year 2015 and to perform such other duties and to exercise the powers as conferred upon an independent auditor under the Borough Code. Motion carried unanimously.**

**Moved Mr. Butterfield, seconded Mr. Krummerich, to enact Ordinance #1434-15 authorizing a general obligation note to secure a Pennsylvania Infrastructure Bank (PIB) loan for**

**stormwater, road and street improvements undertaken by the Borough, including reimbursements for project costs already paid. Motion carried unanimously.**

Mr. Butterfield reviewed the financial reports, noting that the 2015 Pillow Tax through August is 14 percent ahead of the revenue collected through August 2014.

**Moved Mrs. Naugle, seconded Mr. Pitzer, to adopt a resolution authorizing the submission of an application for 2015 Community Development Block Grant Funds to the Pennsylvania Department of Community and Economic Development. Motion carried unanimously.**

**Moved Mrs. Naugle, seconded Mr. Andrews, to execute a contract with C.S. Davidson, the Borough Engineer, for design work for Phase A of the Gettysburg Inner Loop, funded by a grant from the state Department of Conservation and Natural Resources. YEA: Mr. Andrews, Ms. Brown, Mr. Butterfield, Mr. Krummerich, Mrs. Naugle, Mr. Schindel, Mr. Weaver and Mr. Birkner. NAY: Mr. Pitzer. The motion carried 8 to 1.**

Chad Clabaugh noted that this is for the design process, and that it would take approximately one-year to complete. Meetings will be held during this time for property owners to attend and ask questions. He explained that the bidding would take place after this process is completed.

Mr. Weaver asked if there would be any expenses to the Borough for Phase A of the Gettysburg Inner Loop. Mr. Clabaugh responded no. Mr. Weaver then asked if there will be any expenses for the Borough for Phase B. Mr. Clabaugh responded that this is just for Phase A at this time. Mrs. Naugle noted that federal money will pay for the match for the state funding. Mr. Weaver asked what the design for the project is. Mr. Clabaugh responded that it will have a bridge over the stream, sidewalks, painting, etc., and said that the design is on the Website for anyone to review.

Mr. Pitzer asked if there is a maintenance agreement to maintain it when the work is completed, and said that he doesn't want it to be passed on to Borough staff to maintain. Mrs. Naugle responded yes, that HAPBI is providing funding for this. Mr. Krummerich asked if the Borough would be responsible to maintain it if HAPBI dissolves. Mr. Clabaugh responded that he believes it would be the Borough's responsibility. Mr. Schindel asked if there is any liability for the Borough with putting a bike route along the roadway. President Birkner pointed out that there are many communities that have bike paths along the roadway. Solicitor Eastman noted that liability flows with negligence to properly design the bike trail.

President Birkner thanked everyone who worked hard on the bike trail, especially Councilwoman Naugle who has spent an enormous amount of time on it.

Mrs. Naugle reported that "From the Ground Up Program" has ended for the season, but that they will provide a special clean-up on November 16<sup>th</sup> in advance of the Remembrance Day festivities.

Mrs. Naugle reported that the Interceptor Project is making good progress.

**Moved Mr. Butterfield, seconded Mr. Andrews, to approve the financial security, in connection with the Preliminary/Final Land Development Plan of the Foursquare Gospel Church Expansion at 330 West Middle Street, in the amount of \$264,719.40, consistent with the certification letter by the Borough Engineer. Motion carried unanimously.**

**Moved Mr. Schindel, seconded Ms. Brown, to authorize the Borough of Gettysburg to execute and deliver a Development Agreement and an Operation and Maintenance Agreement for Stormwater Management Practices with the International Church of the Foursquare Gospel, in connection with the Preliminary/Final Land Development Plan at 330 West Middle Street. Motion carried unanimously.**

### **Manager Report**

**Moved Mr. Andrews, 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.**

Manager Gable said that after the October Council meeting and subsequent Finance Committee meeting, he revised some of the budget line items. He pointed out that there was no clear consensus or direction from Council at that time. At this time the budget line items were discussed.

Moved Mr. Butterfield, seconded Mrs. Naugle to set the following 2016 budget line item 01.409.318 to increase the Legal Service for labor council from \$10,000 to \$25,000. Discussion ensued as for the need to increase the labor fees, and Mr. Weaver suggested increasing it to \$20,000 not \$25,000. The motion was then amended as follows.

**Moved Mr. Weaver, seconded Mr. Krummerich to amend the previous motion setting the following 2016 budget line item 01.409.318 to increase the Legal Service for labor council from \$10,000 to \$20,000. A roll call vote was taken. YEA: Mr. Andrews, Ms. Brown, Mr. Butterfield, Mr. Krummerich, Mrs. Naugle, Mr. Pitzer, Mr. Schindel, Mr. Weaver and Mr. Birkner. Motion carried unanimously.**

**Moved Mrs. Naugle, seconded Mr. Butterfield to set the following 2016 budget line item 01.465.542 for a Non-Government Appropriation to Elm Street in the amount of \$8,000. A roll call vote was taken. YEA: Mr. Andrews, Ms. Brown, Mr. Butterfield, Mrs. Naugle, and Mr. Birkner. NAY: Mr. Krummerich, Mr. Pitzer, Mr. Schindel, and Mr. Weaver. The vote passed 5 YEA/ 4 NAY.**

**Moved Mr. Weaver, seconded Mr. Krummerich to set the following 2016 budget line item 01.410.314 for Special Legal Services in the amount of \$45,000. A roll call vote was taken. YEA: Mr. Andrews, Ms. Brown, Mr. Butterfield, Mr. Krummerich, Mrs. Naugle, Mr. Pitzer, Mr. Schindel, Mr. Weaver and Mr. Birkner. Motion carried unanimously.**

**Moved Mr. Andrews, seconded Ms. Brown to set the following line item 01.410.410 Damages & Judgements in the amount of \$10,000. A roll call vote was taken. YEA:**

**Mr. Andrews, Ms. Brown, Mr. Butterfield, Mr. Krummerich, Mrs. Naugle, Mr. Pitzer, , Mr. Weaver and Mr. Birkner. NAY: Mr. Schindel. The vote passed 8 YEA/ 1 NAY.**

**Moved Mr. Weaver, seconded Ms. Brown to set the following 2016 budget line item 01.439.377 Repairs & Maintenance – Alleys in the amount of \$12,000. A roll call vote was taken. YEA: Mr. Andrews, Ms. Brown, Mr. Butterfield, Mr. Krummerich, Mrs. Naugle, Mr. Pitzer, Mr. Schindel, Mr. Weaver and Mr. Birkner. Motion carried unanimously**

Moved Mr. Butterfield, seconded Mrs. Naugle to set the following 2016 budget line item 01.465.541 Non-Government Appropriation to Main Street Gettysburg in the amount of \$25,000. Mr. Weaver said that he supports Main Street Gettysburg, but would like to amend the motion to keep the amount at \$20,000. The motion was then amended as follows.

**Moved Mr. Weaver, seconded Mr. Krummerich to set the following 2016 budget line item 01.465.541 Non-Government Appropriation to Main Street Gettysburg in the amount of \$20,000. A roll call vote was taken. YEA: Mr. Krummerich, Mr. Pitzer, Mr. Schindel, and Mr. Weaver. NAY: Mr. Andrews, Ms. Brown, Mr. Butterfield, Mrs. Naugle and Mr. Birkner. The vote failed 4 YEA/ 5 NAY.**

**Moved Mr. Butterfield, seconded Mrs. Naugle to set the following 2016 budget line item 01.465.541 Non-Government Appropriation to Main Street Gettysburg in the amount of \$25,000. A roll call vote was taken. YEA: Mr. Andrews, Ms. Brown, Mr. Butterfield, Mrs. Naugle and Mr. Birkner. NAY: Mr. Krummerich, Mr. Pitzer, Mr. Schindel, and Mr. Weaver. The vote passed 5 YEA/ 4 NAY.**

Mr. Andrews said that Main Street Gettysburg provides a variety of economic development services that the Borough cannot afford to carry out on its own such as the Steinwehr Avenue project and the Baltimore Street revitalization. Mr. Andrews pointed out that the Borough gave \$50,000 for many years to Main Street Gettysburg.

Mr. Butterfield agreed that Main Street Gettysburg is the arm of the Borough with respect to economic development. The Borough staff is strapped now, and the Borough cannot afford to bring anyone in to handle the economic development projects.

At this time Council discussed a tax increase. Mr. Krummerich said that he opposes taking from the reserves to balance the budget, and would rather agree to a small tax increase. He said that major expenses could arise at any time, such as the storm sewer collapse this summer on East Middle Street.

**Moved Mr. Andrews, seconded Mrs. Naugle to set the following 2016 budget line item 01.301.100 Real Estate Tax Discount at 0.15 mill increase. A roll call vote was taken. YEA: Mr. Andrews, Ms. Brown, Mr. Butterfield, Mrs. Naugle and Mr. Birkner. NAY: Mr. Krummerich, Mr. Pitzer, Mr. Schindel, and Mr. Weaver. The vote passed 5 YEA/ 4 NAY.**

**Moved Mr. Weaver, seconded Mrs. Naugle to set the following 2016 budget line item 01.390.905 Transfer \$87,553 from the General Fund Reserves and apply to the 2016 budget. A roll call vote was taken. YEA: Mr. Andrews, Ms. Brown, Mr. Butterfield, Mrs. Naugle, Mr. Schindel, Mr. Weaver and Mr. Birkner. NAY: Mr. Krummerich and Mr. Pitzer. The vote passed 7 YEA/ 2 NAY.**

**Moved Mr. Butterfield, seconded Mr. Andrews to authorize the Borough Secretary to give notice and cause the same to be published that the proposed budget for fiscal year 2016 has been prepared and is available for public inspection providing an estimate of annual revenues for the general fund in the amount of \$4,814,824 and an estimate of annual expenditures in the amount of \$4,814,824. Motion carried unanimously.**

**Moved Mr. Butterfield, seconded Mr. Andrews 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 14, 2015 for the purposes of fixing the real property tax rate for the Borough of Gettysburg for fiscal year 2016 at 3.7703 mills, the occupation tax rate at 30 mills and the fire protection services appropriations tax rate at .25 mills. Motion carried unanimously.**

Mr. Butterfield noted that the proposed budget would impose only the third increase in eight years. President Birkner commented that the proposed budget is a responsible budget.

John Butterfield asked what special events are scheduled for the month. Chief Dougherty responded that the Halloween Parade is on October 27<sup>th</sup> and the Christmas parade is on December 5<sup>th</sup>.

**Public Comment:**

**Mike Shestok, 264 Baltimore Street**, addressed Council, and said that the non-profits provide many services to the Borough and feels they deserve the appropriations.

**Deb Adamik, President, Main Street Gettysburg**, thanked Council for their consideration of an appropriation noting that it is a difficult decision for them to make. She said that Main Street is very sensitive to the Borough's tax situation, and the challenges of Council.

**Moved Mr. Butterfield, seconded Mr. Krummerich to adjourn the meeting to an executive session at 9:15 PM.**

The meeting reconvened at 9:40 PM. With no further business to come before Council, moved Mr. Krummerich, seconded Mr. Schindel to adjourn the meeting at 9:45 PM.

Respectfully submitted,

Sara L. Stull  
Borough Secretary