

## COUNCIL MEETING MINUTES DECEMBER 14, 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; Planning Director Scott Dellett and Chad Clabaugh, Borough Engineer, C. S. Davidson.

Others present included: Steve Wyngarden, Matthew George and Adam Gillenwick, representing the Civil War Trust; Gary Shaffer, HARB Chairman; Deb Adamik, President, Main Street Gettysburg; Darlene Brown, Executive Director, ACHA/PICPI; Tom Jolin, HABPI; Mark Kosh, GDM; Wesley Heyser, 226 North Stratton Street; AmyBeth Hodges, 137 Ridge Avenue; Charles Strauss, 38 West Middle Street; Steve Hemler, 535 York Street; Stan Clark, 915 Fairview Avenue; Judie Butterfield, 999 Sunset Avenue; Robin Wagner, 66 East Broadway; Michelle Smith, 279, Frederick Street, Hanover, PA; Michael and Sally Smith, 314 West Hanover Street, Hanover, PA. Representing the press were Jim Hale of the *Gettysburg Times* and Davin Jurgensen of the *Evening Sun*.

President Birkner opened this monumental meeting stating that this would be the last time that nine members would serve on the Gettysburg Borough Council. He said that earlier in the year a petition was filed, and subsequently the ordinance was passed to reduce the members to seven.

**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 November 9, 2015 Borough Council meeting consistent with section 708(a)(1) and section 708(a)(4) 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) 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 update on the requested hearing before the Gettysburg Borough 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.**

**Moved Ms. Naugle, seconded Mr. Pitzer to approve the December 14, 2015 agenda as presented. After some discussion the motion carried unanimously.**

Mr. Krummerich asked that the three motions for Board reappointments under the Human Resources tab, be removed from the agenda until the new Council members begin their duties in January. President Birkner noted that every Council that he has served on has always had members leaving Council, but has made these appointments in December as the terms expired. He said that this would be setting a precedent if that is how Council wishes to proceed.

Solicitor Eastman said that Mr. Krummerich could ask to remove the motions or another option would be to postpone the motions as they come up on the agenda tonight. Mr. Krummerich said that he would prefer to have them removed from the agenda. Solicitor Eastman explained that it is important to fill the terms on these Boards, noting that if there isn't a quorum for the meetings it could delay the applicants for the Planning Commission and Zoning Hearing Board.

Mr. Schindel said that he doesn't approve of removing the Gettysburg Municipal Authority appointment because GMA makes the recommendation to Borough Council for their appointments.

Mrs. Naugle said that she doesn't favor delaying these appointments because these Boards are important to keep filled. She pointed out that there has never been an issue in prior years with appointments in December. Mrs. Naugle agreed it is important to keep the GMA appointment, but feels all three appointments are important to fill. She explained that the Human Resource Committee has been task with filling these positions and noted that it is a difficult process because people don't step up for these appointments. Mrs. Naugle said that she doesn't see any good reason as to why qualified people would need to wait to be considered to fill these positions.

Mr. Pitzer asked how many volunteer applications were received for the Planning Commission and Zoning Hearing Board appointments, and also how many the committee has on file. Ms. Brown responded that these were the only applications that she had received, and said that people don't step up and volunteer for the Boards and the Commission.

Mr. Weaver said that he knows of a citizen interested in volunteering, but hasn't submitted his application yet. He doesn't feel that there is a need to rush these appointments through by the end of the year, and that we should see if others are interested in volunteering for these Boards.

President Birkner said that he respectfully wonders what is meant by rushing this through. He said that this is a procedure that has been used for a long time, noting that Mayor Troxell has been here for over twenty years, and that Borough Councils have always followed this procedure for appointments to the Boards and the Commission. He noted that both volunteers for these appointments are capable and qualified, and have been attending Council meetings for a long period of time. President Birkner said that this is more of a personal issue for some members.

Mr. Krummerich said that he is just advocating for a procedural change for appointments. Ms. Brown said that the Human Resource Committee, which Mr. Krummerich also serves on, fills these positions throughout the year as appointments become open. She noted that the appointments that were expiring in December were always approved at the December Council meetings in the past.

**Moved Mr. Krummerich, seconded Mr. Weaver to remove the appointments for the Zoning Hearing Board and the Borough Planning Commission from the agenda. A roll call vote was taken. YEA: Mr. Krummerich, Mr. Pitzer, Mr. Schindel and Mr. Weaver. NAY: Mr. Andrews, Ms. Brown, Mr. Butterfield, Ms. Naugle and Mr. Birkner. The vote failed 4 YEA/5 NAY.**

At this time Council went back to the original motion to vote on the agenda approval.

**Moved Mr. Andrews, seconded Mr. Krummerich to approve the minutes of the November 9, 2015 CDBG Public Hearing and Borough Council meetings as presented. Motion carried unanimously.**

### **Special Presentation**

Mrs. Naugle recognized and thanked Michelle Thomas, her family and friends for the donation of a bench to be placed on the square. It is in remembrance of Chris James in honor of his life and love of Gettysburg.

Michelle Thomas on behalf of her family and friends thanked Borough Council for allowing the placement of the bench on Lincoln Square.

### **Public Comment:**

**Charles Strauss, 38 West Middle Street**, addressed Council stating that he has read the Borough Budget, and complimented especially Borough Manager Gable for all the work he put into the budget document. He also welcomed the incoming Council member candidates, Wesley Heyser and AmyBeth Hodges. Mr. Strauss expressed his gratitude for the model service and professionalism the Borough has received from outgoing members Michael Birkner, John Butterfield, and Susan Naugle over their many years of service.

**Wesley Heyser, 226 North Stratton Street**, addressed Council and reiterated his comments from October after the budget presentation, and said that the budget is going to increase taxes. He said that it is going to decrease the number of police officers again, noting that he has watched it go from thirteen officers down to ten now. Mr. Heyser said that he understands the financial necessity and why it's occurring, but wanted to make sure the public is clear of what is happening.

**Deb Adamik, President, Main Street Gettysburg**, informed Council that the Victorian Christmas that was held over the weekend was a great success for the businesses. She said that they are planning another event next year. Mrs. Adamik also reported that approximately thirty people attended the realtor's luncheon that they hosted on December 2<sup>nd</sup>. She said that they were pleased with the welcome packets provided by Main Street that contains information for businesses such as permits, licensing, etc. Mrs. Adamik thanked the outgoing Council members for their continued support of Main Street Gettysburg.

**Steve Hemler, 535 York Street**, addressed Council regarding a public records request that he filed for information regarding vehicle maintenance invoices. He noted that sales tax was included on one of these invoices, and said that this should have been removed before paying the bill. Mr. Hemler also noted that in reviewing the budget, he feels that Council is spending money that the Borough doesn't have. He said that if Council places items in the budget, then they should be able to pay for them or increase taxes, but don't burden incoming Council members with expenses.

At this time President Birkner read a prepared letter summarizing his past years' service on Borough Council. (See attached)

President Birkner gave a brief report regarding the Civil War Trust. He said that along with Manager Gable and Councilman Butterfield, they have met on several occasions with representatives from the Civil War Trust to negotiate a payment in lieu of taxes for the property on Buford Avenue, known as "Lee's Headquarters". He said that a tax agreement has been made between the parties, and that it was included in Council's packet for tonight's meeting.

**Moved Mr. Butterfield, seconded Mr. Weaver to authorize entry into a Municipal Tax Agreement with the Civil War Preservation Trust. A roll call vote was taken.  
YEA: Mr. Andrews, Ms. Brown, Mr. Butterfield, Mr. Krummerich, Ms. Naugle, Mr. Pitzer, Mr. Schindel, Mr. Weaver and Mr. Birkner. The vote passed unanimously.**

President Birkner explained that the Civil War Trust has agreed to pay taxes of approximately \$13,000 for the current property, and noted that the tax amount would be reduced after the demolition of the buildings for as long as they are stewards of the property. He pointed out that a one-time payment of \$25,000 would be paid to the Borough by December 31, 2015.

Mr. Pitzer asked how this would be factored in to the Borough budget. Manager Gable responded that he would recommend Council place it in the Capital Projects fund to be used for specific purchases such as a backhoe. It would be Council's decision to allocate these funds. Finance Director James noted that the Fund Balance Policy has a provision for one-time payments that go into the Borough Reserves. Mr. Krummerich said that we should not place the funds in the budget until the check has been received.

**Moved Mr. Schindel, seconded Mr. Pitzer to authorize entry into an Amendment to Land Lease Agreement with Gettysburg College relative to a revision of the description of the property covered by the Land Lease Agreement and the clarification of maintenance responsibilities of the parties. Motion carried unanimously.**

Mr. Schindel reported that Jack Bream is resigning from the Gettysburg Area Recreation Authority Board. He said that Cumberland Township would be appointing a new member at its next monthly meeting. Mr. Schindel reported that GARA has a new Face Book page. He also pointed out that the YWCA has been helping to manage the operations at the recreation park. Mr. Schindel reported that the Chamber Mixer will be held at the park on January 21<sup>st</sup> hosted by GARA and the YWCA.

**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. Krummerich, to transfer \$1,121.40 from the Capital Projects Fund to the General Fund to reimburse for the land management software expense. Motion carried unanimously.**

**Moved Mr. Butterfield, seconded Mr. Krummerich, to adopt a comprehensive fee resolution for the purposes of setting, updating and confirming the Borough's fees and charges for the issuance of licenses, permits and the provision of municipal services. Motion carried unanimously.**

**Moved Mr. Butterfield, seconded Mrs. Naugle, to adopt a resolution authorizing the transfer of two (2) unmarked police vehicles of the Borough of Gettysburg to the Gettysburg Area School District for use in connection with the District's high school auto mechanic education program. Motion carried unanimously.**

**Moved Mr. Butterfield, seconded Mr. Andrews, to adopt a resolution to excuse the police from making contributions to the Police Pension Fund for 2015. The vote passed 8 YEA/1 NAY with Mr. Graham the dissenting vote.**

Mr. Weaver expressed his concern about excusing the police from contributing to the Gettysburg Borough Police Pension Fund.

**Moved Mr. Butterfield, seconded Mr. Andrews to approve the distribution of the Eichelberger-Stahle Funds to Borough residents. Motion carried unanimously.**

**Moved Mr. Butterfield, seconded Mrs. Naugle to approve the Memorandum of Understanding (MOU) between the Borough of Gettysburg and Gettysburg Truck Sentinel. Motion carried unanimously.**

Manager Gable explained that this was set up to help pay for streets and curbs that are damaged by oversized trucks traveling through the Borough. The Gettysburg Truck Sentinel will pay the insurance premiums.

**Moved Mr. Butterfield, seconded Mr. Weaver to adopt a resolution appointing York Adams Tax Bureau as the collector of delinquent per capita tax and occupation taxes on behalf of the Borough of Gettysburg and authorizing entry into a Tax Collection Services Agreement with York Adams Tax Bureau for the collection of delinquent per capita taxes and occupation taxes on behalf of the Borough. Motion carried unanimously.**

Mr. Pitzer asked why it is reported monthly that the pillow tax revenue is coming in steady, but in the budget message it states that there is a lag in pillow tax revenues received. Mr. Butterfield explained that he reports on the taxes received by the County which are always a few months behind. He pointed out that tonight's report is from September's taxes received from the County. Mr. Butterfield also said that in his monthly report he compares the current taxes collected to the prior year collection.

Mr. Pitzer expressed his concern that in regards to parking revenue coming in that there is a six-figure deficit, and doesn't want to continue this every year. Finance Director James said that she doesn't feel it will happen this year since adjustments were made to the budget. She pointed out that last year certain Borough Council members authorized increasing the meter rates against the staff's recommendation in order to balance the budget.

Mr. Butterfield reviewed the financial reports, noting that the 2015 Pillow Tax through September is 9.8 percent ahead of the revenue collected through September 2014.

Mrs. Naugle reported that the Community Development Committee continued discussions regarding satellite dishes. She said that she spoke with representatives from the FCC regarding regulations, and is in the process of preparing a notice that will be sent to citizens to explain the process for satellite dishes.

**Moved Mrs. Naugle, seconded Mr. Andrews to approve and authorize the issuance of Certificates of Appropriateness for Items A (219 South Washington Street), D (224 Baltimore Street), E (234 North Stratton Street) and F (301 Steinwehr Avenue), as set forth in the minutes of the November 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. Butterfield to deny the issuance of a Certificate of Appropriateness for Item C (150 Carlisle Street), as set forth in the minutes of the November 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. Andrews to approve and authorize the issuance of a Certificate of Appropriateness for 401 Buford Avenue. 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. The vote passed unanimously.**

**Moved Mrs. Naugle, seconded Mr. Andrews to authorize entry into a cooperation agreement with the County of Adams for Fiscal Year 2015 Community Development Block Grant program administration. Motion carried unanimously.**

Mrs. Naugle reported that the Gettysburg Municipal Authority Interceptor Project is moving along, and that they are currently working in the residential area. She also noted that at the upcoming GMA meeting they will vote on the budget which includes a rate increase.

Mrs. Naugle reported that Healthy Adams Bicycle/Pedestrian, Inc. (HABPI) has raise \$30,000 to be used for the Gettysburg Inner Loop. The Borough can determine how to use these funds, for maintenance, design, construction etc.

Mr. Pitzer said that his comment made at last months meeting in regards to the Borough paying for the maintenance of the Gettysburg Inner Loop was questioned as it moves forward. Mrs. Naugle replied that Council will need to consider their wishes for the new phase of the project.

Mrs. Naugle reported that HABPI will again pay for the Rails to Trails Magazine subscription for all Borough Council members.

Mr. Weaver reported that the USS Gettysburg continues to be out of commission for repairs.

**Moved Ms. Brown, seconded Mr. Butterfield to adopt a resolution appointing Conor Brooks as an alternate member of the Zoning Hearing Board to fill the vacancy created by the resignation of the unexpired term of Peter L. Smith, which expires on December 31, 2016. Motion carried unanimously.**

**Moved Ms. Brown, seconded Mr. Pitzer to adopt a resolution appointing Dorothy K. Puhl as a member of the Board of the Gettysburg Municipal Authority for a five-year term, commencing on January 4, 2016 and expiring on the 1<sup>st</sup> Monday of January 2021. Motion carried unanimously.**

**Moved Ms. Brown, seconded Mrs. Naugle to appoint Charles Strauss as a member of the Gettysburg Borough Planning Commission for a five-year term expiring in December 2020. Motion carried unanimously.**

Ms. Brown commented that she has enjoyed her time on Council and has learned a lot by serving. She complimented the wonderful staff that works very hard for the Borough and its community.

Mr. Andrews thanked Council for appointing him to fulfill the unexpired term. He said that he has enjoyed working and serving for his constituents. Mr. Andrews said his observation is that the staff cuts are at 'bare bones' from when he served previously on Council.

**Moved Mr. Schindel, seconded Mrs. Naugle to authorize entry into a boundary line and right of way agreement with the owners of adjoining land along the western boundary of the real property of the International Church of the Foursquare Gospel at or near the intersection of Reynolds Street and Legion Alley. Motion carried unanimously.**

Mr. Clabaugh explained that the boundary line was unclear, and that this agreement addresses the western portion of their property so that they can move forward with their building plans. Solicitor Eastman explained that what this agreement does for the Borough is confirms the boundary line of the property that the Borough got from the Codori's adjoining property.

**Moved Mr. Butterfield, seconded Ms. Brown to include the Adams Rescue Mission Recycling Program in the 2016 budget as a non-governmental appropriation by adjusting line items 01.430.115 (Salary-Part-Time) and 01.421.341 (Act 101 Recycling) as follows: 01.421.341 \$500 01.430.115 \$36,500. A roll call vote was taken. YEA: Ms. Brown, Mr. Butterfield, Mrs. Naugle, Mr. Weaver and Mr. Birkner. NAY: Mr. Andrews, Mr. Krummerich, Mr. Pitzer and Mr. Schindel. The vote passed 5 YEA/4 NAY.**

Manager Gable explained that the Adams County Commissioners have offered to support the Adams County Rescue Mission, and asked municipalities to contribute \$500 to assist in the recycling program for electronics.

Mr. Schindel expressed his concern with giving appropriations to a religious organization. He also noted that they have tax free property in the Borough. Mr. Schindel said that he is concerned that this may continue to be placed in the budget each year. He said that he does support recycling but doesn't feel this is the proper way to handle it.

President Birkner pointed out that the Adams County Commissioners pledged \$12,000 for this recycling program. He noted that the County Solicitor and the Commissioners didn't see an issue with giving to a religious organization. President Birkner said that this is a valuable program for all citizens

of the county. He pointed out that a match must be met before the money is spent. He also noted that Council would review the budget appropriations each year.

Mr. Butterfield noted that this is for electronic items only, and said that this is a great concern, because these items are being discarded in the alleys and other areas throughout the County. He pointed out that the garbage haulers will not pick up electronic items up anymore.

Mrs. Naugle said that she has three items that she cannot put in the trash because the waste haulers won't pick up electronic items. She suggested that Mr. Schindel and the Legislative Committee speak with the State Legislators about this issue. Mrs. Naugle said that she doesn't feel that there is an issue with the church affiliation, because there are church affiliated organizations that provide services to governments.

Mr. Krummerich agreed with Mr. Schindel about the appropriations, and also feels that the County shouldn't ask the Borough for money. He said that the Borough is broke and doesn't have funding to give away.

Mr. Pitzer said that the Legislative Committee did address this issue with state representatives. He said that they are waiting on a report from DEP to tell them specifically what is wrong with the law and to determine how to address it.

Mr. Pitzer commented about Straban Township's generosity in contributing to the recycling program, noting that they don't provide the services that the Borough provides to its tax payers. We provide code enforcement, a police department and a recreation park to the Borough citizens.

**Moved Mr. Butterfield, seconded Mr. Andrews to adopt the Borough budget for fiscal year 2016 providing an estimate of annual revenues for the general fund in the amount of \$4,814,824.00 and an estimate of annual expenditures in the amount of \$4,814,824.00. A roll call vote was taken. YEA: Mr. Andrews, Ms. Brown, Mr. Butterfield, Mrs. Naugle, Mr. Weaver and Mr. Birkner. NAY: Mr. Krummerich, Mr. Pitzer and Mr. Schindel. The vote passed 6 YEA/3 NAY.**

Mr. Pitzer asked how close toward the fund balance policy minimum will be after the transfer of money out of the reserves. Finance Director James responded it will be close. She said that this will be discussed further at the upcoming Finance Committee meeting.

Mr. Weaver said that he is inclined to vote for this, but wants to reserve his right to reopen the budget in January.

**Moved Mr. Butterfield, seconded Mr. Andrews to enact an ordinance fixing the tax rates of the Borough of Gettysburg for fiscal year 2016 a 3.7703 mills on each dollar of real estate assessed valuation for general Borough purposes, 30 mills on each dollar of occupational assessed valuation for general Borough purposes, and at .25 mills on each dollar of real estate assessed valuation for fire protection services appropriations tax purposes. After some discussion a roll call vote was taken. YEA: Mr. Andrews, Ms. Brown, Mr. Butterfield, Mr. Krummerich, Mrs. Naugle, Mr. Weaver and Mr. Birkner. NAY: Mr. Pitzer and Mr. Schindel. The vote passed 7YEA/2 NAY.**

**Moved Mr. Butterfield to accept the J. P. Harris Tax Exoneration report for tax year 2010, 2011, 2012, 2013 and 2014 as presented. The motion died without a second.**

Finance Director James said that if Council exonerates this then the York Adams Tax Bureau won't be able to collect any delinquent taxes.

John Butterfield asked Chief Dougherty what special events are scheduled for the month of December. Chief Dougherty responded that the New Years Eve event is the only thing scheduled.

John Butterfield asked Chief Dougherty if the new radios have arrived yet. Chief Dougherty responded yes and that the coverage is outstanding throughout the County.

Mr. Pitzer thanked Chief Dougherty for the detailed report of police duties that he supplied to the Public Safety Committee.

John Butterfield asked if the Public Works Department continues to pick up leaves. Public Works Director Hilliard responded that they will continue throughout the month.

Chad Clabaugh reported that the East Middle Street project is completed. He noted that there is one-lane between the Fifth and Sixth Street that is failing. Mr. Clabaugh said that he and Public Works Director Hilliard met with the contractor to discuss. The contractor agreed to repave this section in the spring at no cost to the Borough.

**Public Comment:**

**Steve Hemler, 535 York Street,** asked what a structural deficit is. President Birkner explained that, for example, the police get percentage increases each year whereas the property taxes have been decreasing.

**Moved Mr. Pitzer, seconded Mr. Weaver to set the organization meeting of the Borough Council to be held on Monday, January 4, 2016 at 7:00 P.M., and to authorize the provision of public notice for the organization meeting. Motion carried unanimously.**

At this time Mayor Troxell presented the outgoing Borough Council members, Len Andrews with the Mayor's Service Award; and President Michael Birkner, John Butterfield and Becky Brown with plaques for their dedication and service to the Borough.

**Moved Mr. Butterfield, seconded Mr. Krummerich to adjourn the meeting to an executive session at 9:50 PM.**

The meeting reconvened at 10:09 PM and with no further business to come before Council, moved Mr. Butterfield, seconded Mr. Schindel to adjourn the meeting at 10:10 PM.

Respectfully submitted,

Sara L. Stull  
Borough Secretary