

BOROUGH OF GETTYSBURG
59 EAST HIGH STREET, GETTYSBURG, PA 17325
COUNCIL MEETING MINUTES
APRIL 11, 2016

President Robert Krummerich called the meeting to order at 7:00 PM with the following Councilors present: Mrs. Susan Naugle, Mr. Graham Weaver, Mr. Jacob Schindel, Mr. Scot Pitzer, Mr. Wesley Heyser, Mrs. AmyBeth Hodges and Mayor William Troxell. Staff present included: Manager Charles Gable; Borough Secretary Sara Stull; Solicitor Harold Eastman; Chief Joseph Dougherty; and Public Works Director Dan Hilliard.

Others present include: Gary Pulcini, Capital Markets Management LLC, 147 Hermitage Circle, Ligonier, PA; Jens Damgaard, Rhoads and Sinon; Deb Adamik, President, Main Street Gettysburg; Darlene Brown, Executive Director, PA Interfaith Community Programs, Inc. (PICPI), 40 East High Street; Matthew George, Civil War Trust, Washington, DC; Mike Shestok, 264 Baltimore Street; Phil Goble, 132 East Middle Street; Jim Fleet, 122 East Middle Street; Ron Frenette and Mike Tallen, 811 Johns Avenue; Harry Hartman, Publisher, the *Gettysburg Times*; Charles Strauss, 38 West Middle Street; Rodger Goodacre, 105 East Broadway; Steve Hemler, 535 York Street; Stan Clark, 915 Fairview Avenue, Meda Johnson, 351 Village Drive; Maggie Laughman, 57 Breckenridge Street; Dominic Picarelli, KPI Engineering; Paul Witt, Best Western Hotel, 301 Steinwehr Avenue; Nathan and Laura Mares, Best Western Hotel, 301 Steinwehr Avenue; John Newbold, 930 Highland Avenue; Bob Defayette, 100 King Street; Jennifer Eckerson, 139 Breckenridge Street; Pastor Gwen Stone, 455 Village Drive; Jean Green and Kim Riley.

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

President Krummerich opened the meeting and stated that because of a disturbance after the last meeting Council would no longer grant a wide latitude to those making public comment and would revert to the letter of the law. President Krummerich read the Rules of Comments and added that speakers would not be allowed to make patently false statements. He stated that council members would not be engaging in discussion and that the public should come to comment and not ask questions. He added that comments may not be slanderous or insulting. Attendees cannot call out from the seats, there will be no bullying or intimidation. President Krummerich asked attendees to stop talking during the meetings as it disturbs other attendees and is disrespectful to other speakers.

President Krummerich announced that an executive session of the Borough Council of the Borough of Gettysburg was conducted on Monday, March 28, 2016 immediately following the adjournment of the monthly work session of the Borough Council consistent with sections 708(a)(1), 708(a)(3), 708(a)(4) and 708(a)(5) of the Sunshine Act.

President Krummerich announced that 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)(2), 708(a)(3), 708(a)(4) and 708(a)(5) of the Sunshine Act for the following reasons and purposes: (1) to provide information and to discuss matters involving the employment and the investigation, review and evaluation of performance of current employees of the Gettysburg Borough Police Department relative to the May 12, 2015 arrest of Derek Twyman, and to discuss matters of employment in connection with the staffing of the Police Department; (2) to provide information or to discuss strategy in connection with any grievance matters filed by Teamsters Local 776 or any other matters threatened to be filed by the police officers' labor union; (3) to provide information and to discuss and consider matters in connection with the possible purchase of real property by the Borough of Gettysburg; (4) to consult with the Mayor, the Borough Manager and the Borough Solicitor in connection with information or strategy on which identifiable claims or complaints are expected to be filed against the Borough of Gettysburg in connection with the May 12, 2015 arrest of Derek Twyman; and (5) 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. Heyser, seconded Mrs. Hodges to Approve the April 11, 2016 agenda as presented.

Moved Mr. Pitzer, seconded Mrs. Naugle to approve the March 14, 2016 Council Business Meeting minutes as presented. Motion carried unanimously.

After a verbiage change, moved Mr. Schindel, seconded Mr. Pitzer to approve the March 28, 2016 Council Work Session Meeting minutes. Motion carried unanimously.

Public Comment:

Meda Johnson, 351 Village Drive, expressed her concern about the need for school zone signs near Baltimore and Breckenridge Streets where her great-grandson was hit by a car on his way to school. Public Works Director Hilliard said that he is currently working with school officials regarding signs.

Meda Johnson also addressed Council stating that she is concerned that some police officers are racially profiling young African-American males in the Third Ward. She asked that Council review this issue.

Maggie Laughman, 57 Breckenridge Street, said that there is a lack of activities for young people to do, and also noted that just because groups of children are walking together that they are "not gangs".

Jean Green, asked that a community discussion meeting be scheduled in the near future so that residents can get their questions answered by Chief Dougherty.

Mike Tallen, 811 Johns Avenue, thanked the Police Department for responding to his house alarm when he was out of town.

Jennifer Eckerson, 139 Breckenridge Street, said that she supports Chief Dougherty and the Police Department.

Deb Adamik, President, Main Street Gettysburg, invited Council and the community to attend the Baltimore Street Community's "Steppin' Out in Lincoln's Footsteps" event on May 14th from 10:00 AM to 3:00 PM.

Phil Goble, 132 East Middle Street, expressed his concern regarding borrowing additional funds with the bond issue if Council doesn't have a list of projects on which to spend these funds.

Stan Clark, 915 Fairview Avenue, read a prepared statement noting that his remarks are his as a citizen, and is not related to his employment at the Adams County Courthouse. He again expressed his concern with paying over \$10,000 for a police report that he felt was unnecessary.

Rodger Goodacre, 105 East Broadway, addressed Council and said that the issue of the \$3,000 overrun for the police study is no comparison when the Borough Budget is over seven million dollars. He also said that he compared the Borough of Gettysburg to other similar municipalities and doesn't feel that the staff is in any way overstaffed or overpaid.

Steve Hemler, 535 York Street, asked that Council "cut ties" with the Pittsburgh-based law firm. He also asked Mayor Troxell to reinstate Officer Folster tonight. Scot Pitzer asked Solicitor Eastman if the Mayor can reinstate Officer Folster. Solicitor Eastman responded that it's an administrative decision and that the Mayor would reprimand if needed.

Mr. Hemler also asked why the Borough doesn't have security cameras in the building.

At this time there was a discussion regarding the invoices pertaining to the police investigation report. AmyBeth Hodges stated that "the public was misled and lied to" about the cost of the investigation. President Krummerich responded that her comment was "harsh and unfair," and said that it was Council that continued discussions with the attorneys about the report.

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 authorize a COLA increase for retired police pensioner Charles Fritz, to be paid from the Police Pension Plan effective March 1, 2016. Motion carried unanimously.

Moved Mr. Schindel, seconded Mr. Heyser to adopt a resolution for the purpose of authorizing preliminary action to the issuance of a new series of general obligation bonds of the Borough for the purposes of refinancing its general obligation bond issue, series of 2010 to achieve interest rate savings and to finance any capital projects to be subsequently identified by the Borough and for the purpose of authorizing preliminary action in connection with the Borough's willingness to guaranty the issuance of a new series of sewer revenue bonds of the Gettysburg Municipal Authority for the purpose of refinancing its guaranteed sewer revenue bond issue, series of 2010. Motion carried unanimously.

Gary Pulcini, Consultant, Financial Solutions, and Jens Damgaard, Rhoads and Sinon gave a brief summary of the benefits of refinancing bonds. Mr. Pulcini said that by refinancing bonds at today's lower rates could pay off existing debt sooner and save the Borough approximately \$183,000 in interest costs. He also pointed out that by "piggybacking" with the Gettysburg Municipal Authority's planned borrowing would reduce the Borough's share of the costs of the transaction.

Moved Mr. Weaver, seconded Mr. Schindel to approve and authorize the issuance of Certificates of Appropriateness for Items A (401 Buford Avenue), B (105 East Middle Street), C (777 Baltimore Street) and D (301 Steinwehr Avenue), as set forth in the minutes of the March 16, 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. Heyser, seconded Mrs. Naugle to authorize the Borough of Gettysburg to execute and deliver a Development Agreement and an Operation and Maintenance Agreement For Stormwater Management Practices with S & W Development Corp. in connection with the Best Western Hotel Preliminary/Final Land Development Plan on Culp Street conditioned on the review and approval of the Borough Planning Director, Solicitor and Borough Engineer. Motion carried unanimously.

Moved Mrs. Hodges, seconded Mr. Schindel to approve the financial security in connection with the Best Western Hotel Land Development on Culp Street, in an amount approved by the Borough Engineer, and in a form authorized by the Pennsylvania Municipalities Planning Code. Motion carried unanimously.

Moved Mr. Schindel, seconded Mr. Pitzer to approve the release of the 5% retainage in the amount of \$13,687.30 for the Middle Street Paving Project to Kinsley Construction conditioned on the approval of the Borough Engineer. Motion carried unanimously.

Moved Mr. Pitzer, seconded Mr. Schindel to authorize the Solicitor to prepare and publish for subsequent enactment an ordinance amending the Residential Parking Permit System Ordinance by removing an area on South Franklin Street from the Residential Parking Permit System. Motion carried unanimously.

Public Works Director Hilliard reported that they will begin weed control spraying along the curbs the week of April 18th. He also announced that the brush pickup date has been scheduled for the week of May 23rd.

Chief Dougherty announced that Terry DeWitt will begin duties as a part-time officer in the near future.

Manager's Report:

Moved Mrs. Naugle, seconded Mr. Heyser to adopt a resolution authorizing the execution of the FEMA documents for Winter Storm Jonas damage recovery. Motion carried unanimously.

Manager Gable announced that the Steinwehr Avenue Phase II Ribbon Cutting is scheduled for May 23rd at 10:00 AM.

Manager Gable announced that a Baltimore Ravens Event will be held at the Gettysburg Middle School on June 14th for children ages 5-15.

Manager Gable gave a presentation on his recent trip to Sekigahara/Waterloo, Japan in March. He and Gettysburg National Military Park Superintendent, Ed Clark, were invited to attend the World Battlefields Summit. Manager Gable shared a video of the many experiences they had.

Liaison Reports:

GETTYSBURG AREA RECREATION AUTHORITY

Mr. Schindel reported that GARA is interviewing applicants for the Executive Director position. He also reported that the park looks good, and that the baseball fields are being prepared for the upcoming opening day.

GETTYSBURG MUNICIPAL AUTHORITY

Mrs. Naugle reported that GMA continues to discuss the possibility of a General Obligation Bond to finance some upcoming projects. She also said that they will be resurfacing streets and landscaping yards that have been disrupted during the interceptor project work.

USS GETTYSBURG

Mr. Weaver reported that the USS Gettysburg continues to be refurbished and will remain in dry dock in Bath, Maine until completed.

STEINWEHR AVENUE

Mrs. Hodges announced that the Steinwehr Avenue Heart of Battlefield will have a ribbon cutting on May 23rd at the newly built Appalachian Brewing Company on Steinwehr Avenue.

ADAMS COUNTY COUNCIL OF GOVERNMENTS

Mr. Pitzer reported that a letter was received from ACCOG regarding the status of the joint collaboration project to reestablish a recycling program. The letter was included with your packet of meeting information.

ADAMS COUNTY TRANSPORTATION PLANNING ORGANIZATION

Mrs. Naugle reported that ACTPO plans on updating the Long Range Transportation Plan and will be appointing a Steering Committee.

Council:

President Krummerich said that many public records requests for information about the investigation have been received by members of the public and newspaper. He pointed out it has absorbed a large amount of time for staff noting that one request asked for all emails from employees that include the word “police”. Chief Dougherty said that his officers will need a lot of time to search their computers for specific words. Manager Gable said that he estimates the cost at approximately \$4,000 to date, but there are many more requests to complete.

AmyBeth Hodges read the following prepared statement: “It is my honor and privilege to sit here on Council representing you. I have promised to be a strong conservative voice for the citizens and taxpayers of the Borough. I’m reaching out tonight to urge each of you to come to our public workshops or regular public meetings. Because if you do, you will become as angered as I am. It is time to start using common sense! Please, if you care about your health of our Borough, welfare of our police department and your hard earned tax dollars, I’m asking that you rally behind me and fill each and every one of these seats in this room. I will continue to engage with you, the public, because transparency and honesty are essential to this process”!

Susan Naugle said that she would attend the Pennsylvania State Association of Boroughs (PSAB) conference in June that will be held in Hershey. She also reported that From the Ground Up Program will begin on April 18th at 8:00 AM if anyone is interested

in helping. Mrs. Naugle expressed her desire regarding Council voting that President Krummerich ask members for a voice vote.

Scot Pitzer suggested that in the future workshops for budget discussions that RFP's are sent for services, and that Council members could do this research.

Public Comment:

Phil Goble, 132 East Middle Street, expressed his concern with the amount of time and costs regarding the police investigation.

Rodger Goodacre, 105 East Broadway, suggested that an advisory board be developed with police and community members to participate and help with issues.

Steve Hemler, 535 York Street, demanded that Officer Folster be reinstated to the police force.

Harry Hartman, Publisher, Gettysburg Times, asked Councilman Pitzer to ask Council who placed officer Folster on administration leave. Manager Gable responded that the Mayor is the only one that can place officers on leave, not Council or the manager.

Charles Strauss, 38 West Middle Street, expressed his concern that the Council meetings are discouraging and out of order, and that citizens won't want to attend meetings. They have become very stressful and they are intimidating people. Mr. Strauss acknowledged Manager Gable on his well prepared budget presentation and asked citizens to read it.

Stan Clark, 915 Fairview Avenue, said that he filed a public records request for information; and noted that if he doesn't get everything he wants, that he would file an appeal with the open records in Harrisburg. Mr. Clark asked the status of Finance Director Nickie James.

The meeting was adjourned to an executive session at 9:25 PM.

With no further business, moved Mr. Schindel, seconded Mr. Pitzer to adjourn the meeting at 10:40 PM.

Respectfully submitted,

Sara L. Stull
Borough Secretary