

BOROUGH OF GETTYSBURG
59 EAST HIGH STREET, GETTYSBURG, PA 17325
COUNCIL MEETING MINUTES
MAY 9, 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; Finance Director Nicolette James; Planning Director Scott Dellett; Public Works Director Dan Hilliard; and Borough Engineer Chad Clabaugh, C.S. Davidson.

Others present include: Gary Pulcini, Capital Markets Management LLC, 147 Hermitage Circle, Ligonier, PA; Gary Shaffer, Chairman, Historical Architectural Review Board; Deb Adamik, President, Main Street Gettysburg; Tammy Myers, Gettysburg Heritage Center/Future Stake Inc.; Steve Niebler and Tom Jolin, representing Healthy Adams Bicycle Pedestrian, Inc. (HABPI); Mike Shestok, 264 Baltimore Street; Phil Goble, 132 East Middle Street; Mike Tallen, 811 Johns Avenue; Harry Hartman, Publisher, the *Gettysburg Times*; Rodger Goodacre, 105 East Broadway; Steve Hemler, 535 York Street; Stan Clark, 915 Fairview Avenue; John Lawver, former Borough Manager, 524 McMillan Street; Ted McPherson, 250 Carlisle Street; Stephen Brown, 20 East Middle Street; Muhammad Ashraf, City Mart, 150 Carlisle Street; Ron and Marybeth Sprankle, 333 Baltimore Street; Jack and Bobbi Phillips, 251 Springs Avenue; Monica Oss, Chief Executive Officer, Open Minds, 165 York Street; Josh and Rachel Austin, Mark E. Austin Building & Remodeling, Inc.; Bob and Michelle Sharrah, Sharrah Design restoration & Construction LLC; Hunter Johnson, Tono Group, 436 W. James Street, Lancaster, PA; Luke and Bonnie Stoltzfus, Freedom Valley Church, 3185 York Road, Gettysburg; and Allan Junggust, Uber, 6100 Old Hanover Road, Spring Grove, Pa.

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

President Krummerich announced that an executive session of the Borough Council of the Borough of Gettysburg was conducted on Monday, April 25, 2016 immediately following the adjournment of the monthly work session of the Borough Council consistent with sections 708(a)(1), 708(a)(2), 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 to provide an update and information on the matter of Gangwal v. Folster, docket no. 14cv2002, pending in the United States District Court for the Middle District of Pennsylvania; 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. Pitzer, seconded Mr. Heyser to approve the May 9, 2016 agenda as presented. The motion was withdrawn. After adding to the agenda a motion authorizing Bond Council to prepare and advertise an ordinance for the purposes of borrowing for refinancing the 2010 General Obligation Bonds for the issuance of General Obligation Bond Series 2016 in the amount of _____, moved Mr. Schindel, seconded M. Pitzer to approve the agenda as amended. Motion carried unanimously.

Mr. Weaver asked that the Bond discussion be added to the agenda for discussion

Moved Mr. Pitzer, seconded Mrs. Naugle to approve the April 11, 2016 Council Business Meeting minutes as presented. Motion carried unanimously.

Moved Mr. Pitzer, seconded Mr. Heyser to approve the April 25, 2016 Council Work Session Meeting minutes. Motion carried unanimously.

Public Comment:

John Lawver, 524 McMillan Street, addressed Council regarding Comcast Cable closing its local service office. The closest place for citizens to go is in Shippensburg which is inconvenient. He asked Council to review the current Franchise Agreement to see if a local office was part of the agreement. Mr. Lawver also addressed his concerns regarding Water Street, Fourth Street and Stratton Street that have not been paved yet. He pointed out that the work has been completed by the Gettysburg Municipal Authority in March and that the contractor should have completed the paving.

Muhammad Ashraf, owner City Mart, 150 Carlisle Street, expressed his concerns with the vandalism that has occurred at his business. He said that he is not happy with the police department for not helping him, and he has contacted Chief Dougherty. President Krummerich asked Chief Dougherty to speak with Mr. Ashraf about his concerns.

Phil Goble, 132 East Middle Street, expressed his concern regarding borrowing four million dollars with a bond issuance. He doesn't feel that all the projects are needed at this time.

Steve Hemler, 535 York Street, also expressed his concern with borrowing funds that would "tie future Council members' hands" and feels that taxes would need to be increased.

Rodger Goodacre, 105 East Broadway, said that he agrees that Council should not be spending unnecessary funds at this time.

Stan Clark, 915 Fairview Avenue, also agreed that a four million dollar bond is a bad idea and that taxes would need to be increased.

Special Presentation:

Borough of Gettysburg Historical Preservation Awards

Scott Dellett said that in celebration of Historic Preservation month, the Historical Architectural Review Board would like to recognize certain properties. He noted that awards are presented to property owners that demonstrate outstanding performance in maintaining and rehabbing buildings and properties in the Historic District. The 2016 Preservation Awards will be presented for Exceptional Merit and Merit.

At this time Gary Shaffer, Chairman, HARB presented certificates to the following for going above and beyond for the work at their properties. Certificates of Merit were presented to: Jack and Bobbi Phillips, owners 101 West Middle Street, and Ron and Marybeth Sprankle, owners 333 Baltimore Street. Certificate of Exceptional Merit was presented to Tammy Myers on behalf of Future Stake, for the development of a new building on Steinwehr Avenue, Appalachian Brewing Company.

HAPBI Presentation

Tom Jolin gave a brief presentation on the Gettysburg Inner Loop. Some of the accomplishments was the 2.4 million dollars funded for the GIL. In addition there has been approximately \$30,000 committed for the GIL maintenance by local people.

Steve Niebler said that they are currently working with the Adams County Office of Planning and Development and the National Park Service on the Grand History Trail. He said that it is a 250 mile off-road trail that connects Pennsylvania, Maryland, West Virginia and the District of Columbia.

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

Moved Mr. Pitzer, seconded Mr. Schindel to accept the J. P. HARRIS Tax Exoneration report for tax years 2005 through 2014 as presented. Motion carried unanimously.

Moved Mr. Heyser, seconded Mrs. Hodges to adopt a Lessee Resolution relative to the authorization of the acquisition of police vehicles under a Master Equipment Lease/Purchase Agreement dated March 11, 2016 with Susquehanna Commercial Finance, Inc. Motion carried unanimously.

Moved Mr. Schindel, seconded Mrs. Naugle to enact Ordinance #1438-16 in connection with the retiring and refunding of Gettysburg Municipal Authority's Guaranteed Sewer Revenue Bonds - Series of 2010 in order to achieve interest rate savings and incurring "lease rental debt" as defined in the Local Government Unit Debt Act, in the maximum principal amount of \$7,450,000, and approving and authorizing execution and delivery of a Guaranty Agreement for the purpose of securing payment of the proposed sewer revenue bonds of the Gettysburg Municipal Authority for the benefit of the holders of the 2016 Bonds. A roll call vote was taken. YEA: Mr. Heyser, Mrs. Hodges, Mrs. Naugle, Mr. Pitzer, Mr. Schindel, Mr. Weaver and Mr. Krummerich. The vote passed unanimously.

Moved Mr. Schindel, seconded Mr. Heyser to direct the Finance Council to authorize the preparation of an ordinance for enactment in the amount of four million dollars in addition to the 2010 Bond refinancing. A roll call vote was taken. YEA: Mr. Heyser, Mrs. Naugle, Mr. Schindel, Mr. Weaver and Mr. Krummerich. NAY: Mrs. Hodges and Mr. Pitzer. The vote passed 5 YEA/2 NAY.

At this time Council discussed the bond borrowing. Mr. Heyser pointed out the list of items needed from the Capital Improvement Plan that staff prepared. Mrs. Naugle noted that the poor streets are the product of not funding to maintain them for many years. Mr. Pitzer and Mrs. Hodges both expressed concern with the excessive borrowing and the potential future tax increases. They would prefer to limit the borrowing to \$1.3 million for projects mandated by federal regulations. President Krummerich asked if they would like the roads to go back to dirt. He said that it would be irresponsible not to take advantage of the low interest rates.

Planning Director Dellett announced that the CLG Training will be held on Tuesday, May 24 at 5:30 PM in Council Chambers. All members of the Planning Commission and HARB Boards were invited to attend.

Moved Mr. Schindel, seconded Mr. Pitzer to approve and authorize the issuance of Certificates of Appropriateness for Items A (63 West High Street), B (244 Chambersburg Street), D (433 Baltimore Street), E (15 Lincoln Square) and F (48-52 York Street) as set forth in the minutes of the April 20, 2016 meeting of the Historic Architectural Review Board consistent with the findings and recommendations of HARB as set forth therein. Motion carried unanimously.

Moved Mrs. Hodges, seconded Mr. Schindel to enact an ordinance amending the Residential Parking Permit System Ordinance by removing an area equivalent to 8 parking spaces on the east side of South Franklin Street between West High Street and West Middle Street from the Residential Parking Permit System. Motion carried unanimously.

Moved Mr. Schindel, seconded Mr. Krummerich to award a contract to C. E. Williams Sons, Inc. 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.

Chief Dougherty reported that Officer Jared Marshall has accepted another position in Maryland and would not be working for the Borough. He said that Dennis Pennese will begin duties in the near future as a part time police officer. Chief Dougherty reported that Officer Courtesis, while on pursuit of a vehicle, found a handgun and made an arrest; but that the second person is still at large.

Manager's Report:

Manager Gable announced that Wellspan Gettysburg Hospital donated \$48,110 to purchase a police vehicle and provide ongoing training for the police officers.

Moved Mr. Heyser, seconded Mr. Schindel to authorize a one-year agreement to extend the Municipal Waste Contract with IESI. Motion carried unanimously.

Moved Mr. Weaver, seconded Mrs. Naugle to appoint Susan Naugle as the voting delegate at the Pennsylvania State Association of Boroughs Annual Conference June 5-8, 2016. Motion carried unanimously.

Liaison Reports:

GETTYSBURG AREA RECREATION AUTHORITY

Mr. Schindel reported that GARA continues interviewing applicants for the Executive Director position, and they hope to hire someone in the near future. He said that GARA is finalizing a rental agreement with TLC.

GETTYSBURG MUNICIPAL AUTHORITY

Mrs. Naugle reported that the contractor should be completing the street work that has been effected by the interceptor project work. She noted that the work was scheduled to be completed by June.

Mrs. Naugle said that the East Berlin Joint Authority is seeking proposals to buy or lease their water and sewer assets, but said that GMA has no interest due to the distance between the authorities.

NATIONAL PARK SERVICE COMMISSION

Mr. Weaver announced that he has been appointed to the National Park Service Advisory Commission replacing Mayor William Troxell.

MAIN STREET GETTYSBURG

Deb Adamik reported that the first meeting was held with the newly constructed Community Economic Development Advisory Committee. Items of discussion included parking, overall review of zoning and permit process, and safety and lighting.

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 said that he would be happy to take the Comcast Cable concern addressed tonight to the next meeting for discussion.

Mayor:

Mayor Troxell announced that he will resign his office effective May 31, 2016. He said that due to his health he is unable to attend all the necessary functions that are required by the Mayor.

Solicitor Eastman explained that Council will need to accept the Mayors resignation, and that they would have 30 days from the effective date to appoint someone to fill the vacancy.

Moved Mr. Heyser, seconded Mr. Weaver with regret to accept the Honorable Mayor William Troxell's resignation effective May 31, 2016. Motion carried unanimously.

Everyone thanked Mayor Troxell for his many years of service, and said that he would be thoroughly missed.

Council:

Susan Naugle thanked Manager Gable and staff for preparing the Capital Improvement Plan. She said that this is something she had requested for many years; and said that it is to be developed and is a great working tool.

Wesley Heyser said that there are a number of citizens that disagree with the Bond issuance but he feels it is important. Everyone must form their own opinion. He thanked everyone for their comments over these issues.

Scot Pitzer said that he prepared figures for the expenses associated with the legal fees pertaining to the tasing incident. He said that this report may avoid the public records request that have cost the Borough money: Line item 409:318, Labor Service Legal spent to date \$8,927.50, budgeted \$20,000; Line item 410:314, Special Legal Services \$12,518.62 and budgeted \$45,000.

Public Comment:

Ted McPherson, 250 Carlisle Street, addressed Council and said that “a dollar borrowed is not a dollar earned” and said that Council did not discuss the risk in borrowing money.

Harry Hartman, Publisher, Gettysburg Times, said Wesley Heyser had a great speech, but noted that five of the projects weren’t recommended by staff. He urged Council to review the recommendations.

Phil Goble, 132 East Middle Street, addressed Council with his concerns regarding borrowing money. He said that he is retired and on a fixed income, and that any tax increase would lower his standard of living.

John Lawver, 524 McMillan Street, said that the infrastructure is important, and pointed out that the Borough streets are worse than he has seen them in over 40 years.

Monica Oss, Chief Executive officer, Open Minds, 165 York Street, said that the infrastructure is essential to attract businesses to Gettysburg. She noted that Open Minds will be moving to the former Adams County National Bank building on Lincoln Square.

Rodger Goodacre, 105 East Broadway, said that he understands the challenges, and suggest that Council review the bond information before borrowing the \$4 million dollars. He asked that Council preface what will be done about the structural deficit before making a final decision.

Stan Clark, 915 Fairview Avenue, thanked Mr. Pitzer for providing the legal fees spent to date, and asked that he provide this each month. He then asked

Mr. Krummerich how he plans to pay for these excessive legal fees related to the police issue.

Allan Junggust, Uber, 6100 Old Hanover Road, Spring Grove, PA., reported that UBER service will be opening in Gettysburg Memorial Day weekend.

The meeting was adjourned to an executive session at 9:40 PM.

The meeting was reconvened at 9:50 PM. President Krummerich announced that an executive session will be held on Tuesday, May 17th at 7:00 PM.

Moved Mrs. Naugle, seconded Mr. Schindel to authorize the Borough Manger to enter into a contract with W. Ronald Smeal as a consultant and monitor to implement the police recommended policies and procedures. YEA: Mr. Heyser, Mrs. Naugle, Mr. Schindel, Mr. Weaver and Mr. Krummerich. NAY: Mrs. Hodges and Mr. Pitzer.

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

Respectfully submitted,

Sara L. Stull
Borough Secretary