

COUNCIL MEETING MINUTES FEBRUARY 9, 2015

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

Others present included: Darlene Brown, PICPI-ACHA; Wesley Heyser, 226 North Stratton Street, Charles Strauss, 38 West Middle Street, Alexa Cardena and Gregory Kirsapp, no addresses indicated.

Representing the press was Jim Hale of the *Gettysburg Times* and Richard Fulton of the *Gettysburg Spirit*.

At this time Chief Joseph Dougherty introduced the newly hired part-time police officers, Shannon Hilliard and Joshua Goodling. The chief explained that the background investigation process has been successfully completed. Both officers will go through the police department's twelve weeks Field Training Program.

President Birkner announced that the Gettysburg Borough Council conducted an executive session immediately following the adjournment of its monthly general business meeting held on January 12, 2015 consistent with section 708(a)(1) and section 708(a)(2) of the Sunshine Act. An executive session of the Borough Council will be conducted immediately following the adjournment of this meeting consistent with section 708(a)(2) and section 708(a)(4) of the Sunshine Act for the following purposes: (1) to receive information related to the arbitration of a collective bargaining agreement with the Teamsters Local No. 776 and to receive information and to discuss strategy relative to a pending grievance filed by Teamsters Local No. 776; and (2) to consult with its solicitor regarding information in connection with the appeal filed by the Teamsters Local No. 776 in the Commonwealth Court of Pennsylvania, no. 1768 C.D. 2013, captioned Borough of Gettysburg v. Teamsters Local No. 776.

Moved Mr. Butterfield, seconded Ms. Brown to approve the February 9, 2015 agenda as presented. Motion carried unanimously.

Moved Mr. Pitzer seconded Mr. Weaver to approve the minutes of the January 12, 2015 minutes after making two changes on page six as follows: Susan Naugle reported that the Code Enforcement Appeals Board fee should be \$750; and under Mr. Pitzer should read the Civil War Trust is a 501c3. Motion carried unanimously.

Public Comment:

Wesley Heyser, 226 North Stratton Street, asked about the status of legal expenses regarding the current police arbitration award in relation to the 2015 budget. He said he understands that Council will discuss in executive session tonight the status of the police arbitration, and that information may be available to the public at another time.

Manager Gable reported that several legal expense bills have been received to date in regards to the police arbitration. The two largest are the expenses incurred from a hearing in Harrisburg in November, and the police arbitration hearing in December totaling approximately \$32,500.

Scot Pitzer asked if the legal fee invoice from Campbell Durrant and Beatty, listed on the current bill list for \$27,780, is for the police arbitration. He then asked if this amount would be included in the 2014 or 2015 budget. Manager Gable responded that the amount was expenses incurred for the preparation and police arbitration hearing in December. He said that it would be included back to the 2014 budget since it occurred in 2014. Mr. Pitzer noted that the 2014 budget was already over in legal expenses. Manager Gable replied yes that the Borough was significantly over in legal expenses for 2014.

President Birkner said that the results of the police arbitration is a public document, and will be made available to the public. He said that he encourages the citizens to review and see the outcome of the arbitration award. It may be quite an eye opener for the taxpayers who are paying for services in the Borough of Gettysburg. President Birkner noted that Council is restricted in what they can say during the arbitration process or other issues regarding the police, but said after the award has been final then they can discuss it. He said that he feels the public should be informed as to what was involved with this process, and said it may put it into another perspective.

Mayor Troxell said that he prepared a proclamation forming a Sister City relationship with the Town of Sekigahara, Gifu Prefecture, Japan. He asked Council to review it and suggest any changes to him before approving it at the next Council meeting.

Council Reports:

Jacob Schindel:

Legislative

Jacob Schindel reported that Scot Pitzer attended the annual state Adams County Forum held on January 20th at the courthouse. They discussed the state of the County, Economic Development Initiatives, Regional Comprehensive Plan, 911 Radio Project and other topics. He noted that the meeting was filmed and is on Community Media for anyone interested.

Mr. Schindel reported that Governor Wolf will appoint Russell Redding as the Agriculture Representative.

Mr. Schindel reported Congressman Perry introduced his first bill of the 114th Congress, seeking to adopt a balanced budget amendment to the US Constitution. He explained that to secure a passage of a constitutional amendment, a bill must pass the US House and US Senate by two-thirds vote, and then three-fourths of the state legislature must ratify the amendment.

Mr. Schindel reported that the Chamber of Commerce will hold its annual Legislative Forum on March 13th at 11:30 AM at the Harrisburg Area Community College. Congressman Perry, Senator Alloway, Representatives Moul and Tallman, and others were invited to participate. Any Council members interested in attending should contact the Chamber of Commerce.

Gettysburg Area Recreation Authority (GARA)

Mr. Schindel reported that GARA continues to work with Judy Chambers to develop a Comprehensive Plan.

Scot Pitzer said that he read in the GARA minutes that Straban Township and Mt. Joy Township were approached to join GARA, and asked the status of that meeting. Mr. Schindel responded yes, that they were approached, and noted that Mt. Joy Township gave financial support to the Borough for the Recreation Park, and that they continue to contribute to GARA. He said that Straban Township is in need of services and that GARA would like to provide to them, but this is still in negotiations.

Scot Pitzer also said that if Straban Township is interested in a seat on the Gettysburg Municipal Authority Board, it would be good for them to get involved with GARA. He said he feels this is a fair compromise and a trade-off and hope that they are considering that. Mr. Schindel agreed and said that he hopes that all of the Gettysburg area would work together.

Public Works

Scot Pitzer said that he read the Engineer reports about studies and surveys regarding making Race Horse Alley a one-way street as part of the Gettysburg Inner Loop project. His concern is that he hasn't heard from any constituents saying that this is a good idea to make Race Horse Alley a one-way street. Mr. Pitzer asked if this plan has been finalized or what the status is.

Scott Dellett responded that there has been no discussion in terms of making it a one-way street. He explained that the Borough received a grant from the Chesapeake Bay Trust to address part of the design for the Gettysburg Inner Loop project.

Mr. Dellett said that he has been in contact with the Adams County Office of Planning and Development to authorize a traffic count in Race Horse Alley. He said that this study is scheduled to take place in April, May and during the peak of tourist season.

Mr. Dellett went on to say that there is no immediate plan to change the traffic pattern of Race Horse Alley. He said that any design of Race Horse Alley in conjunction with the Gettysburg Inner Loop would take several years.

Scot Pitzer asked if it would affect any grant funding if it was decided to keep Race Horse Alley a two-way street. Mr. Dellett said that the assumption of the study is to make it a one-way street. He said, however, any decision to change the traffic pattern would be up to Council.

President Birkner said that it can't be a true thru-way for bikes as a two-way street. He pointed out that it is only one section of Race Horse Alley that would be affected by the change, between Franklin Street and Buford Avenue.

Susan Naugle pointed out that the Chesapeake Bay Trust Grant is only for a section closest to Buford Avenue, and it is to design the storm water management. She said that the complete process could take several years. Mrs. Naugle encouraged everyone to review the Inner Loop Plan that HABPI prepared, and said that it is posted on the Borough Website.

Bob Krummerich cautioned making Race Horse Alley a one-way street even if the traffic studies prove that it can be done. It still generates negativity to the local citizens that use the alley and don't want to see the traffic backed up.

Solicitor Eastman pointed out that Borough Council would make the final decision, and would need to approve any ordinance changes before the street could be made one-way.

John Butterfield:

Finance

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

Scot Pitzer asked how long the Pittsburgh-based law firm of Campbell, Durrant and Beatty worked for the Gettysburg Borough. Borough Secretary Sara Stull responded approximately twenty years. Mr. Pitzer said it might be time for Council to consider making a change. He pointed out that a local municipality uses a Chambersburg law firm, and that the municipality doesn't have any union issues.

Solicitor Eastman responded that he feels we may have the best labor attorney law firm in the Commonwealth of Pennsylvania. He pointed out that the Pittsburgh-based law firm is a good firm, and said that the Borough receives discounted rates as members

of PELRAS. Scot Pitzer said that the Borough goes to arbitration every year, and so it might be best to explore other options. Solicitor Eastman pointed out that ACT 111 basically compels us too if the police force mandates that. It is not our legal counsels' issue stating that ACT 111 must be followed.

Moved Mr. Butterfield, seconded Ms. Brown authorizing the Borough Solicitor to prepare and to publish for enactment at the March 9, 2015 Borough Council meeting an ordinance amending various provisions of Chapter 15 of the Borough Code of ordinances for the purpose of increasing the Borough parking fees for twelve (12) hour meters from twenty-five (.25) cents for each hour to one (\$1.00) dollar for each hour. YEA: Mr. Pitzer, Mr. Krummerich, Ms. Brown, Mr. Schindel, Mr. Butterfield, Mr. Weaver and Mr. Birkner. NAY: Mrs. Naugle. The vote passed 7-1.

Mrs. Naugle expressed her concern with increasing the rates to \$1.00, stating that she feels residents and people who work in town use these meters more than the tourists. She said that this will be a burden to the residents that have limited parking and don't think all meters should be changed.

Bob Krummerich said that the purpose of the meters is to move traffic along. He said that if that is not the purpose then the meters should be removed and zone it differently for residents. Mrs. Naugle suggested to use permits for residents to park and not to raise the fees in certain areas. Mr. Krummerich said that the residents should come to council with their requests.

Mr. Butterfield reported that at the upcoming Finance Committee meeting on February 19th they will discuss the "Pillow Tax" to better explain its uses. He said that they will also discuss GMA's request asking for support of four million dollars for the East Middle Street project. The GMA representatives will be in attendance and he encouraged Council members to attend. Bob Krummerich stated that the Borough Reserve Funds are key to the Borough's A+ bond rating, which alleviates the need for GMA to spend thousands of dollars getting bond insurance. This would make a considerable savings to taxpayers.

Mr. Butterfield reported that the Borough auditors are due to begin later this month. He said that they will have the final report to Council in June.

Mr. Butterfield reported that as of November, the Borough received \$145,618.00 of Pillow Tax money. He noted that the Borough is \$35,618.00 over the projected income.

Susan Naugle:

Community Development

Susan Naugle reported that the Community Development Committee didn't meet in January, and that the next meeting will be held on Thursday, February 12th at 3:00 PM.
Gettysburg Municipal Authority

Susan Naugle reported that the East Middle Street Project is due to begin soon. She said that the Interceptor Project went out for bid and is due at the end of February. Mrs. Naugle reported that at the next GMA meeting a presentation regarding the financing on the Interceptor Project will be given for anyone interested in attending.

Gettysburg Inner Loop

Susan Naugle reported that a group has formed to work on the Grand History Loop, which is a three hundred mile bicycle loop. They are trying to identify a route to include Gettysburg to Emmitsburg. She said that the Rails to Trails Magazines have been sent to Council, and noted there are several good articles to read.

Scot Pitzer expressed concern regarding long-term maintenance of the bike trail after it is constructed. He suggested a long term maintenance agreement with Healthy Adams County Bicycle Pedestrian Incorporated. Mr. Pitzer said that he doesn't want it to become a burden to the taxpayers. Bob Krummerich asked if we have already committed to the maintenance of the bike trail. Susan Naugle responded no, that HABPI is working towards establishing funds for the maintenance.

John Butterfield pointed out that the county walking/bike trail from East Broadway to the high school is funded and maintained by the taxpayers. He said that the Borough was asked by the County Commissioners to provide support for the trail when it was constructed. Mr. Butterfield asked the Public Works Director who is maintaining the trail now. Public Works Director Dan Hilliard responded that there is no winter maintenance on the trail. Scot Pitzer asked what portion of the county trail is located within the Borough. Public Works Director Hilliard responded approximately one hundred (100) yards. Jacob Schindel pointed out that the analogy between the Gettysburg Inner Loop and the county bike trail is that the inner loop is mostly within the Borough.

Borough Newsletter

Mrs. Naugle reported that she will begin working on the upcoming newsletter. She said that due to being over budget last year, the Borough will only produce two newsletters this year, spring and fall. If anyone has any articles they would like to submit should send them to her.

Main Street

Scot Pitzer asked how long the Main Street office plans to be located in the Borough building, and if the MOU is complete yet. Manager Gable responded that the draft MOU is circulating for approval. Mr. Pitzer asked if the lease is for one-year. He also asked what they are allowed to use or not use at the Borough. Manager Gable responded that there is no set time for the office to be located in the Borough building. He said that Main Street is separate from the Borough.

Scot Pitzer asked if Main Street is developing a ten-year plan and would it be presented to Council. Susan Naugle responded that they have a draft of the ten-year plan, and that it will be presented at the upcoming Community Development Committee meeting. Bob Krummerich asked if the Borough had any input in this plan. Mrs. Naugle responded that anyone that attended their strategic planning sessions had input.

Graham Weaver:

USS Gettysburg

Graham Weaver reported that the USS Gettysburg is still docked for repairs. He said that the new USS Gettysburg Conference Room located off Council Chambers is complete and looks great. Mr. Weaver said that all the memorabilia is now properly displayed.

Rebecca Brown:

Human Resources Committee

Moved Ms. Brown, seconded Mr. Pitzer to adopt a resolution appointing Barry Bernas to the Code Enforcement Appeals Board for a five (5) year term commencing on March 16, 2015 and expiring on March 15, 2020. Motion carried unanimously.

Manager Report:

Moved Mr. Butterfield, seconded Mrs. Naugle to adopt a resolution for the purposes of approving the Borough Tax Collector's appointment of a Deputy Tax collector subject to the approval of the Tax Collector's surety. Motion carried unanimously.

Manager Gable reported that staff and Council will hold a town hall meeting at the Gettysburg Fire Department on March 23rd at 7:00 PM to discuss the West Middle Street project.

Manager Gable gave an update on the parking department. His report is attached.

Bob Krummerich asked the status of the new financial software. Manager Gable responded that the payroll system is running. He said that due to the Finance Director out on medical leave, the accounting package is moving slowly.

Borough Secretary Report:

Moved Mrs. Naugle, seconded Mr. Weaver to accept the J.P. Harris Tax Exoneration report for tax years 2008, 2009, 2010, 2011, 2012 and 2013 as presented. Motion carried unanimously.

There was no Public Comment at this time.

Other Business:

President Birkner read a prepared statement announcing his resignation as a member of Borough Council effective on March 16, 2015. See letter attached.

Moved Mr. Butterfield, seconded Mr. Pitzer to adjourn the meeting to an executive session at 8:15 PM.

Respectfully submitted,

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

Sara L. Stull
Borough Secretary