

**BOROUGH OF GETTYSBURG**  
**59 EAST HIGH STREET, GETTYSBURG, PA 17325**  
**COUNCIL MEETING MINUTES**  
**FEBRUARY 13, 2017**

President Robert Krummerich called the meeting to order at 7:00 PM with the following Councilors present: Vice President Scot Pitzer, Mrs. Susan Naugle, Mr. Jacob Schindel, Mr. Graham Weaver, Mr. Wesley Heyser and Mrs. AmyBeth Hodges. Borough staff present included: Mayor Theodore Streeter; Manger Charles Gable; Borough Secretary Sara Stull; Solicitor Harold Eastman; Chief Joseph Dougherty; Finance Director Nicolette James; Planning Director Becky LaBarre; Parking Manager Karen Mesher; Public Works Director Dan Hilliard and Chad Clabaugh, Borough Engineer, C. S. Davidson, Inc.

Others present include: Deb Adamik, President, Main Street Gettysburg; Darlene Brown, Executive Director, PA Interfaith Community Programs, Inc. (PICPI), 40 East High Street; Jennifer Eckerson, Elm Street, 40 East High Street; Hal and Jacki Mack, Kay Hollabaugh, Susanne Sowers, Julie and John Bartlett, Johanna Dubbs and Jim Dubbs Representing the Gettysburg Farmers Market; Marty Qually, Board Member, 107 East Broadway, Subarna Sijapati, Emma Lower representing the Adams County Farmers Market Association; Connie Holland and Carol Heiser, representing the Gettysburg Garden Club; Jane Hyde and Kathy Gaskin representing Healthy Adams County; Kim Dandsen, Food Policy Council; David and Lynn Petters, Blue & Gray Bar & Grill, 2 Baltimore Street; Chad-Alan Carr, 49 York Street; Monica Oss, 4465 Old Harrisburg Road; Pastor Gwen Stone, 455 Village Drive; Brett Hoover and Kibibi Gaughan, LBA Wellness, Lebanon, PA.; Judi McGee, 256 Baltimore Street; Steve Hemler, 535 York Street; Stan Clark, 915 Fairview Avenue; Mike Shestok, 264 Baltimore Street; Charles Strauss, 38 West Middle Street; Ron Frenette and Mike Tallent, 811 Johns Avenue; Sarah Kipp, 126 Baltimore Street; Sharon Monahan, 114 West Broadway; Caroline Smith, 34 East Lincoln Avenue; Carol Miller, 47 North Hay Street; Linda Atiyeh, Gallery 30, York Street; Harry Hartman, Publisher, *The Gettysburg Times*; Gene Golden, Gettysburg Signs, 145 Herrs Ridge Road; Crystal Graves, Misfit Interactive, 122 Baltimore Street; Brian Hodges, 137 Ridge Avenue; and Rebecca Fissel, Parking Enforcement Officer.

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

President Krummerich announced an executive session of the Borough Council was conducted immediately following the adjournment of the January 23, 2017 Borough Council work session consistent with sections 708(a)(3), 708(a)(4) and 708(a)(5) of the Sunshine Act.

President Krummerich announced an executive session of the Borough Council shall be conducted immediately prior to the adjournment of this meeting consistent with sections 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 discuss information and strategy in connection

with the negotiation of a new collective bargaining agreement with the Teamsters Local 776 on behalf of Borough police officers; (2) to discuss the purchase or lease of real property by the Borough; (3) to consult with the solicitor regarding information in connection with litigation filed in the United States District Court for the Middle District of Pennsylvania to Docket No. 17-cv-129 captioned Derek J. Twyman v. Christopher B. Folster, et al; (4) to consult with the solicitor relative to the Petition for Review pending in the Court of Common Pleas of Adams County, Pennsylvania, Docket No. 2016-SU-1205; 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.

Solicitor Harold Eastman made a statement and provided a summary of his opinion to address any concerns raised or the implication of possible violations of the Public Official and Employee Ethics Act on the part of AmyBeth Hodges as a public official in her capacity as a member of the Borough Council. Solicitor Eastman noted that in enacting the Ethics Act, the State Legislature recognized that most local public officials are "citizen officials who bring to their public office knowledge and concerns of ordinary citizens and taxpayers" and the Ethics Act should not be interpreted to discourage them from maintaining their contacts with their community through their occupations and professions. Solicitor Eastman stated that it was important to communicate that to the best of his knowledge, information and belief no public official or employee of the Borough of Gettysburg had alleged any violation of the Ethics Act on the part of Council Member Hodges nor had any person on behalf of the Borough filed a complaint with the State Ethics Commission alleging any such violation. Solicitor Eastman provided a brief introduction of the issues which he considered in reviewing the matter under the provisions of the Ethics Act and then he set forth his conclusion that Council Member Hodges did not violate the Ethics Act. Solicitor Eastman provided a full copy of his written opinion dated February 13, 2017 to Borough Secretary Stull so that the opinion letter could be recorded later with the official minutes of the meeting.

**Moved Mr. Pitzer, seconded Mr. Weaver to approve the February 13, 2017 agenda as presented. Motion carried unanimously.**

**After making a change to the work session minutes to add the parcel numbers on page two, moved Mr. Schindel, seconded Mr. Weaver to approve the minutes of January 9, 2017 Council Meeting and the January 23, 2017 Council Work Session minutes. Motion carried unanimously.**

**Moved Mr. Weaver, seconded Mr. Pitzer to ban the use of cell phones, texting, and the sending and receiving of electronic communications during council meetings and executive sessions. Exceptions will be made for emergencies or information gathering as decreed by the Council president and with the consent of a Council majority. Motion was withdrawn.**

Council discussed the need for members to focus on the meeting and not to be texting on their phones during the meeting. The motion was withdrawn for further review.

**Public Comment:**

**Chad-Alan Carr, 49 York Street,** expressed his concern over the lack of communication with the Borough in regards to the Carr Parking Lot that was recently sold to the Brafferton Inn. He said that it was offered to the Borough in 2014 for \$250,000 and then in 2016 he listed it with a realtor for \$180,000.

**Gene Golden, Gettysburg Signs, 145 Herrs Ridge Road,** expressed his concerns in regards to the outdated Sign Ordinance and asked that Council review it. He offered his service gratis for a short time to work with the Borough on this matter.

**Mike Shestok, 264 Baltimore Street,** said that teamwork is important for Council on the many issues such as the Pillow Tax, Economic Development, Baltimore Street Revitalization, School House Alley and search for a new school district superintendent, and suggests that Council members attend those meetings.

**Jennifer Eckerson, PA Interfaith Community Programs, Inc. (PICPI), 40 East High Street,** expressed their support for the Adams County Farmers Market.

**Special Presentations:**

**Adams County Farmers Market**

**Marty Qually, Board Member, Adams County Farmers Market Association (ACFMA),** expressed his support for ACFMA. He said that the Gettysburg Farmers Market split into two markets a few years ago. Mr. Qually said that the ACFMA had a successful year at its Thursday market on Lincoln Square, and would like to continue that day and include a Saturday market. Mr. Qually said that they are willing to pay the parking meter fees.

**Kathy Gaskin, Director Healthy Adams County and a Board Member of the Adams County Farmers Market Association (ACFMA),** said that her organization has provided grant writing to ACFMA which is beneficial for them. They offer several local agencies with fresh food for those in need. Ms. Gaskin said that the Saturday market on Lincoln Square would benefit them better than the current market at the Outlet Shoppes on Saturdays.

**Gettysburg Farmers Market**

**Hal Mack, Treasurer,** said that they submitted an application for the Saturday morning farmers market for the 2017 season. He said that they have 19 vendors this year to fill the quadrants on Lincoln Square, noting that they would not use the four handicapped spaces. Mr. Mack said that the vendors in prior years have paid \$20.00 per

meter per season for an estimated total of \$440.00. He asked for relief of the regular meter rate of \$1.00 per hour per meter which would quintuple the cost for the vendors.

Mr. Mack also said that he is a member of both markets and that he would not recommend merging both markets because they have their own business formulas. He noted that the Thursday market consists of more locals, and on Saturday, is out-of-town people.

**Kay Hollabaugh** gave a brief history of the Gettysburg Farmers Market (GFM) noting that they began twenty five years ago. She explained that one of their vendors left and began the Adams County Farmers Market Association (ACFMA) a few years ago. Mrs. Hollabaugh said that the GFM has many vendors that will fill the quadrants on the square, and asked that their application be approved for the 2017 season. She noted that both markets are viable good groups, and that the ACFMA has the Lincoln Square on Thursdays.

**Jim Dubbs, 161 South Main Street, Bendersville**, said that he has been a vendor with the GFM over the past twenty-five years on Lincoln Square. He said that it feels like this has become a bidding war between both markets to secure spaces on the square.

#### **Gettysburg Garden Club**

**Carol Heiser, President, Gettysburg Garden Club**, said that their organization has been preparing the flower beds on Lincoln Square, planters and the hanging baskets since 2001. She presented a detailed history of the Downtown Flower Project and a proposal for Borough Council to consider (See attached).

Darlene Brown said that it takes two to three hours per day seven days a week to water the flowers. The estimated cost per season is \$8,800.00.

Manager Gable said that it is important for the beautification of the Borough, and that we need to determine how to fund this project to keep the flower program. President Krummerich asks that this item be placed on the upcoming Council Work Session agenda for further discussion.

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

**Moved Mr. Pitzer, seconded Mr. Heyser to appoint Nicolette D. James as a delegate to the Adams County Tax Collection Committee and to appoint Robert Krummerich as an alternate delegate to the Adams County Tax Collection Committee. Motion carried unanimously.**

Planning Director LaBarre reported that to-date of the 1348 licenses to be issued to known rental units, there were 177 issued. She also pointed out that there are several

ordinances that need to be updated; and noted that in the past, a committee would review with the solicitor. The complete department report is in Council packets.

President Krummerich said that revising the ordinances extends back many years, and that it is a costly project to undertake. He said that Council will need to determine how much they want to spend, and how they plan to pay for it. Manager Gable asked for direction from Council as to how staff should enforce certain ordinances. He said that finding a political solution is not the staff's role because they are Council's ordinances.

After some discussion, the Council's consensus was to place this item on the next workshop session agenda for further discussion.

Manager Gable reported that the Lebanon Wellness Center is seeking a state license for a site on Baltimore Street for a proposed medical marijuana retail dispensary. He said that it is permitted under the Zoning Ordinance, but brought the matter to Council because it is a "hot-button issue" for some people in the community. Manager Gable said that the letter is required by the state for them to apply for a permit.

**Moved Mr. Schindel, seconded Mr. Heyser to authorize staff to issue a letter to Lebanon Wellness center affirming that retail use is a permitted use by right in the old town zoning district, to be used in conjunction with its licensure application with the State of Pennsylvania to operate a medical marijuana dispensary facility in Gettysburg. The motion passed 6/1 with Mrs. Naugle the dissenting vote.**

**Moved Mrs. Naugle, seconded Mr. Pitzer to provide relief from Gettysburg's code of ordinances (Chapter 15 – Motor Vehicles and traffic), (Part 7 - Temporary Reserved Parking Spaces) for the purposes of providing the community a farmers market or markets, featuring locally grown products and produce on designated dates between the months of April and October 2017. The rate of \$50.00 per space shall be used to reserve each parking space utilized by a vendor or the market association for the duration of the Farmers Market season. A roll call vote was taken. YEA: Mrs. Naugle and Mr. Pitzer. NAY: Mr. Heyser, Mrs. Hodges, Mr. Schindel, Mr. Weaver and Mr. Krummerich. The vote failed 2 YEA/5 NAY.**

**Moved Mr. Pitzer, seconded Mrs. Naugle to provide relief from Gettysburg's code of ordinances (Chapter 15 – Motor Vehicles and traffic), (Part 7 - Temporary Reserved Parking Spaces) for the purposes of providing the community a farmers market or markets, featuring locally grown products and produce on designated dates between the months of April and October 2017. The rate of \$100.00 per parking space shall be used to reserve the parking space utilized by a vendor or the market association for the duration of the Farmers Market season. A roll call vote was taken. YEA: Mrs. Naugle and Mr. Pitzer. NAY: Mr. Heyser, Mrs. Hodges, Mr. Schindel, Mr. Weaver and Mr. Krummerich. The vote failed 2 YEA/5 NAY.**

**Moved Mr. Heyser, seconded Mrs. Hodges to provide to provide relief from Gettysburg's code of ordinances (Chapter 15-Motor Vehicles and traffic), (Part 7 - Temporary Reserved Parking Spaces) for the purpose of providing the community a farmers market or markets, featuring locally grown products and produce on designated dates between the months of April and October 2017. The rate of \$1.00 per hour shall be used to reserve each parking space utilized by a vendor or the market association. A roll call vote was taken. YEA: Mr. Heyser, Mrs. Hodges, Mr. Pitzer, Mr. Schindel, Mr. Weaver and Mr. Krummerich. NAY: Mrs. Naugle The vote passed 6 YEA/1 NAY.**

**Moved Mr. Heyser, seconded Mrs. Hodges to approve the release of financial security, in connection with the Land Development Plan for the Gettysburg Lutheran Theological Seminary – Schmucker Hall Rehabilitation, in the amount remaining of \$53,894.70, consistent with the certification letter by the Borough Engineer dated February 1, 2017. Motion carried unanimously.**

**Moved Mrs. Hodges, seconded Mr. Schindel to authorize the Borough Engineer to advertise for bids for the construction of the 2017 CDBG Curb Ramp Replacements project. Motion carried unanimously.**

**Moved Mr. Schindel, seconded Mrs. Naugle to approve the Resolution for conversion of in-roadway-lighted-crosswalk to RRFB on Washington Street. Motion carried unanimously.**

**Moved Mr. Pitzer, seconded Mr. Heyser to approve the M-945RC Document “Recording Copy” for the Penn DOT Highway Occupancy Permit for the replacement of the Storm Sewers on Carlisle Street. Motion carried unanimously.**

Chief Dougherty reported that both sergeants successfully completed the supervisory training. He also reported that he completed the background check for a potential part time police officer.

**Moved Mr. Weaver, seconded Mr. Heyser to authorize a COLA increase for retired police pensioner Douglas McKinney, to be paid from the Police Pension Plan effective January 1, 2017. Motion carried unanimously.**

**Moved Mrs. Naugle, seconded Mr. Heyser to authorize the solicitor to prepare, finalize and publish a proposed ordinance for enactment at a subsequent general business meeting of the Borough Council for the purposes of amending certain provisions of the Borough's Police Employees' Pension Plan for purposes of compliance with applicable provisions of Pennsylvania law and applicable provisions of the Internal Revenue Code. Motion carried unanimously.**

Manager Gable reports: The Adams County Children's Advocacy Pinwheel Program is in April. Councilwoman Naugle has offered to donate the cost for the

pinwheels to be placed at the Borough office building; HABPI-Gettysburg Inner Loop has paid the legal fees for the Borough in regards to the Codori property; He will begin the negotiating process for both police and non-uniformed contracts that are due to expire at the end of this year; and the PSAB Conference will be held May 7-10 in Hershey.

**Moved Mr. Heyser, seconded Mr. Schindel to authorize the Borough Manager to execute an agreement for services by the Cohen Law Group for the purposes of revising and amending Chapter 27, Part 15, and any other parts, of the Code of Ordinances related to Cell Towers, Distributed Antenna Systems, Data Collection Units, and any other technologies, or emerging technologies for the purposes of protecting the Borough's Rights of Way and Historic Character. Motion carried unanimously.**

### **Liaison Reports:**

#### **Gettysburg Area Recreation Authority**

Councilman Schindel reported that GARA learned that a portion of the Biser Fitness Trail and football field are located on the National Park Service (NPS) land. He said that it appears that a survey was not conducted prior to the construction of the trail. Schindel said that GARA is drafting a letter requesting help from the area's federal legislators and suggested that Council do the same. A memorandum of understanding could be proposed between the parties. Manager Gable noted that he and Solicitor Eastman did meet with NPS officials, and that they already rejected that idea because they want the land to be made "clean".

#### **Gettysburg Municipal Authority**

Councilwoman Naugle reported that GMA held their annual reorganization meeting and made various appointments. Officers remain the same for 2017. The annual audit began on January 19. The Authority is having conversations with Gettysburg College about a GMA well located at the edge of town along Carlisle Road. The water is not potable and the College has used it in the past to water fields but not in recent years. GMA saw a sharp increase in the cost of flood insurance in 2015. They challenged the increase and recently saw their rate substantially decrease with refunds for 2015 and 2016 totaling more than \$36,000.

#### **Main Street Gettysburg**

Deb Adamik gave an update on the Baltimore Street Revitalization Project

Councilman Pitzer asked when the "holistic parking study" would be complete. Mrs. Adamik responded that she is unclear as to what he was referring to. She said that the parking study is part of a complete picture of the parking concerns in the community. Councilman Heyser said that more input is needed from the community.

Council consensus was to discuss this further at the upcoming Council Work Session meeting.

### **Steinwehr Avenue Heart of Gettysburg Battlefield (SAHGB)**

Councilwoman Hodges reported that the completion for the pole removal on Steinwehr Avenue is scheduled for this spring.

### **Adams County Transportation Planning Organization (ACTPO)**

Councilwoman Naugle reported that new officers were elected with no changes. Rich Farr remains the chair. Projects include the relocation of Plank Drive on the campus of Gettysburg College. Penn DOT representatives advised they are in the process of rolling out the Penn DOT Connects Policy which will result in earlier collaboration with local municipalities. It will include training of County planning officers. Freedom Transit announced they will extend the Blue Line to include the new County Human Services Building. New Metropolitan Planning Organization (MPO) rules announced January 16, 2017 would require one MPO to serve a region. We are not sure what that may mean but the concern is that Adams County may not receive their fair share of funding when competing against other areas. Adams County was declared a metropolitan planning area following the 2010 Census but has maintained their own Transportation Planning Area under an agreement with York County. The coordination with York County has worked well. The change is made following the 2020 Census and Ms. Naugle suggested the Borough may want to contact our elected Federal officials regarding the impact on the county. ACTPO is currently working on changes to the Transportation Improvement Plan and asked that projects be submitted soon for consideration at future meetings. Ms. Naugle noted that having a project on the TIP is crucial for funding.

### **National Park Service Advisory Committee**

Councilman Weaver said that he will discuss at the upcoming NPS meeting the matter regarding the Biser Fitness Trail.

### **Elected Official's Comments:**

Mayor Streeter said that he has filed for re-election for the office of mayor.

Councilwoman Naugle said that Adams County is not on the top ten lists for storm water improvement grants. She suggests that Council send a letter for consideration.



Councilman Heyser said that he always listens to the citizens, and that they might not always agree with his decisions.

Councilman Pitzer said that he recently attended a meeting to discuss the possibility of a movie night at the recreation park sponsored jointly by GARA and Straban Township.

Councilman Pitzer said that Governor Tom Wolf has proposed a tax of \$25.00 per resident on communities that rely on state troopers for police coverage. He suggests that Council place this topic of police regionalization back on its “radar”.

**Public Comment:**

**Mike Shestok, 264 Baltimore Street** said that for a better understanding of what the police does, Council should consider a ride-along with them.

**Gene Golden, Gettysburg Signs, 145 Herrs Ridge Road** suggests Council consider forming a committee to review the Sign Ordinance. He said that he would be willing to help, and suggests the planning director and other businesses be included.

**David Petters, Blue & Gray Bar & Grill, 2 Baltimore Street** expressed his concern with the farmers market on the square. He said that he had a decline in business during the Thursday Market, and that the meters in his quadrant were unavailable to citizens due to the market. Mr. Petters suggested moving the market to the middle school area which would provide more parking.

**Kay Hollabaugh, Gettysburg Farmers Market** said that their organization has looked for other locations in the past. She said that the school property doesn’t allow for dogs, and that many people like to walk their dogs around at the market.

Monica Oss, said that she offered the Adams County Farmers Market space in the quadrant at her business located at the ACNB Bank building.

President Krummerich adjourned the meeting at 9:45 PM to an executive session.

The meeting reconvened and with no further business, moved Mr. Pitzer seconded Mr. Schindel to adjourn the meeting at 11:25 PM.

Respectfully submitted,

Sara L. Stull  
Borough Secretary