

BOROUGH OF GETTYSBURG
59 EAST HIGH STREET, GETTYSBURG, PA 17325
COUNCIL MEETING MINUTES
MARCH 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; Manager 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; Robin Fitzpatrick, President, Adams County Industrial Development Authority (ACIDA); Andrew Merkel, Assistant Director Adams County Planning Office and Carly Marshal, Director Adams County Planning Office; Peter Smith, Member Planning Commission, 788 Long Lane; Caroline Smith, Member Planning Commission, 34 East Lincoln Avenue; Steve Hemler, 535 York Street; Stan Clark, 915 Fairview Avenue; Charles Strauss, 38 West Middle Street; Ron Frenette and Mike Tallent, 811 Johns Avenue; Sarah Kipp, 126 Baltimore Street; Chris Berger, 156 Seminary Avenue; Harry Hartman, Publisher, *The Gettysburg Times*; Brian Hodges, 137 Ridge Avenue; and Michael Tully, 910 Fairview Avenue.

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

At this time President Krummerich adjourned the meeting to an executive session. The meeting reconvened at 7:25 PM.

President Krummerich announced an executive session of the Borough Council was conducted immediately following the adjournment of the February 27, 2017 Borough Council work session consistent with sections 708(a)(1), 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 following the adjournment of this meeting consistent with sections 708(a)(1), 708(a)(3), 708(a)(4) and 708(a)(5) of the Sunshine Act for the following reasons and purposes: (1) to discuss matters involving the employment, the terms and conditions of employment and the evaluation of performance of current or former Borough employees; (2) to discuss the purchase or lease of real property by the Borough; (3) to consult with the Borough Manager, the Mayor and 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-277 captioned Brandi Courtesis v. Borough of Gettysburg, 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; (5) 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; and (6) 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.

The following three items were added to the agenda by Mr. Pitzer: 1. Stan Clark Settlement Agreement and Mutual Release; 2. President Krummerich read public statement; 3. Authorize the Borough Manager to send a letter to Senator Bob Casey Jr., Senator Pat Toomey and Congressman Scott Perry in regards to the National Park Service and Biser Fitness Trail. After the agenda was amended, moved Mr. Pitzer, seconded Mr. Schindel to approve the March 13, 2017 agenda as presented. Motion carried unanimously.

Moved Mr. Pitzer, seconded Mrs. Naugle to approve the February 13, 2017 Council Meeting minutes and the February 27, 2017 Council Work Session minutes as presented. The vote passed 6/1 with Mrs. Hodges the dissenting vote.

Moved Mr. Pitzer, seconded Mr. Heyser to authorize the entry into a Settlement Agreement and Mutual Release in connection with the Petition for Review pending in the Court of Common Pleas of Adams County, Pennsylvania, Docket No. 2016-SU-1205, captioned Borough of Gettysburg v. Stan Clark. A roll call vote was taken. YEA: Mr. Heyser, Mrs. Hodges, Mrs. Naugle, Mr. Pitzer and Mr. Weaver. NAY: Mr. Schindel and Mr. Krummerich. The vote passes 5/2.

At this time President Krummerich read a prepared public statement of the Borough of Gettysburg (see attached).

Moved Mr. Pitzer, seconded Mr. Heyser to authorize the Borough Manager to send a letter to Senator Bob Casey Jr., Senator Pat Toomey and Congressman Scott Perry in regards to the National Park Service and Biser Fitness Trail boundary line dispute. The motion passed 6/1 with Mrs. Hodges the dissenting vote.

Public Comment:

Stan Clark, 915 Fairview Avenue said that he agreed to the settlement, and appreciated the read statement of apology even though he felt it was "half-hearted". He accused Council members Krummerich, Schindel, Naugle and Weaver, and Manager Gable for their "arrogance".

Michael Tully, 910 Fairview Avenue addressed Council about the dispute with the National Park Service in regards to the Biser Fitness Trail, and asked if they considered adverse property since the Borough has maintained the property over the years. Mr. Tully also expressed his concern with zoning, ordinances etc., and said that the Borough should empower people to use their property and not control them. Mr. Tully also felt that the costs for permits for the farmers markets must be too low since there are so many people wanting them.

Special Presentations:

Manager Gable reported that the Rezoning, LERTA and Parking Administrative Team (RLPAT) have been meeting biweekly. He said that some of the members are here to present Council with an update of their discussions. Manager Gable said that the committee will report periodically to Council to provide updates.

Robin Fitzpatrick, President, Adams County Industrial Development Authority, said that approving a LERTA for the Gettysburg Station known formerly as the REDDI Property would entice development of the property. She said that she spoke with three neighboring property owners that Council had recommended, and said that they would be open to considering the possibility of a LERTA.

Andrew Merkel, Adams County Office of Planning and Development, addressed Council in regards to rezoning to address issues such as; there are three separate overlays, eleven different zoning districts and parking, loading and unloading.

Peter Smith, Member Planning Commission, had a presentation to show the activities of the Planning Commission. He said that they have coordinated with the Borough Manager, Planning Director, County Planning and the Borough Engineer. Mr. Smith said that their priorities are plan review, LERTA, SALDO, Economic Development, Zoning, Comprehensive Plan and parking.

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

Moved Mr. Schindel, seconded Mrs. Hodges to accept the J. P. Harris Tax Exoneration report for tax years 2011, 2013 and 2014 as presented. Motion carried unanimously.

Moved Mr. Pitzer, seconded Mr. Heyser to accept the resignation of Michael J. Shestok as a member of the Gettysburg Borough Planning Commission. Motion carried unanimously.

At this time Council received remarks from the two Planning Commission Candidates.

Brian Hodges addressed Council and said that he has been a resident of the Borough for twelve years, and is interested in serving on the Planning Commission. He said that he would bring his business expertise and problem-solving skills. Mr. Hodges said that his family owns the Brafferton Inn and multiple other businesses, and said that he is invested in the community. Mr. Hodges said that he is committed to volunteering for the Planning Commission, and feels that his experiences over the years would contribute to the growth of Gettysburg.

Sara Kipp addressed Council and said that she served previously on the Planning Commission for approximately three years. She said that she has worked with the Watershed Alliance of Adams County, Main Street Gettysburg's Baltimore Street Revitalization project,

Healthy Adams Bicycle Pedestrian, Inc., and other organizations. Ms. Kipp said that she has also worked on the Steering Committee, Main Street Gettysburg and on the RLPAT/LERTA Committee. She said that economic growth is vital to Gettysburg and also important to the residents.

Moved Mrs. Naugle, seconded Mr. Schindel to appoint Sara Kipp as a member of the Gettysburg Borough Planning Commission in order to fill the vacancy created by the resignation of Michael J. Shestok, and to serve on the Planning Commission for the remainder of the unexpired term of Mr. Shestok which will expire on the date of the first Borough Council meeting to be held in January 2019. A roll call vote was taken. YEA: Mr. Heyser, Mrs. Naugle, Mr. Schindel, Mr. Weaver and Mr. Krummerich. NAY: Mr. Pitzer. Mrs. Hodges abstained because Brian Hodges is her husband. The vote passed 5/1 with 1 abstention by Mrs. Hodges.

Moved Mr. Heyser, seconded Mr. Pitzer to authorize the Borough Engineer to advertise for bids for the construction of the 2017 Street Improvements project. Motion carried unanimously.

Moved Mr. Schindel, seconded Mrs. Naugle to award the contract for the 2017 CDBG Curb Replacements project to the lowest responsible and responsive bidder Carbaugh Concrete Inc., in the amount of \$107,200.00. Motion carried unanimously.

Chief Dougherty reported that his department is coordinating with the Public Works and Parking Departments regarding the impending snow storm tonight. He said that vehicle owners will be notified to move their cars in the snow emergency routes. Chief Dougherty reported that a police vehicle has been transferred to the parking department to replace their vehicle that is beyond repair.

Moved Mr. Heyser, seconded Mrs. Hodges to authorize a COLA increase for retired police pensioner Cytha Grissom, to be paid from the Police Pension Plan effective February 1, 2017. Motion carried unanimously.

Moved Mrs. Naugle, seconded Mr. Pitzer to provide notification to the Civil Service Commission of the Borough of Gettysburg to request the Commission's certification of an eligibility list for the position of entry-level patrol officer. Motion carried unanimously.

Manager Reports:

Manager Gable reported that Penn DOT is currently doing a traffic count in Gettysburg; he received notification that the county property at 34 East Middle Street is for sale; and he received notification of the upcoming 2020 Census.

Liaison Reports:

Gettysburg Area Recreation Authority

Councilman Schindel reported that GARA continues to try and work out an agreement pertaining to the Biser Fitness Trail and the National Park Service.

Gettysburg Municipal Authority

Councilwoman Naugle reported at its February Board meeting the following topics of interest to the Borough were discussed. GMA continues preliminary work to develop a new well near the Taneytown Road with discussion with the Gettysburg National Military Park about crossing park land. The committee formed to develop a Source Water Protection Plan for GMA wells and stream sources continues to work on a final draft of the plan. It appears that the sewer pipe replacement project on Long Lane has been completed except for street repair and resurfacing which will likely occur as soon as the weather is suitable. The next GMA Board meeting will be held on Monday, March 20 at 6 PM at the GMA office.

Main Street Gettysburg

Deb Adamik reported that she would have an update prepared for the next Council meeting regarding the Baltimore Street Revitalization project.

National Park Service Advisory Committee

Councilman Weaver reported that he and National Park Service Superintendent Ed Clarke toured the Biser Fitness Trail at the Recreation Park. Mr. Clarke indicated that the decisions are made by the NPS office in Denver, Colorado, and that they still want to have the Biser Fitness Trail moved from the NPS property.

There were no public comments at this time.

Moved Mr. Pitzer seconded Mr. Schindel to adjourn the meeting to an executive session at 8:40 PM. Motion carried unanimously.

President Krummerich dismissed the executive session at 9:00 PM.

Respectfully submitted,



Sara L. Stull
Borough Secretary

Public Statement and Apology of the Borough of Gettysburg

By issuing this statement in connection with a negotiated settlement, and in an effort to clarify any misunderstandings or miscommunications, the Borough of Gettysburg confirms the public's rights under the Pennsylvania Right-to-Know Law and, in particular, requests made by Borough resident, Mr. Stan Clark and other active participants in Borough government.

Over the last year and a half, certain actions taken and statements made by members of Borough Council, Borough management and staff on the part of the Borough have been interpreted to imply that Mr. Clark and others in our community were using the Right-to-Know Law in an improper fashion. This simply is not the case, and the Borough Council, on behalf of its members, Borough management and staff, apologizes for any implication of its acts or words to the contrary.

Mr. Clark and others making legal and proper requests under the Right-to-Know Law should not be the subject or focus of Borough frustrations. Nor should they be subject to negative or derogatory comments from the members of the Borough Council, Borough management or staff.

By this statement, the Borough would like to commend Mr. Clark for his reasonableness in the negotiation of an amicable resolution and settlement of the action currently pending in court between the Borough and Mr. Clark without which a resolution and settlement of this matter would not have been possible. The Borough would like to thank Mr. Clark for his understanding and fair mindedness in settling this matter and to apologize for any negative remarks or accusations made by any member of Borough Council, Borough management or staff about him and others relative to their requests made consistent with the Right-to-Know Law. Mr. Clark is to be commended for his interest and for being proactive, as both a Borough resident and taxpayer, in the business and governance of the Borough of Gettysburg.