

BOROUGH OF GETTYSBURG
59 EAST HIGH STREET, GETTYSBURG, PA 17325
COUNCIL MEETING MINUTES
APRIL 10, 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; Tom Jolin, Sarah Kipp and Baird Tipson representing Healthy Adams Bicycle and Pedestrian Inc. (HABPI); Caroline Smith, Member Planning Commission, 34 East Lincoln Avenue; Chris Berger, 156 Seminary Avenue; Nancy and Kurt Kramer, 12 Wade Avenue.

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 March 27, 2017 Borough Council work session consistent with sections 708(a)(1), 708(a)(2), 708(a)(4) and 708(a)(5) of the Sunshine Act.

President Krummerich announced an executive session of the Borough Council was conducted on April 3, 2017 for the purpose of consulting with the Borough's legal counsel regarding information and strategy 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.

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 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 (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. Weaver to approve the April 10, 2017 agenda as presented. Motion carried unanimously.

Moved Mr. Heyser, seconded Mrs. Naugle to approve the March 13, 2017 Council meeting minutes and the March 27, 2017 Council Work Session minutes as presented. Motion carried unanimously.

There were no public comment at this time.

Special Presentations:

Mayor Streeter presented a proclamation to Tom Jolin, Sarah Kipp and Baird Tipson, representing HABPI, in recognition of Bike to Work Week.

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

Planning Director LaBarre reported that HARB discussed the concerns regarding the amount of allowable signage granted to a business with more than one exposure to a public street or alley. She requested a formal determination from Solicitor Eastman on the interpretation of Section 19-106E of the Gettysburg Sign Ordinance and asked him to give a report to Council.

At the request of Planning Director LaBarre, Solicitor Eastman provided a report of his opinion issued to the Borough relative to the interpretation of certain provisions of the Gettysburg Borough Sign Ordinance regarding the total square footage of sign area permitted for commercial buildings. He stated that although the Borough's sign regulations are not part of its Zoning Ordinance, such regulations are considered as restrictions on a landowner's use of property. He noted that Pennsylvania courts have long protected a landowner's use of land, and ordinances restricting such use are to be strictly construed against the municipality enacting the regulations and in a light most favorable to the freest use of property by a landowner. Consistent with this rule of interpretation, the Borough's sign ordinance regulations are most reasonably interpreted to allow the maximum square footage of sign area of up to 50 square feet for each commercial building facade that has separate public street or alley exposures on different public streets or alleys. For the purpose of calculating the total square footage of sign area for commercial buildings, the frontage on each street or alley shall be treated as a separate facade. If there was not an intent to increase the total maximum sign area beyond 50 square feet for a commercial building with separate street exposures on different streets or alleys, there would be no application or purpose for this ordinance provision. Upon the request for clarification by Planning Director LaBarre, Solicitor Eastman

confirmed that the total sign square area calculation was based on one square foot of sign area for each linear foot of lot frontage not to exceed the 50 square feet limit of sign area permitted for each facade with a separate street or alley exposure.

Councilman Heyser noted that the sign ordinance is very complex and confusing for citizens. He suggested that Council review the ordinance in its entirety. He pointed out that staff is currently administering as the current ordinance is written.

Planning Director LaBarre reported that the upcoming Steering Committee meeting for the Central Adams Joint Regional Comprehensive Plan that was scheduled for April 4th has been cancelled. The next meeting is scheduled for May 16th.

Moved Mr. Pitzer, seconded Mr. Schindel to accept the recommendations of the Borough of Gettysburg Historical Architectural Review Board as set forth in the minutes of its meeting on Wednesday March 15, 2017 and grant a Certificate of Appropriateness for each of the following applications: COA-17-006, Biet PA – 345 Buford Avenue; COA-17-008, Gettysburg College – 75 W. Stevens Street; COA-17-016, and COA-17-017, Reid’s Orchard Winery – 400 Baltimore Street; COA-17-020, Gettysburg Moose LLC – 19 York Street; and COA-17-021, Kurt & Nancy Kramer – 12 Wade Avenue. Motion carried unanimously.

Public Works Director Hilliard announced that brush pick up will take place the week of May 22nd.

Councilman Pitzer asked who citizens should contact in regards to the CSX Railroad Crossing on Carlisle Street which is deteriorating. Public Works Director Hilliard responded that it is a Penn DOT street and not the Boroughs, so he suggested that citizens contact Penn DOT.

Moved Mr. Heyser, seconded Mr. Schindel to award Contract #1 for the 2017 Street Improvements project to the lowest responsible and responsive bidder Kinsley Construction, Inc. in the amount of \$402,168.85. Motion carried unanimously.

Moved Mr. Heyser, seconded Mr. Pitzer to award Contract #2 for the 2017 Street Improvements project to the lowest responsible and responsive bidder Martin Paving Inc., in the amount of \$178,474.85. Motion carried unanimously.

Moved Mr. Heyser, seconded Mr. Schindel to approve the reduction in financial security for the Best Western Land Development Project on Steinwehr Avenue, by an amount of \$283,655.50 to provide a remaining balance of \$92,773.85, consistent with the certification letter by the Borough Engineer. Motion carried unanimously.

Chief Dougherty reported the upcoming special events are: World Bicycle Ride – April 17; Survivor’s Clothesline Exhibit on the Circle - April 14 to 21; The American Odyssey Bicycle Ride - April 28; a candle light vigil to support immigrants on May 5 from 6:30 PM to 8:00 PM on the Square.

Manager Reports:

Manager Gable reported that the Borough and GARA sent letters to the legislators asking for their help in an effort to keep the Biser Fitness Trail from being relocated at the Rec Park. He also noted that he submitted a grant for \$30,000 to move the trail off of the NPS Property, but the grant is not awarded until this fall.

Manager Gable reported that the Borough staff continues to work on the new Borough Website, and that he plans to unveil it this summer during a Council meeting.

Moved Mrs. Naugle, seconded Mr. Weaver to adopt a resolution for the purpose of authorizing Charles R. Gable, Borough Manager and Sara L. Stull, Borough Secretary to sign, attest and deliver on behalf of the Borough as a sponsor a Multimodal Fund Grant Reimbursement Agreement for Highway and Bridge Projects with the Commonwealth of Pennsylvania, Department of Transportation relative to grant funding for the Steinwehr Avenue Corridor Phase 2 utility relocations project. Motion carried unanimously.

Moved Mr. Weaver, seconded Mrs. Naugle to approve and authorize the Borough to enter into a Master Lease Agreement with Celco Partnership d/b/a/ Verizon Wireless for the installation of wireless technology including antennas and related facilities within the Borough. Motion carried unanimously.

Moved Mrs. Hodges, seconded Mr. Pitzer to enact an ordinance amending certain terms and provisions of the Borough's Police Pension Plan and Trust for purposes of compliance with applicable provisions of Pennsylvania law and applicable provisions of the Internal Revenue Code. Motion carried unanimously.

Liaison Reports:

Gettysburg Municipal Authority

Councilwoman Naugle reported that GMA continues to work on plans to develop a new well, located off of Taneytown Road. They have met with officials of the GNMP to discuss line location and other issues. She also noted that the Board received a preliminary report from their engineers, Buchart and Horn, regarding the construction of additional water storage. The report covers possible locations as well as type of tanks and cost estimates. The water system needs additional storage and new tanks would also provide an opportunity to do needed maintenance on the existing tanks. Buchart and

Horn is currently working with County Planning to assess future needs and revise the report as needed. Current discussion involved two tanks – one on Herr's Ridge and the other possibly located off Baltimore Street next to the existing storage. Cost estimates run in the \$6 to \$7 million range. The next meeting of the GMA Board is Monday, April 17 at 6 PM.

USS Gettysburg

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

Main Street Gettysburg

Deb Adamik gave a brief update on the Baltimore Street Revitalization project noting that the committee continues to work and that it is progressing along nicely.

Elm Street

Darlene Brown reported that Olde Getty Place completed its Elm Street closeout assessment with representatives from both PDC and DCED. She announced the upcoming events: National Night Out, annual car show, and the neighborhood clean-up.

Steinwehr Avenue

Councilwoman Hodges reported that the next Steinwehr Avenue BID meeting is scheduled for Thursday, April 13.

National Park Service Advisory Committee

Councilman Weaver reported that the next Advisory Committee meeting is scheduled for April 13. He noted that the NPS is currently doing controlled burning on certain areas of the park land.

He announced the upcoming Legislative Breakfast will be held on April 22nd at The Pike Restaurant.

Councilman Weaver asked to be removed as the liaison for the Adams County Boroughs Association. Any Council member interested in replacing him should contact President Krummerich.

Adams County Council of Governments

Councilman Pitzer reported that the Adams County Planning Department gave a presentation on the County fruit belt, and noted that they have contributed 580 million to

the Adams County Economy, and also employs approximately 8500 people. He said that the presentation is currently on the County Website for anyone interested in reviewing.

Mayor Streeter announced that Patrol Officer Bryan Holden has completed his probationary period with the Gettysburg Police Department.

Councilwoman Naugle announced that the South Mountain Partnership meeting is scheduled for Friday, April 28 from 9:30 AM to 12:00 PM in Greencastle

Councilman Pitzer announced that at the recent Destination Gettysburg meeting awards were presented to: Third Ward resident "Terry Fox" received the "Jim Getty Spirit of Gettysburg Award" and the Witt Family was recognized for being a 60-year member of Destination Gettysburg/the tourism bureau.

There were no public comments at this time.

Moved Mr. Schindel seconded Mr. Pitzer to adjourn the meeting to an executive session at 8:20 PM. Motion carried unanimously.

President Krummerich dismissed the executive session at 9:10 PM.

Respectfully submitted,

Sara L. Stull
Borough Secretary