

BOROUGH OF GETTYSBURG
59 EAST HIGH STREET, GETTYSBURG, PA 17325
COUNCIL WORK SESSION MINUTES
MARCH 27, 2017

Vice President Scot Pitzer called the meeting to order at 7:00 PM with the following Councilors present: Mrs. Susan Naugle, Mr. Graham Weaver, Mr. Jacob Schindel, Mr. Wesley Heyser and Mrs. AmyBeth Hodges. President Robert Krummerich arrived for the executive session. Staff present included: Mayor Theodore Streeter, Solicitor Harold Eastman; Manager Charles Gable, Borough Secretary Sara Stull, Chief Joseph Dougherty; Planning Director Becky LaBarre; and Parking Manager Karen Mesher.

Others present include: Robin Fitzpatrick, President, Adams County Industrial Development Authority (ACIDA); Deb Adamik, President, Main Street Gettysburg; Sarah Kipp, 126 Baltimore Street; Charles Strauss, 38 West Middle Street; Caroline Smith, 34 East Lincoln Avenue; and Frenette Tallent, 811 Johns Avenue. Representing the press were Jim Hale of the *Gettysburg Times* and Lillian Reed of the *Evening Sun*.

Vice President Scot Pitzer announced an executive session of the Borough Council was conducted immediately following the adjournment of the March 13, 2017 Borough Council meeting consistent with sections 708(a)(1), 708(a)(3), 708(a)(4) and 708(a)(5) of the Sunshine Act.

Vice President Scot Pitzer announced an executive session of the Borough Council shall be conducted immediately following the adjournment of this work session consistent with sections 708(a)(1), 708(a)(2), 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 consult with the Borough Manager regarding information and strategy related to the negotiations of collective bargaining agreements with Teamsters Local No. 776; (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; and (4) 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.

There was no public comment at this time.

Old Business:

PBS 2017-1

LERTA

Manager Gable presented Borough Council with a Policy Briefing Summary (PBS) (see attached), and gave a brief update on the Local Economic Revitalization Tax

Assistance Act (LERTA). The Borough needs to consider the implementation of economic incentives to encourage investment and redevelopment in the Borough. He said that the ACIDA has requested Borough Council to consider the former REDDI property located at 108 North Stratton Street, now referred to as the Gettysburg Station site as a site for LERTA. Manager Gable said that an administrative team was formed to meet biweekly to develop policy procedures for Borough Council to consider. The team consists of the following members: Charles Gable, Borough Manager; Becky LaBarre, Director of Planning and Historic Preservation; Peter Smith, Member Planning Commission; Sarah Kipp, Member Planning Commission; Deb Adamik, President, Main Street Gettysburg; Robin Fitzpatrick, President, Adams County Industrial Development Authority; Andrew Merkel, Assistant Director Adams County Planning Office and Carly Marshal, Director Adams County Planning Office.

Robin Fitzpatrick, President ACIDA, gave a brief update stating that she spoke with surrounding property owners to include the locations of interest that were suggested by Borough Council members. Mrs. Fitzpatrick noted that some contractors have asked if a feasibility study would be performed to determine the types of need for that site. She said that the next step would be for ACIDA to hire a consultant.

PBS 2016-27 Verizon Cell Booster Lease Agreement

Manager Gable presented Borough Council with a Policy Briefing Summary (PBS) (see attached), and gave a brief update on the Verizon Cell Booster Lease Agreement. He said that the Borough would receive \$36,000 annually from Verizon to mount cell phone signal boosters on a dozen Borough owned decorative light poles. The Borough would also receive \$300 per booster to cover the cost of electricity. Manager Gable said that the lease would last 25 years, and that the payment would rise by 10 percent after each five-year segment.

Manager Gable said that the final negotiations are near completion, and the lease agreement should be ready for Council to vote at the April meeting.

There was no public comment at this time.

Moved Mr. Schindel, seconded Mr. Weaver to adjourn the business meeting at 7:30 PM. Council continued with an executive session and President Krummerich closed the executive session at 8:25 PM.

Respectfully submitted,



Sara L. Stull
Borough Secretary

Policy Briefing Summary (PBS)

LERTA

PBS#: 2017-1

Date Prepared: March 21, 2017; March 6, 2017; January 19, 2017
Prepared By: Charles R. Gable; Robin Fitzpatrick
Proposed Meeting Date: March 27, 2017; January 23, 2017
Deadline for Action: September 2017

I. Request/Issue Needing Borough Council Action

Economic Development in the Borough is needed to sustain the financial viability of the Borough if it is going to continue to provide services residents and visitors need and desire in the 21st century. Economic growth has stagnated in the Borough, and in some respects actually retracted. The tax base must grow in order to keep pace with the expenses incurred in providing services to the residents and visitors of Gettysburg.

The Borough needs to consider the implementation of economic incentives to encourage investment and redevelopment in the Borough. One of several tools the Borough should consider is the creation of a Local Economic Revitalization Tax Assistance Zone (LERTA). The creation of a LERTA Zone would coincide with a rezoning of certain portions of the Borough that is consistent with the Joint Comprehensive Plan between the Borough of Gettysburg and the Townships of Cumberland and Straban.

II. Financial Impact on Budget

March 6, 2017 – CRG

No additional unbudgeted expenses for this project are foreseen or identified as of this writing. Additional budgetary concerns will be included in this narrative as they are identified.

January 17, 2017 - CRG

The implementation of a LERTA zone in the Borough is a budgeted priority in 2017. Funds are currently allocated for various reviews by the solicitor and planning commission. As such, impacts on the budget in 2017 are envisioned and should have minimal effect beyond current budgetary expectations. Future budgetary impacts related to a LERTA zone are not possible to know as of this writing as tax revenue generated in the LERTA zone will be determined by how the LERTA is structured, and is not currently known.

It is important to keep in mind that LERTA is designated for specific parcels and not necessarily a broad swath of real estate like that in consideration for a rezoning effort. Additionally, and perhaps even more importantly, it is vital that before a LERTA is designated, and for a LERTA to ultimately succeed, other taxing authorities must be consulted and should be supportive of a LERTA designation effort. In this case, the Borough, Adams County, and the Gettysburg Area School District should all agree to a LERTA designation if the economic incentive for redevelopment is to be ultimately a success.

III. Background Information

March 21, 2017 - CRG

Robin Fitzpatrick, President of the ACIDA, notified the Borough, by formal letter, which the ACIDA Board of Directors voted to ask the Borough to consider a LERTA designation for parcels 16007-0125-000, 16007-0125A-000, and 16007-0126-000 (collectively known as the Gettysburg Station site. This formal request letter is shown in Exhibit #13.

March 6, 2017 - CRG

The Administrative Team on Rezoning, LERTA, and Parking (RLPAT) met on March 2, 2017 and began to finalize the approach to take regarding the various initiatives tasked to staff this year. The Summary and Action Plan that came out of that meeting are attached as Exhibits #11 and #12.

January 26, 2017 – CRG

Extensive discussion took place at the January 23, 2017 Council Workshop regarding LERTA, creating a LERTA zone and the area to focus on. Council narrowed the initial scope of the LERTA zone to a more limited area referenced in the attached Exhibits #9 and #10. The area of primary interest centers around the property owned by the IDA and the property owned by Spectra-Kote.

January 19, 2017 – RF

This project most frequently identified as a subject parcel that would benefit from a LERTA declaration is known as Gettysburg Station, and has been through several iterations since initial redevelopment efforts began in 2001 when the project was known as REDDI. The 3 acre site, identified collectively as 108 N. Stratton Street is located in a prominent location within downtown Gettysburg. The site is situated one block north of the main square, west of the Gettysburg College campus and adjacent to the historic Lincoln Train Station and CSX Rail Line. The parcels include two dilapidated buildings that are functionally obsolete and a vacant gas station, all of which detract from the downtown streetscape.

The Gettysburg Economic Development Corporation was formed in 2007 by the Borough of Gettysburg specifically for the management of the redevelopment of this blighted site. GEDC acquired the properties in September 2007 from Parksville Properties and Leemilt's Petroleum Property with the intention of clearing the site and selling the improved parcels to a developer.

In July 2009, GEDC sold Leemilt's Petroleum Property, a .6 acre parcel to the Adams County Transit Authority on which was built a transit hub for intermodal activities such as the Freedom Transit (public transportation), tourist buses, taxi service and automobile parking.

The Borough of Gettysburg sites a \$24 million dollar investment in downtown development alone which includes projects such as the rehabilitation of the historic Lincoln Train Station (adjacent to the project site), the restoration of the Majestic Theater and Wills

House, as well as improvements made to Railroad Street. Revitalization of this remaining site is a critical piece of Gettysburg's community redevelopment.

The current project entails the acquisition and demolition of all buildings on the property. Specifically, the project will fund: (i) the purchase of the property by the Adams County Industrial Development Authority (ACIDA) and (ii) demolition of both structures that currently occupy the site. This phase of the project has been completed, which enables further development of the site to occur; the final mixed-use redevelopment plan of the site has been discussed in concept only.

The Adams County Industrial Development Authority purchased the property from the ACNB Bank on April 30, 2013 for \$1,300,000.

IV. Board, Commission, or Agency Review

March 21, 2017 – CRG

Mike Shestok submitted his resignation from the Borough Planning Commission, which was accepted by Borough Council on March 13, 2017. At that same meeting, Borough Council appointed Sara Kipp to serve out the unexpired term vacated by Mr. Shestok. As such, this created a situation where three members of the Planning Commission would be attending staff's administrative team meetings. A quorum of the Planning Commission creates a conflict for the RLPAT. As such Charles Strauss has agreed to step aside from staff's biweekly meetings in deference to Sara Kipp. Subsequently, the RLPAT administrative team consists of the following individuals:

- Charles Gable, Borough Manager
- Becky LaBarre, Director of Planning and Historic Preservation
- Peter Smith, Member Gettysburg Planning Commission
- Sarah Kipp, Planner (former Member Borough Planning Commission)
- Deb Adamik, President Main Street Gettysburg
- Robin Fitzpatrick, President Adams County Economic Development Corporation
- Andrew Merkel, Asst. Director Adams County Planning Office
- Carly Marshal, Planning Specialist Adams County Planning Office

Additionally, Borough Councilman Wes Heyser has joined the Planning Commission in the role of liaison to the Borough Council. This non-voting position on the Commission will help ensure frequent and collaborative dialogue between both bodies to keep each up-to-date on progress and policy options being developed and discussed.

The Planning Commission has agreed to meet more frequently than once a month in an effort to keep substantive deliberations on LERTA, Rezoning, and Parking moving forward in a timely manner.

March 6, 2017 – CRG

The Administrative Team on Rezoning, LERTA, and Parking (RLPAT) has been finalized. Its members are:

- Charles Gable, Borough Manager

- Becky LaBarre, Director of Planning and Historic Preservation
- Peter Smith, Member Gettysburg Planning Commission
- Charles Strauss, Member Gettysburg Planning Commission
- Sarah Kipp, Planner (former Member Borough Planning Commission)
- Deb Adamik, President Main Street Gettysburg
- Robin Fitzpatrick, President Adams County Economic Development Corporation
- Andrew Merkel, Asst. Director Adams County Planning Office
- Carly Marshal, Planning Specialist Adams County Planning Office

January 26, 2017 - CRG

The Planning Commission is embarking on a thorough review of zoning in the Borough. Council should regularly communicate with the Planning Commission and consider making the geographic boundaries of a proposed LERTA Zone consistent with the same geographic boundaries of a newly amended and/or created zoning district as identified by the Planning Commission, consistent with the Joint Comprehensive Plan.

Staff will meet regularly with representatives of the Planning Commission, Borough Council, the County Planning Office, the Adams County Industrial Authority, and other community experts in the planning profession to develop policy proposals for Borough Council to consider for adoption and implementation. The people who have accepted the invitation to participate in this staff working group are:

- Charles Gable, Borough Manager
- Becky LaBarre, Director of Planning and Historic Preservation
- Peter Smith, Member Gettysburg Planning Commission
- Charles Strauss, Member Gettysburg Planning Commission
- Sarah Kipp, Planner (former Member Borough Planning Commission)
- Deb Adamik, President Main Street Gettysburg
- Robin Fitzpatrick, President Adams County Economic Development Corporation
- Staff Member of Adams County Planning Department (TBD)

V. Staff Recommendation(s) and Reasoning

March 27, 2017 Meeting

- Accept the ACIDA formal letter requesting a LERTA designation, which would subsequently begin the formal process of creating a LERTA zone/designation.
- Begin preliminary discussions on the size and scope of the financial incentive to offer in the LERTA zone (i.e. how will the LERTA be financially structured over the 10-year period?)
- Authorize staff to begin discussions with the other taxing authorities (i.e. Adams County and Gettysburg Area School District) to brief them on the LERTA request and to engage them in the LERTA designation process.

January 23, 2017 Meeting

- Receive LERTA information

- Discuss conceptual LERTA Zone
- Provide guidance to Planning Commission on potential rezoning effort

Given the complexities and requirements for a LERTA designation, staff recommends that Council limit the initial LERTA designation to the parcels of land commonly known as the REDDI site. This limited and targeted designation would coincide with a slightly more expansive rezoning effort that encompasses not only the REDDI site but a swath of real estate that mirrors the recommendations in the Joint Comprehensive Plan.

VI. List of Exhibits Attached:

1. Urban Redevelopment Law (Act of May 24, 1945 – P.L. 991, No. 385)
2. Local Economic Revitalization Tax Assistance Act (Act of December 1, 1977 – (P.L. 237, No. 76 Cl. 53)
3. LERTA History – Sterner Correspondence (2002)
4. LERTA History – Information Request (2001)
5. LERTA History – Ordinance 1076-88 (Enacting LERTA)
6. LERTA History – Resolution (1988)
7. Possible LERTA Zone Map – Railroad Corridor (1-23-2017)
8. Parcels Identified for Possible LERTA – Spreadsheet
9. Limited Railroad Corridor LERTA Listing (Finalized)
10. Limited Railroad Corridor LERTA – Parcel/Picture (Finalized)
11. RLPAT Summary (March 2, 2017)
12. RLPAT Action Plan (March 2, 2017)
13. LERTA Designation Request from ACIDA (March 16, 2017)



Gettysburg

HISTORIC CROSSROADS

William E. Troxell – Mayor
Michael J. Birkner – Council President
Jacob W. Schindel – Council Vice President

Charles R. Gable, MPA – Borough Manager
Sara L. Stull – Borough Secretary
Harold A. Eastman, Jr. – Borough Solicitor

Borough of Gettysburg
Adams County, Pennsylvania
59 East High Street
Gettysburg, PA 17325

Telephone: (717) 334-1160
FAX: (717) 334-7258
www.gettysburg-pa.gov

Policy Briefing Summary (PBS) **Project #2016-27**

RE: Verizon Cell Booster Lease Agreement

Date Prepared:	Revised March 27, 2017; Previous Versions May 16, 2016; March 11, 2016; February 7, 2016
Prepared By:	Harry Eastman/Charles Gable
Proposed Meeting Date:	March 27, 2017
Deadline for Action:	July 2017

I. Request/Issue Needing Borough Council Action

In late 2014 Verizon Wireless approached the Borough with the concept to install up to twelve cell booster sites within the Borough limits. Verizon wants to install these cell boosters on Borough-owned light and traffic signals. Verizon would lease from the Borough the right to use Borough-owned infrastructure for their cell boosters. Council would need to approve such a lease agreement.

II. Financial Impact on Budget

March 27, 2017 – CRG

As of this writing, this project remains within the contractual framework with Cohen Law Group. Expenses have not exceeded the contracted amount.

February 7, 2016

As part of ongoing and annual budgetary concerns, this proposal from Verizon Wireless presents an opportunity to create a new revenue stream for the Borough. If a lease agreement is reached and ultimately approved by Council, new revenue would be generated for the Borough, having a positive impact on the annual budgetary pressures confronting the Borough. Exact amounts of new revenue are not yet confirmed.

A new line item was added to the budget (01.342.530) in 2015 in anticipation of the adoption of the lease agreement.

III. Background Information

March 27, 2017 - CRG

After a fairly lengthy period of lull, based on Executive Leadership restructuring within Verizon, the lease negotiations resumed in late 2016 and early 2017. A final master lease agreement is completed and ready for Council review.



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June 2016

Proposed Lease Agreement with Celco Partnership d/b/a Verizon Wireless (Project 2016-27) - The Borough received a proposed lease agreement from Celco Partnership d/b/a Verizon Wireless relative to the installation, maintenance and operation of cell booster communications equipment and related facilities on utility poles and/or surrounding property of the Borough in twelve (12) locations throughout the Borough, each of which would require approval by PennDOT. Charles R. Gable, MPA, Borough Manager, has communicated with other municipalities relative to the particulars of the proposed lease who recommended the hiring of specialized legal counsel (the Cohen Law Group) to assist in the lease negotiations. In order to maximize the Borough's timely revenue from the project and to ensure navigation of a myriad regulations, the Cohen Law Group in Pittsburgh has been engaged by Mr. Gable in order to facilitate lease negotiations on behalf of the Borough and also to assist in the preparation of an appropriate ordinance relative to the regulation of wireless facilities within the Borough. This matter was discussed at the April 2015 Finance Committee meeting. Phillip M. Fraga, Esquire, a principal of the Cohen Law Group, has taken the lead on this project on behalf of the Borough. Mr. Gable provided an update of this matter in an executive session conducted immediately prior to the adjournment of the May 11, 2015 Borough Council meeting. Consistent with Mr. Gable's request, following the executive session, the Borough Council ratified the engagement of the Cohen Law Group. At the May 23, 2016 work session, Mr. Gable updated Borough Council on this matter indicating that Verizon no longer desires to install cell booster communications equipment and related facilities on Borough property. As this matter has been concluded, this item will be removed from the July 2016 solicitors' status report.