

COUNCIL MEETING MINUTES JUNE 8, 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, Ms. Susan Naugle, Mr. Graham Weaver, Ms. Rebecca Brown, Mr. Robert Krummerich, Mr. Scot Pitzer, and Mayor William Troxell. Staff present included: Manager Charles Gable; Solicitor Harold Eastman; Chief Joseph Dougherty; Finance Director Nicolette James; Planning Director Scott Dellett; Code Enforcement Officer Wesley Winner; Public Works Director Dan Hilliard, Management Assistant Karen Mesher; and Chad Clabaugh, Borough Engineer, C. S. Davidson.

Others present included: Charles Strauss, 38 West Middle Street; Jack Phillips, 251 Springs Avenue; Mike Shestok, 264 Baltimore Street; Doris Spangler, 334 Ridge Avenue; Catherine Crabill, 705 Highland Avenue; Mollie Back, 707 Highland Avenue; and Gail Serfass, 327 Baltimore Street. Representing the press was Jim Hale of the *Gettysburg Times*.

President Birkner announced that the Borough Council of the Borough of Gettysburg conducted an executive session immediately prior to the adjournment of its monthly general business meeting held on May 11, 2015 consistent with section 708(a)(1), section 708(a)(2), section 708(a)(3) and section 708(a)(4) of the Sunshine Act for the following purposes: (1) to discuss matters involving the employment of certain Borough employees; (2) to receive information related to the termination of a grievance filed by the Teamsters Local 776; (3) to consider the lease of Borough property and related matters to include the engagement of a professional consultant relative to wireless lease negotiations; and (4) to consult with its solicitor regarding information and strategy in connection with pending litigation in the United States District Court, Middle District of Pennsylvania, No. 1:14-CV-02002, captioned Sudhir Gangwal, Plaintiff v. Christopher Folster, individually and as an employee of the Gettysburg Borough Police Department, Defendant.

Solicitor Eastman made two recommendations to the meeting agenda. He first recommended that the language in the first motion under Public Works moving “to approve a reduction in the amount of financial security posted with the Borough for the completion of public improvements in connection with the Gettysburg Area School District’s Middle School Land Development project consistent with the certification letter issued by C. S. Davidson, Inc. dated May 28, 2015. The release of financial security shall be in the amount of \$184,914.40 from the current financial security amount of \$320,603.80, with the Borough retaining a balance of financial security in the amount of \$135,689.40 for a period of time of eighteen (18) months to ensure and secure the structural integrity of certain dedicated public improvements associated with the project upon the dedication of the public improvements to the Borough of Gettysburg” ***be replaced with*** “to approve a reduction in the amount of financial security posted with the Borough for the completion of public improvements in connection with the Gettysburg Area School District’s Middle School Land Development project consistent with the

certification letter issued by C. S. Davidson, Inc. dated May 28, 2015. The release of financial security shall be in the amount of \$184,914.40 from the current financial security amount of \$320,603.80, thereby retaining a balance of financial security in the amount of \$135, 689.40 for the completion of the remaining public improvements associated with the project”.

Solicitor Eastman also recommended that Council *take formal action* in the form of a motion for the adoption of the resolution for the proposed action requested by ABC discussed at the prior Public Hearing, and *to add this item under Other Business* at the end of the meeting.

Moved Mr. Butterfield, seconded Ms. Brown to approve the June 8, 2015 agenda as amended.

Moved, Ms. Brown seconded Mr. Pitzer to approve the minutes of the May 11, 2015 Borough Council meeting as presented. Motion carried unanimously.

Public Comment:

Mike Shestok, 264 Baltimore Street, pointed out the distance between the top of the black top and the curb near his residence on Baltimore Street. He was advised to interact with PennDot on this issue. He said that the Adams Rescue Mission is no longer recycling electronics, and although he appreciates the efforts by the Borough regarding recycling, he is concerned with this recycling issue. President Birkner added that the slowdown of the Chinese economy added to the reduced demand for these items.

Catherine Crabill, 705 Highland Avenue, said that she had received a parking ticket while attending the Spring Fling event in the Hauser Field House at Gettysburg College. She had spoken with many Borough staff members who did not have the time to discuss this matter. She wrote a letter to the editor describing her dilemma. She said that Ms. Mesher finally called her, and said that after further investigation, her money would be refunded for her ticket. She was dismayed by her treatment, and that the only respect given to her was by the Borough Cashier. She said that she is a taxpayer in the Borough, and deserved a little more respect. President Birkner said that he works with the Borough staff and they are consistently polite. He stated that you cannot equate disrespect with unavailability. Manager Gable said that after researching the matter, it was determined by staff that the area is properly signed; but the offense occurred on private College property, and that the ticket should not have been issued by Borough personnel without their request. He presented Ms. Crabill with a refund check of \$15.00 for her ticket.

Ms. Crabill stated she owns an apartment building, and wondered why the rental license fee was raised from \$25.00 to \$50.00. Manager Gable stated that the two fees charged for rental properties, a license fee and a code inspection fee, were combined. He said that the new Regulated Rental Unit (RRU) fee did not increase, but is charged evenly every year. He noted that inspections would still occur over a three year period.

Mayors Remarks:

Mayor Troxell announced that the Adams County Boroughs Association meeting will be held on June 15th at the Pike Restaurant at 6:15 PM.

Jacob Schindel:

Legislative

Mr. Schindel said that the Legislative Committee met on May 28th to discuss a few state bills, and that the minutes were emailed recently. He said to send any questions regarding the meeting to him.

Public Works

Moved Mr. Schindel, seconded Mr. Pitzer to approve a reduction in the amount of financial security posted with the Borough for the completion of public improvements in connection with the Gettysburg Area School District's Middle School Land Development project consistent with the certification letter issued by C. S. Davidson, Inc. dated May 28, 2015. The release of financial security shall be in the amount of \$184,914.40 from the current financial security amount of \$320,603.80, thereby retaining a balance of financial security in the amount of \$135, 689.40 for the completion of the remaining public improvements associated with the project. Motion carried unanimously.

Moved Mr. Schindel, seconded Ms. Brown to authorize the solicitor to finalize and publish for subsequent enactment an ordinance accepting dedication of Lefever Street, as straightened, relocated and constructed by the Gettysburg Area School District, by its Deed of Dedication, for use of Lefever Street by the traveling public as part of the public street system of the Borough of Gettysburg. Motion carried unanimously.

Moved Mr. Schindel, seconded Ms. Brown to authorize the solicitor to finalize and publish for subsequent enactment an ordinance laying out, opening, ordaining and accepting for dedication a portion or strip of land to be added to Zerfing Alley East between Fifth Street and Sixth Street, as offered by Deed of Dedication from the American Legion Club of Gettysburg for the purpose of widening Zerfing Alley East for use by the traveling public as part of the public street system of the Borough of Gettysburg. Motion carried unanimously.

Moved Mr. Schindel, seconded Mr. Butterfield to award a contract to Monarch Products Co., Inc. as the lowest qualified and responsible bidder for precast concrete inlet boxes as set forth in the Borough's specifications and instruction to bidders. Motion carried unanimously.

Ms. James apologized for the inadvertent omission of the amount of the contract awarded to Monarch Products for the inlet boxes on East Middle Street. She will provide council with the contract amount tomorrow.

Moved Mr. Schindel, seconded Mr. Butterfield to award the East Middle Street Reconstruction Contract to the lowest qualified and responsible bidder, Kinsley Construction, in the amount of \$270,003.25. Motion carried unanimously.

Mr. Clabaugh recommended that the Curb Replacement project go to Kinsley Construction, and that they are already mobilized for the project.

Moved Mr. Schindel, seconded Ms. Brown A motion to award the 2015 CDBG Curb Ramp Replacements Contract to the lowest qualified and responsible bidder, Kinsley Construction, in the amount of \$ \$169,808.56. Motion carried unanimously.

Gettysburg Area Recreation Authority (GARA)

Mr. Schindel said that the Future Stars Little League Tournament was held this past weekend and that everything went well. He discussed the upcoming summer camps that will begin next week at the Rec Park and that registration is underway. Mrs. Naugle congratulated GARA for all of their accomplishments as an independent organization, like the addition of the Sports Hall of Fame, the recent opening of the Youth Activity Center, the completion of their Strategic Plan and adding funds to their reserve account.

John Butterfield:

Finance

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

Moved Mr. Butterfield, seconded Ms. Naugle to adopt a resolution to approve and implement Post-Issuance Compliance Procedures and to appoint the Finance Director of the Borough as its Compliance Officer relative to applicable Continuing Undertakings for any Obligations issued or entered into by the Borough. Motion carried unanimously.

Mr. Butterfield said that this action is required by the Securities and Exchange Commission as a result of the approval / underwriting by the Borough of approximately \$7,800,000 in revenue bonds by the Gettysburg Municipal Authority in April. Solicitor Eastman commented that this was a follow-up to issues raised last fall. Ms. James said that she will need to gather all of the compliance information needed for the bonds and forward that information to the Securities and Exchange Commission. Mr. Krummerich asked how many hours will be invested to do this and if those hours could be tracked.

Solicitor Eastman said that this is in regard to all tax exempt obligations that the Borough has incurred, and is a result of the MCDC initiative.

Mr. Butterfield referenced the financial reports, specifically the *Year to Date 2014 Actual vs. Annual Budget* report on page 6 found in your packets. He said that the Borough had anticipated a \$98,000 shortfall, but instead had a \$256,000 surplus. He attributed the added money to several factors: \$158,000 in highway projects not started, reimbursement for the ADA ramps, reduction in street lightbulbs, contribution by Planning of \$13,000 due to a decrease in code enforcement hours, and an \$85,000 increase in parking revenue over the budgeted amount. President Birkner said that Manager Gable has kept financial figures conservative. Ms. James added that keeping money in the reserve fund keeps it where the Borough needs it. President Birkner commented that Council is fiscally responsible. Ms. James noted that Manager Gable holds bi-monthly department meetings to keep everyone on track. Mr. Pitzer asked if she had to move \$75,000 from the reserve fund to balance the budget. Ms. James responded that it won't be necessary now. Mr. Butterfield said that we are at 25 percent revenue for the first quarter of the year, and the Borough will expect more money from tax revenue. She said that the Auditors will be at the Borough on June 18th at which time the Finance Committee will address questions. She said that the formal books will available to Council on June 15th.

Steinwehr Avenue Heart of Gettysburg Battlefield (SAHGB)

Mr. Butterfield said that the Steinwehr Avenue BID is beautifying Steinwehr Avenue by hanging flower baskets from the light posts at the expense of the BID to enhance the gateway to the Borough.

Adams County Council of Government (COG)

Mr. Butterfield said that the Pillow Tax generated \$17,571 in the first quarter compared to \$16,696, making the Borough 5.2 percent ahead in revenue compared to March, 2014.

Susan Naugle

Community Development

Ms. Naugle stated that the Wi-Fi project was a success and will be continued and expanded. The Committee is reviewing rules and guidelines involving satellite dishes in the Historic District. The next meeting of the Committee will be held on June 11th, to discuss banners and satellite dishes. Dr. Daryl Black, Executive Director of the Seminary Ridge Museum, will be here to discuss marketing strategies for the new museum. President Birkner asked how tourists will know about the Wi-Fi. Mrs. Naugle said that Destination Gettysburg will publicize that information in their marketing.

Moved Ms. Naugle, seconded Ms. Brown to approve and authorize the issuance of Certificates of Appropriateness for Old Business Item A (106 North Washington Street) and New Business Items A (333 Baltimore Street), B (226 North Stratton Street), C (101 West Middle Street) and D (323 Baltimore Street), as set forth in the minutes of the May 20, 2015 meeting of the Historic Architectural Review Board consistent with the findings and recommendations of HARB as set forth therein. Motion carried unanimously.

Main Street Gettysburg (MSG)

Ms. Naugle said that Main Street Gettysburg is continuing to formulate ideas with the Baltimore Street Committee for the Baltimore Street Project. MSG is working on securing funding by submitting a pre-application to the South Mountain Partnership seeking funding for that project.

Gettysburg Municipal Authority (GMA)

Ms. Naugle said that the Gettysburg Municipal Authority is issuing a notice to proceed on the Intercept Project. She said that the bids have been awarded, the bonds have been secured, and they will be starting soon.

Gettysburg Inner Loop

Ms. Naugle stated that C.S. Davidson is working on the Chesapeake Bay Trust Green Streets Grant, regarding the water area along Race Horse Alley between Buford Avenue and Franklin Street. She said that it was completed by the June 1st deadline. They are also working with the Gettysburg Foursquare Gospel Church regarding the Gettysburg Inner Loop in that area.

Graham Weaver

Public Safety

Mr. Weaver said that there was a general consensus of the Committee and those Councilors attending the meeting to ask the police department to monitor 53 foot trucks traveling through the Borough. Chief Dougherty tasked Sergeant Runk to create a Truck Enforcement binder, formulate policies, procedures, and a sample citation for patrol officers. He photographed all of the signage entering the Borough. He noted that first-time offenders will receive a warning and it will be placed in the binder; and that a citation will be issued for a second offense. He said that the police are issuing warnings now, and will begin issuing citation on July 1st. Mr. Butterfield asked how many warnings were issued so far. Chief Dougherty said that three warnings have been issued. Mr. Pitzer said that the police are enforcing all state laws, and that was the general consensus of the Committee and Council members in attendance. Mr. Weaver said that there is currently a bill before Congress to allow 33 foot twin trailers to drive on our roads.

USS Gettysburg

Mr. Weaver said that 19 crew members from the USS Gettysburg will be in town, and that Lieutenant Commander Andrew Strickland will lead the delegation. The crew will conduct a presentation at the National Military Park Boeing Conference Room on July 1st. The crew will return Civil War artifacts originally presented to them to the National Military Park. Manager Gable said that the crew will do two service projects while in town: detailing the Company K monument on Lincoln Square, painting a mural of the US Flag on a wall in the Borough Building, and numerous service projects with the National Park Service. Mayor Troxell said that the Gettysburg National Military Park gave the USS Gettysburg these artifacts, and that they have travelled all over the world. He said that the artifacts will be returned to the ship in 2018, when they are back in service.

Rebecca Brown

Human Resources

Ms. Brown said that the Manager evaluations are due today and can be placed in Ms. Stull's office.

Solicitor Eastman said that there is a 45-day window under the Borough Code to accept the resignation of Kyle Leinbach, and unless a quorum of Council accepts it, the vacancy of his office should not be considered. President Birkner called for a motion to accept the resignation of Kyle Leinbach by a roll call vote.

Moved Ms. Brown, seconded Mr. Butterfield to accept the resignation of Kyle T. Leinbach as a member of the Borough Council of the Borough of Gettysburg, effective June 8, 2015, in consideration of his letter of resignation dated May 27, 2015. A roll call vote was taken: YEA: Ms. Brown, Mr. Butterfield, Mr. Krummerich, Ms. Naugle, Mr. Pitzer, Mr. Schindel Mr. Weaver and President Birkner. Motion passed 8-0.

President Birkner said that there is a 30-day window to appoint his successor, so a special meeting will be necessary to appoint a new member to Council. He said that five people are needed for a quorum. After a brief discussion, a date was selected and President Birkner called for a motion to set a special meeting of Council.

Moved Ms. Brown, seconded Mr. Krummerich to set a special meeting of the Borough Council of the Borough of Gettysburg to be held on June 29, 2015, commencing at 7:00 PM. for the purpose of appointing a qualified, registered elector of the Second Ward of the Borough of Gettysburg to fill the vacancy in office of a member of Council due to the resignation of Kyle T. Leinbach. Motion carried unanimously.

Solicitor Eastman said that according to the Borough Code, the person under consideration must have continuously resided within the Second Ward for a period of one year, and produce a signed affidavit from the person to Borough Council proving residency.

Manager Report

Manager Gable introduced Wesley Winner as the new Code Enforcement Officer for the Borough of Gettysburg. Mr. Winner said that he currently lives in Littlestown, and studied Land Use Geography at Shippensburg University. He said that he worked a temporary state contract job, where he was knowledgeable in flood plain management. He said that he currently worked in the telecom industry doing zoning and permitting. He indicated that he will enforce the Borough Codes indiscriminately and proactively. Manager Gable said that he will have a regular schedule in the Borough on Mondays, Wednesdays and Fridays. President Birkner said that the Code Enforcement Officer is a very important position to the Borough of Gettysburg, and is important to balance enforcement with respect.

Manager Gable discussed the first week of the Gateless Parking System at the Racehorse Alley Parking Plaza. He said that despite the press and antagonistic columns, the garage is doing rather well. He said that the total money collected from selling 179 day passes was \$4,320. He said that \$2,614.50 in credit card sales and \$354.00 in cash sales were collected by patrons at the kiosks. The total of funds collected at the garage for one week was \$7,288.50 at the new gateless system excluding the 78 monthly pass holders. He compared that total to last year's total for the same period at the garage under a gated system, where cash totals of \$2,053.25 and credit card totals of \$ 5,046.50 only totaled \$7,099.75. He would not call the increase of \$188.00 over 2014 a failure. He said that this is a different type of parking system with public adjustments expected. Ms. James noted that there is a shift from cash to credit card sales by patrons. Manager Gable stated that he along with Ms. James, Ms. Fissel, Ms. Mesher and members of the Public Works Department manned the garage to help patrons learn the new system. Ms. James said that there is temporary signage for now, but permanent signage will be placed soon. Mr. Butterfield said that a public demonstration was held prior to the roll out, and that some of the dissenters did not attend. He noted that staff has put in many long hours to assist the public. Mr. Pitzer asked what will happen to the old garage equipment. Mr. Hilliard said that it will be placed for sale on a public web site.

Borough Secretary

Moved Mr. Butterfield, seconded Mr. Pitzer to accept the J.P. Harris Tax Exoneration report for tax years 2006, 2007, 2008, 2009, 2010, 2011, 2012 and 2014 as presented. Motion carried unanimously.

Department Reports

Mr. Butterfield asked Chief Dougherty to run through the special events schedule for June. He noted that the Jennifer Levan Memorial Bike (motorcycle) Ride will be held on June 27th.

Mr. Pitzer asked when the utility poles will be relocated on Steinwehr Avenue. He said that the merchants do not wish for that to occur before September, but it will probably occur in the fall. Mr. Butterfield will have a BID Board update in a few days, when this topic will be discussed.

Mr. Hilliard gave a construction update, stating that Columbia Gas is working on gas mains on East Middle Street, necessitating closures on that street.

Public Comment

Charles Strauss, 38 West Middle Street commended the Borough staff and Council for all of their hard work, and for the good financial news. He hoped that Council would consider a Human Services Building in the Borough in order to keep those court offices in Gettysburg.

Other Business

President Birkner called for a proposed motion rendering a decision to either approve or disapprove the request made by the Appalachian Brewing Company (ABC) for an intermunicipal transfer of a restaurant liquor license as stated in the agenda for the Special Council Meeting on June 8th at 6:30 PM in Council Chambers.

Mr. Butterfield wanted to assure that the Steinwehr Avenue BID understand the concerns of the nearby residents of Johns Avenue, and will express this concern at their upcoming meeting. Mr. Krummerich asked Chief Dougherty if he had recalled any incidents in that area. Chief Dougherty said that he could not recall any incidents. Mr. Pitzer said that ABC generally closes around 10 PM on weekdays and 11 PM on weekends.

Solicitor Eastman said that the Pennsylvania Liquor Control Board (PLCB) regulations are very narrow, and that the receiving municipality shall approve the request unless it adversely affects the health, peace and morals of the Borough residents; and that Council would have to cite a specific finding if they disapprove. The approved resolution would be sent to the PLCB along with the application by the ABC for the intermunicipal transfer.

Moved Ms. Naugle, seconded Mr. Weaver to adopt a resolution approving the request of Appalachian Brewing Company of Gettysburg, Inc. for the intermunicipal transfer of Restaurant Liquor License No. R-17048 from premises located within the Borough of Bonneauville at 16 East Hanover Street, Gettysburg, Adams County, Pennsylvania to premises located within the Borough of Gettysburg at 259 Steinwehr Avenue, Gettysburg, Adams County, Pennsylvania. A roll call vote was taken: YEA: Ms. Brown, Mr. Butterfield, Mr. Krummerich, Ms. Naugle, Mr. Pitzer, Mr. Schindel Mr. Weaver and President Birkner. Motion passed 8-0.

Mr. Pitzer asked how Council should approach the Council vacancy, and how do you want people to apply. President Birkner said that interested applicants should give their letter of intent and residency affidavit to either Manager Gable or Ms. Brown prior to the June 29th meeting. He said that the candidates could express their intent before Council at the meeting. He stated that the selected candidate would immediately be sworn into office and assume his or her role on Borough Council.

With no further business to come before Council, moved Mr. Pitzer, seconded Mr. Krummerich to adjourn the meeting at 8:50 PM.

Respectfully submitted,

Karen M. Mesher
Borough Management Assistant