

BOROUGH OF GETTYSBURG
59 EAST HIGH STREET, GETTYSBURG, PA 17325
COUNCIL MEETING MINUTES
DECEMBER 12, 2016

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. 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 Supervisor 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; Emmett Patterson, Chair Main Street Gettysburg; Tammy Myers, Gettysburg Heritage Center, 297 Steinwehr Avenue; Darlene Brown, Executive Director, PA Interfaith Community Programs, Inc. (PICPI), 40 East High Street; Jay Mackie, Open minds, 163 York Street; Steve Hemler, 535 York Street; Stan Clark, 915 Fairview Avenue; Mike Shestok, 264 Baltimore Street; Bob DeFayette, 100 King Street; Charles Strauss, 38 West Middle Street; Ron Frenette and Mike Tallen, 811 Johns Avenue; Caroline Smith, 34 East Lincoln Avenue and Becca Fissel, Gettysburg Borough Parking Enforcement Officer.

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

President Krummerich opened the meeting and mentioned a few of the accomplishments that were made throughout 2016. He said that the Gettysburg Borough Police Study was completed, purchased the parking garage land and approve a Bond issuance.

President Krummerich announced an executive session of the Borough Council was conducted immediately prior to the adjournment of the November 14, 2016 Borough Council meeting consistent with sections 708(a)(1), 708(a)(4) and 708(a)(5) of the Sunshine Act.

President Krummerich announced an executive session of the Borough Council was conducted immediately following the adjournment of the November 28, 2016 Borough Council workshop consistent with section 708(a)(1) of the Sunshine Act for the purpose of discussing matters involving the terms and conditions of employment of Borough employees.

President Krummerich announced an executive session of the Borough Council was conducted immediately following the adjournment of the December 5, 2016 Borough Council workshop consistent with sections 708(a)(1) and 708(a)(5) of the Sunshine Act for the purpose of discussing matters involving the terms and conditions of employment and to review and discuss items of business, which if conducted in public could lead to the disclosure of privileged information or confidentiality protected by law.

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 terms and conditions of employment or appointment and the evaluation of performance of Borough employees; (2) to provide information and to discuss and consider matters in connection with the possible purchase of real property by the Borough of Gettysburg; (3) in order to consult with the Borough Manager and solicitor regarding information in connection with issues on which identifiable complaints are expected to be filed; 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.

Moved Mr. Pitzer, seconded Mr. Schindel to approve the December 12, 2016 Agenda as presented. Motion carried unanimously.

Moved Mr. Pitzer, seconded Mr. Schindel to approve the November 14, 2016 Council Meeting minutes. Motion carried unanimously.

Moved Mrs. Hodges, seconded Mr. Heyser to approve the November 28, 2016 Council Work Session minutes. Motion carried unanimously.

Moved Mr. Heyser, seconded Mrs. Hodges A Motion to approve December 5, 2016 Special Council Work Session minutes. Motion carried unanimously.

Public Comment:

Mike Shestok, 264 Baltimore Street, addressed Council and said that he appreciates the work of Council and Borough Staff. He also pointed out the important services that Main Street Gettysburg provide to the Borough, and noted the upcoming Baltimore Street revitalization project.

Bob DeFayette, 100 King Street, presented Council with a parking and police budget comparison that he compiled for the past few years. He noted that the police department expenses have decreased over the years. Mr. DeFayette said that based on the parking department data of 2013, the Borough could use these saved funds to help the under-manned police Department.

President Krummerich said that a complete study of parking is already planned for 2017.

Deb Adamik, President, Main Street Gettysburg announced that the annual Victorian Christmas was well attended. She thanked the members of Council and staff that came out to help with the program.

Tammy Myers, Gettysburg Heritage Center also noted the successful Victorian Christmas held on Steinwehr Avenue. She said that Main Street Gettysburg provides many services to the Borough, and that the Steinwehr businesses are appreciative of their hard work. Mrs. Myers noted that the Main Street appropriations in the past was \$50,000.00, and that it has been decreased over the years. She said that it is important for the Borough to continue the appropriations, stating that the Borough benefits from these services. Mrs. Myers said that it would be a disservice to the Borough to not approve funding for Main Street Gettysburg.

Steve Hemler, 535 York Street, expressed his concern with Council approving an appropriation increase of \$500.00 to Main Street Gettysburg. He said that it should be used for roads or something else instead.

Special Presentation:

Emmett Patterson, Chair Main Street Gettysburg, addressed Council and read a prepared statement. (See attached)

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

Planning Director LaBarre announced that Andrew Merkel, Adams County Office of Planning and Development Assistant Director, will attend a joint meeting with Borough Council and the Planning Commission on January 9, 2017, to give a presentation on the Adams County Joint Comprehensive Plan.

Public Works Director Hilliard announced that the leaf pick up will end on December 16th.

Moved Mr. Schindel, seconded Mr. Pitzer to authorize the Borough to enter into an agreement with James R. Codori and Codori Memorials, LLC relative to the construction of Segment A of the Gettysburg Inner Loop. Motion carried unanimously.

Chief Dougherty reported that he is currently completing back ground investigations on two potential part-time police officers.

Manager Gable gave an update on the status of the Steinwehr Avenue utility poles. He said that he received notice that the grant was approved for the relocation of the utility poles. Manager Gable said that construction is planned to begin in early 2017.

Moved Mr. Heyser, seconded Mr. Pitzer to adopt a resolution authorizing Gettysburg Municipal Authority to assist Gettysburg College in a plan of financing for its project including the advance refunding of outstanding 2010 revenue bonds and financing of certain capital additions and improvements to the facilities of Gettysburg College and authorizing the Authority's issuance of revenue bonds in 2017 to finance the costs of the project with no liability whatsoever, financially or otherwise, on the part of the Borough of Gettysburg in adopting this resolution. Motion carried unanimously.

Moved Mrs. Hodges, seconded Mr. Schindel to enact an ordinance amending certain terms and provisions of the Borough's Non-Uniformed Employees' Pension Plan for purposes of compliance with applicable provisions of the Internal Revenue Code. Motion carried unanimously.

Moved Mr. Schindel, seconded Mr. Pitzer to adopt a resolution for the purposes of setting, updating and confirming the Borough's fees and charges for the issuance of licenses, permits and the provision of municipal services, to include the amendment of certain rates, fees and charges for parking in the Borough's parking garage. Motion carried unanimously.

Moved Mr. Pitzer, seconded Mr. Heyser to authorize the solicitor to prepare and publish a proposed ordinance for enactment at the next general business meeting of the Borough Council to be held on January 9, 2017 for the purposes of amending Chapter 15 of the Borough Code of Ordinances relative to the parking of motor vehicles within the Borough for the purposes of increasing the penalties and fines for parking violations to \$25.00 per violation and removing the seven-day reduced fine payment provisions of such parking regulations. YEA: Mr. Heyser, Mrs. Hodges, Mr. Pitzer, Mr. Weaver and Mr. Krummerich. NAY: Mrs. Naugle and Mr. Schindel. The vote passed 5/2.

Councilwoman Naugle noted that Borough Staff did not recommend this fine increase for parking, and said that there was not time to study the impact of this change. She said that she cannot vote to support it. Councilman Pitzer clarified that, in the budget presentation, staff did recommend to increase the fine to \$25.00, but not to eliminate the discount period.

Moved Mr. Weaver, seconded Mr. Schindel to adopt the Borough of Gettysburg budget for fiscal year 2017 providing an estimate of annual revenues and receipts for the General Fund in the amount of \$4,689,852 and an estimate of annual expenditures in the amount of \$4,689,852.

A roll call vote was taken. YEA: Mr. Heyser, Mrs. Hodges, Mr. Schindel, Mr. Pitzer, Mr. Weaver, Mrs. Naugle and Mr. Krummerich. The vote passed unanimously.

Moved Mrs. Naugle, seconded Mr. Schindel to adopt the Borough of Gettysburg budget for fiscal year 2017 providing an estimate of annual revenues and receipts for the Fire Fund in the amount of \$127,500 and an estimate of annual expenditures in the amount of \$127,500. Motion carried unanimously.

Moved Mr. Heyser, seconded Mrs. Hodges to adopt the Borough of Gettysburg budget for fiscal year 2017 providing an estimate of annual revenues and receipts for the Community Development Block Grant (CDBG) Fund in the amount of \$158,295 and an estimate of annual expenditures in the amount of \$158,289. Motion carried unanimously.

Moved Mrs. Hodges, seconded Mr. Schindel to adopt the Borough of Gettysburg budget for fiscal year 2017 providing an estimate of annual revenues and receipts for the Company K Memorial Fund in the amount of \$15 and an estimate of annual expenditures in the amount of \$0. Motion carried unanimously.

Moved Mr. Schindel, seconded Mr. Pitzer to adopt the Borough of Gettysburg budget for fiscal year 2017 providing an estimate of annual revenues and receipts for the Capital Projects Fund in the amount of \$2,227,434 and an estimate of annual expenditures in the amount of \$2,650,097. Motion carried unanimously.

Moved Mr. Pitzer, seconded Mr. Schindel to adopt the Borough of Gettysburg budget for fiscal year 2017 providing an estimate of annual revenues and receipts for the Debt Service Fund in the amount of \$635,728 and an estimate of annual expenditures in the amount of \$635,728. Motion carried unanimously.

Moved Mr. Weaver, seconded Mr. Schindel to adopt the Borough of Gettysburg budget for fiscal year 2017 providing an estimate of annual revenues and receipts for the Capital Reserve Fund in the amount of \$4250 and an estimate of annual expenditures in the amount of \$0. Motion carried unanimously.

Moved Mrs. Naugle, seconded Mr. Pitzer to adopt the Borough of Gettysburg budget for fiscal year 2017 providing an estimate of annual revenues and receipts for the Liquid Fuels Fund in the amount of \$185,250 and an estimate of annual expenditures in the amount of \$185,250. Motion carried unanimously.

Moved Mr. Heyser, seconded Mrs. Hodges to adopt the Borough of Gettysburg budget for fiscal year 2017 providing an estimate of annual revenues and receipts for the Revolving Loan Fund in the amount of \$2075 and an estimate of annual expenditures in the amount of \$0. Motion carried unanimously.

Moved Mrs. Hodges, seconded Mr. Schindel to adopt the Borough of Gettysburg budget for fiscal year 2017 providing an estimate of annual revenues and receipts for the Eichelberger-Stahle Charitable Trust Fund in the amount of \$25 and an estimate of annual expenditures in the amount of \$25. Motion carried unanimously.

Moved Mr. Schindel, seconded Mr. Pitzer to enact an ordinance fixing the tax rates of the Borough of Gettysburg for fiscal year 2017 at 3.7703 mills on each dollar of real estate assessed valuation for general Borough purposes, 30 mills on each dollar of occupational assessed valuation for general Borough purposes, and at .25 mills on each dollar of real estate assessed valuation for fire protection services appropriations tax purposes. Motion carried unanimously.

Moved Mr. Pitzer, seconded Mr. Heyser to approve the distribution of the Eichelberger-Stahle Funds to Borough residents as required. Motion carried unanimously.

Moved Mr. Weaver, seconded Mrs. Naugle to hold the 2017 monthly Borough Council Business Meetings on the following dates; Monday, January 9, 2017 (which is a joint meeting with the Planning Commission); Monday, February 13, 2017; Monday, March 13, 2017; Monday, April 10, 2017; Monday, May 8, 2017; Monday, June 12, 2017; Monday July 10, 2017; Monday, August 14, 2017; Monday, September 11, 2017; Tuesday, October 10, 2017; Monday, November 13, 2017; Monday, December 11, 2017; and the Borough Council Work Session Meetings to be held on the Fourth Monday of every month at 7:00 PM, prevailing time, in the Municipal Building and authorize the Borough Secretary to advertise same in the *Gettysburg Times*. Motion carried unanimously.

Manager Gable gave an update on the requests filed under the Right-to-Know Law by Gettysburg Times Publisher Harry Hartman, business owner Steve Hemler and Borough resident Stan Clark. He said that it has cost the Borough \$35,222.15 to date. Manager Gable said that they have filed 35 Right-to-Know requests, and have consumed approximately 1,532 hours of Borough staff time. Manager Gable noted that a court hearing has been set in January for an appeal involving one of the requests.

Council members expressed their concerns regarding the public records request and the cost to the taxpayers.

Liaison Reports:

Gettysburg Area Recreation Authority

Councilman Schindel reported that vandalism has occurred at the skate park. He said that this is an ongoing issue that the Board will need to address.

Gettysburg Municipal Authority

Councilwoman Naugle reported that GMA has been reviewing the draft budget, and plan to approve it at their next meeting.

Main Street Gettysburg

Moved Mrs. Naugle, seconded Mr. Weaver to re-appropriate \$500 to Main Street Gettysburg which was removed in the 2016 budget for the purposes of assisting the County develop an electronics recycling program, which has not materialized in 2016. The vote passed 6/1 with Mrs. Hodges the dissenting vote.

Councilwoman Hodges said that the Borough has been able to save money and noted that she has proposed cost savings ideas instead of raising taxes. She said that she cannot support appropriating these funds to Main Street at this time.

Steinwehr Avenue Heart of Gettysburg Battlefield

Councilwoman Hodges reported that the Victorian Christmas event on Steinwehr Avenue was well attended.

Mayor Streeter reported that both sergeants recently attended a supervisory training. He said that the morale in the police department is better, and that the police have been working great together.

Public Comment:

Steve Hemler, 535 York Street said that he emailed to the Borough Manager a request for information on cost incurred for public records request. He said that he didn't submit a Right-to-Know request because he felt it was information that the manager would have and could send to him directly. Mr. Hemler was frustrated that the Manger sent it to the Public Records Officer for completion.

Stan Clark, 915 Fairview Avenue said that the Right-to-Know requests stems from the poor handling of a police taser incident. He feels that the Borough received poor information from its legal counsel.

Solicitor Eastman responded that there has not been one determination from the Office of Open Records which was not denied in part or affirmed in part. That means the OOR agreed with the Borough in its determination that certain information was exempt from public access. He said that every one of the requests had portions that said the information the Borough did not turn over was appropriately held back. Solicitor Eastman noted that the OOR is a state agency and not a branch of the judiciary.

Charles Strauss, 38 West Middle Street said that he appreciates attending the meetings, but said that it is difficult to follow deliberations since Council is not using *Roberts Rules of Order*. He said that it is helpful when the Council President re-reads the motions. Mr. Strauss expressed his concern with the treatment of Main Street Gettysburg by Council members.

Moved Mr. Pitzer, seconded Mr. Schindel to adjourn the meeting to an executive session at 8:50 PM.

Respectfully submitted,

Sara L. Stull
Borough Secretary

Council Presentation by Emmett Patterson – 12-12-16

Thank you for giving me the time to address the Bora council, I will be brief and right to the point

We are all stewards of this community, we have the responsibility to live, manage, and plan for the future of one of the most Historical Sites in the world. Think about that- Abe Lincoln, the Gettysburg Address, turn the tide of the Civil war, keeping this great country together.

We have the obligation to maintain and improve the borough for its citizens, but we also have an obligation to maintain, preserve, and improve this site for not just today's population but for our future generations. We cannot be short sighted; if we do we will have shirked our responsibility.

We must have a vision of what Gettysburg should be, what it should look like, how it should feel for both the residents and the visitor. We need to be looking down the road 20-30 years, not just for today. This is what your MSG is trying to accomplish, working with the bora, the residents, and the businesses, and other organizations that are doing their part in trying to create a vibrant community. You were given both the accomplishments for 2016 and the direction 2017. As you looked at both you should notice that we do not operate in a vacuum, we are reaching out to all to make sure we get all points of view. We adjust, tweak plans, based on community feedback including members of council who represent their constituents.

First, I do want to thank the Councilmen who voted for the full \$20,000 for 2017.

However I do have some concerns that I want to address:

For 4 years I have heard that council must balance the budget, we cannot give a tax increase to our citizens, especially those on a fixed income. This year you had a balance budget, you had no tax increase and was not taking anything from the reserve account and yet some still want to cut funding to MSG

Several years ago, Gettysburg gave \$50,000 to MSG, 2016 we received \$19,500 and yet there is conversation to cut further.

Somehow misinformation is out that MSG wanted to be self-sufficient and not have the borough pay their fair share, not sure where that came from but not true, it would be nice so we do not have to go through this humiliating process each year.

The borough is not giving a "contribution" nor is it giving a donation, you are paying for a service, a critical service for the future of this community, services that you could not afford to do for the small payment you make. The community pays for the majority of our budget, so obviously this illustrates that they must buy into what we are doing. The work that we are doing goes right to the heart of the financial issue in Gettysburg, we do not have a taxing issue, we have a revenue flow issue, we have a systemic issue with declining Real Estate values that keep lowering the income to the borough. This is an important element of our game plan, how do we help resolve this issue? The Council also does not realize the negative affect you have on MSG's ability to fund raise when you behave as if you do not support MSG financially and its direction. I have major donors tell me "if the borough is not going to pay their fair share, why should I?"

You have a balanced budget, you have no tax increase and the reserves are not being reduced, yet you want to cut the Funding for Development of the future, I can only draw 2 conclusions, 1. Someone wants MSG to go away and are trying to hurt its financial position, or 2. Someone has not developed a vision of what we can do to make Gettysburg, a national jewel, become financially stronger and a better place to live.

I wish you all a Merry Christmas, Happy Hanukkah and a blessed New Year.