

**BOROUGH OF GETTYSBURG
TROXELL COUNCIL CHAMBERS
59 EAST HIGH STREET, GETTYSBURG, PA 17325
COUNCIL BUSINESS MEETING MINUTES
AUGUST 9, 2021**

President Jacob Schindel called the meeting to order at 7:00 PM with the following **Councilors present:** Mr. Christopher Berger, Mr. John Lawver and Mr. Matthew Moon. Mrs. Judith Butterfield and Ms. Patricia Lawson were present via telecommunications. Vice President Wesley Heyser was absent. **Staff present included:** Mayor Theodore Streeter; Borough Manager Charles Gable; Assistant Borough Manager/Secretary Sara Stull; Borough Solicitor Harold Eastman, Barley Snyder; Police Chief Robert Glenn, Parking Manager Rebecca Fissel; Director of Historic & Environmental Preservation Debra English; Planning Director Carly Marshall; Public Works Director Robert Harbaugh; and Chad Clabaugh, Borough Engineer, C. S. Davidson, Inc.

Others present included: Jill Sellers, President of Main Street Gettysburg, Tori Schindel and baby Charlotte. Representing the press was Jim Hale with the *Gettysburg Times*; and filming by *Community Media-ACCTV*.

President Schindel announced an executive session of the Borough Council was conducted immediately following the adjournment of the work session of the Borough Council held on Monday, July 26, 2021, consistent with section 708(a)(1), section 708(a)(3) and section 708(a)(5) of the Sunshine Act.

President Schindel announced an executive session of the Borough Council will be conducted immediately following the adjournment of this evening's general business meeting consistent with section 708(a)(1) and section 708(a)(5) of the Sunshine Act for the following purposes: (1) to discuss matters involving the employment, the termination of employment, and the terms and conditions of employment of former, current or prospective Borough employees; and (2) to review and discuss matters of Borough business which, if conducted in public, would violate a lawful privilege or lead to the disclosure of information or matters of confidentiality protected by law.

President Schindel explained that due to requirements to have four of the seven members of Council physically present to convene he would be attending tonight's meeting. A change to the agenda was made to remove Mayor Streeter opening the meeting and appointing a President Pro-Tempore. Solicitor Eastman advised President Schindel not to cast any votes during the meeting. Council can still conduct business because the two members in attendance by phone can legally vote.

After making the changes to the agenda, moved Mr. Lawver, seconded Mr. Berger to approve the August 9, 2021 agenda as presented. Motion carried

unanimously by roll call vote, Mr. Lawver, Mr. Moon, Ms. Lawson, Mr. Berger and Mrs. Butterfield.

Moved Mr. Moon, seconded Mr. Lawver to approve minutes of the Council Meeting of July 12, 2021; Council Special Meeting of July 12, 2021; and Council Work Session on July 26, 2021 as presented. Motion carried unanimously by roll call vote, Mr. Lawver, Mr. Moon, Ms. Lawson, Mr. Berger and Mrs. Butterfield.

Public Comment (Restricted to Items on the Agenda)

There were no public comments at this time.

Special Presentation

Mayor Streeter presented Jacob W. Schindel with a Ceremonial Key to the Borough in recognition of his many years of service on Borough Council.

Special Business

Moved Mr. Moon, seconded Mr. Lawver to set and provide public notice of a special meeting of the Borough Council to be held on Monday, August 23, 2021 at 6:00 PM, for the purposes of appointing a member to the Borough Council to fill the vacancy in elective office of Council member at large and to elect a president and a vice-president of the Borough Council. Motion carried unanimously by roll call vote, Mr. Lawver, Mr. Moon, Ms. Lawson, Mr. Berger and Mrs. Butterfield.

Moved Mr. Moon, seconded Mr. Berger to appoint Suzanne Christianson to the Borough's Historical Architectural Review Board in the capacity of a licensed real estate broker pursuant to the requirements of the Pennsylvania Municipal Historic District Law. Said appointment is to fill the vacancy created by the resignation of Colleen Lingle for the remainder of the unexpired term of Ms. Lingle which will expire in August 2022. Motion carried unanimously by roll call vote, Mr. Lawver, Mr. Moon, Ms. Lawson, Mr. Berger and Mrs. Butterfield.

Current and Old Business

Department of Historic & Environmental Preservation

Moved Mr. Moon, seconded Mrs. Butterfield to accept the recommendation of the Borough of Gettysburg Historic Architectural Review Board (HARB) following its review on July 21, 2021 and grant Certificates of Appropriateness for the following applications as presented: COA 21-0081 CRITICAL PROJECT: 165 N. Stratton Street – Powel Drozd to approve the rear deck replacement project that is consistent with both the *Secretary of the Interior Guidelines* and the *Gettysburg Design Guide* as presented to the Board in the application dated July 9, 2021; COA-210084 MAJOR

PROJECT – 66-68 W. High Street – Scott and Debra English to approve the replacement of a rear porch roof from a rolled rubber material to a charcoal gray standing seam metal, and for the maintenance repair and repainting of the wood windows, wood shutters and hardware, wood cupola, and rear basement doors that is consistent with the *Secretary of the Interior Guidelines* as presented to the Board in the application dated July 12, 2021. Motion carried unanimously by roll call vote, Mr. Lawver, Mr. Moon, Ms. Lawson, Mr. Berger and Mrs. Butterfield.

Parking Department

Parking Manager Fissel reported that parking revenue in July totaled \$140,319 from all sources. She noted that the additional parking payment (APP) methods have become very popular among people using their smartphones.

Public Works Department

Public Works Director Harbaugh gave the following report: updated Council on the progression of the South Street Project noting that CenturyLink is due to begin work later this week followed by Met Ed; Getty Street paving will begin tomorrow with expected road closures.

Councilwoman Butterfield said that she will be meeting with a constituent that has safety concerns on Long Lane and asked that Public Works Director Harbaugh join them. A date and time to be determined.

Borough Engineer

Chad Clabaugh, Borough Engineer reported that the South Street paving project has been approved.

Police Department

Chief Glenny gave the following report: the National Night Out held on August 3rd went well and commended Officer Shannon Hilliard for planning and organizing the event; bank robbery occurred today at the BB&T Bank on North Washington Street with multiple police agencies assisting. He said that the suspect fled and noted that there were no injuries.

Office of the Manager/Treasurer/Secretary

Manager Gable reported on the following: The upcoming 2021 PML Conference is scheduled in October and if any member of Council is interested in the appointment as the voting delegate he or she should let the Borough know prior to the September Council meeting; Solicitor Eastman has completed the legal research for a determination of

eligibility of the Adams County Library System regarding the moving of operations to the Gettysburg Area Recreation Park (see attached).

Solicitor Eastman presented Council with his legal opinion summarizing the land that was donated to the Borough over sixty-years ago. The research showed that the deeds restrict the land to playground and recreational purposes only. He pointed out that the Department of Conservation and Natural Resources (DCNR) could require the Borough to repay grants that have been received if the land is used improperly.

Manager Gable noted that repayment of one of the many grants received over the years could be \$1 million. He suggested that the County owned lot near the current library could be gated and reserved for library patrons; and that the Borough's parking lot could be a consideration. Manager Gable suggested that County officials could lead a capital campaign to raise funds to rehabilitate the current library location.

Moved Mr. Berger, seconded Mr. Lawver to accept all bills and payrolls as presented. Motion carried unanimously by roll call vote, Mr. Lawver, Mr. Moon, Ms. Lawson, Mr. Berger and Mrs. Butterfield.

Moved Mr. Moon, seconded Mr. Lawver to approve the Minimum Municipal Obligation (MMO) for the Gettysburg Police Pension Plan in the amount of \$166,356 and the Non-Uniformed Pension Plans in the amount of \$85,937 for 2021. Motion carried unanimously by roll call vote, Mr. Lawver, Mr. Moon, Ms. Lawson, Mr. Berger and Mrs. Butterfield.

Moved Mr. Moon, seconded Mr. Lawver 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 of the Gettysburg Borough Police Department. Motion carried unanimously by roll call vote, Mr. Lawver, Mr. Moon, Ms. Lawson, Mr. Berger and Mrs. Butterfield.

Manager Gable noted that the two candidates on the current Civil Service list have both withdrawn.

Liaison Reports

Main Street Gettysburg

Jill Sellers, Main Street Executive Director reported on the following: gave a shout out to From the Ground Up volunteers for continuing to clean the sidewalks in the downtown area; noted that there is only one objection to date for the Steinwehr Bid renewal which is in the forty-five day wait process; supported the upcoming National Night Out; said that the Christmas Festival will be held the first two weekends in December.

Gettysburg Area Recreation Authority

Councilman Schindel reported that the park continues to be very busy with activities.

Gettysburg Municipal Authority

Councilman Berger reported that the High Street Water Main Replacement Project is still in progress and should be completed in approximately four weeks; the Heritage Land Tank Project is expected to be completed in the spring of 2022; computer upgrades for the water treatment plant are ongoing.

Steinwehr Avenue Heart of Gettysburg Battlefield (SAHGB)

Councilwoman Butterfield reported that they are advertising for employees needed throughout the business district; thanked the Solicitor and Council for their help with the Steinwehr Bid process.

Adams County Transportation Planning Organization (ACTPO)

Councilwoman Butterfield reported that they are currently updating the Long Range Transportation Plan and are conducting a public survey through September to gather information to help in the development.

Adams County Heroin Awareness Task Force

Councilman Moon announced that the next meeting is scheduled for Tuesday, August 17th, and that the Annual Adams County Overdose Awareness Task Force Memorial Walk will be held on Tuesday, August 31st at 7:00 PM.

Healthy Adams Bicycle Pedestrian Inc. (HABPI)

Councilwoman Lawson reported that the 6th Annual Ride for Trails will be held on Saturday, September 25th beginning and ending at the Gettysburg Area Recreation Park.

Other Reports

Councilwoman Butterfield announced that a shred event is scheduled for August 20th that will facilitate both the Borough's needs and be open to the community as a service gesture like the Recycling Event to be held at the Highway Shed.

Elected Officials' Comments

There were no comments by elected officials at this time.

Public Comment

There were no public comments at this time.

Special Business

Councilman Schindel submitted his resignation to Borough Council due to his recent purchase of a home outside of the Borough. Members of Council and Borough Staff expressed regret with the departure of Jake, and Councilman Moon said that no one wants to make a motion to accept his resignation.

Mrs. Butterfield moved with regret, seconded by Mr. Lawver to accept the resignation of Jacob W. Schindel from the elective office of member at large of the Borough Council of the Borough of Gettysburg, tendered in writing to the Borough Council on July 26, 2021, due to the subsequent termination of his residency in the Borough of Gettysburg. Motion carried unanimously by roll call vote, Mr. Lawver, Mr. Moon, Ms. Lawson, Mr. Berger and Mrs. Butterfield.

Mayor Streeter presided over the remainder of the meeting.

Mayor Streeter announced that Borough Council will conduct a special meeting on August 23, 2021 at 6:00 PM to appoint a short-term replacement until January to fill the vacant seat left by Mr. Schindel. The four candidates are Chad-Alan Carr, Nicholas Redman, Brian Hodges and Robert Krummerich. The candidates will be invited to the upcoming meeting to address Council prior to the appointment.

Adjournment

Moved Mr. Lawver, seconded Ms. Lawson to adjourn the meeting at 8:00 PM. Motion carried unanimously.

Respectfully submitted,

Sara L. Stull
Borough Secretary



Presented by:
Charles R. Gable, *MPA*
Borough Manager
August 9, 2021

Feasibility of Adams County Library System Relocating to (GARA) Gettysburg Area Recreation Authority

Legal Analysis Completed by:
Harold A. Eastman, Jr. – Borough Solicitor

Request of Adams County Library System for Sale or Lease of a Portion of the Gettysburg Recreation Park for the Development and Use of a Library Building and Facility

*Feasibility of Adams County Library System Relocating to (GARA)
Gettysburg Area Recreation Authority*

Review of Relevant Legal Issues:

August 9, 2021

1. Deeds
2. Deed of Consolidation and Confirmation
3. Lease
4. Land and Water Conservation Fund Act
5. Keystone Recreation, Park, and Conservation Fund Act
6. Environmental Rights Amendment of the Pennsylvania Constitution
7. Donated or Dedicated Property Act
8. Conclusion

Deeds

Two (2) Deeds Comprise
Current Day Rec Park:

1. Gettysburg Recreation
Association



August 9, 2021

Deeds

Two (2) Deeds Comprise
Current Day Rec Park:

1. Gettysburg Recreation
Association
2. Gertrude A. Winebrenner

*Feasibility of Adams County Library System Relocating to (GARA)
Gettysburg Area Recreation Authority*

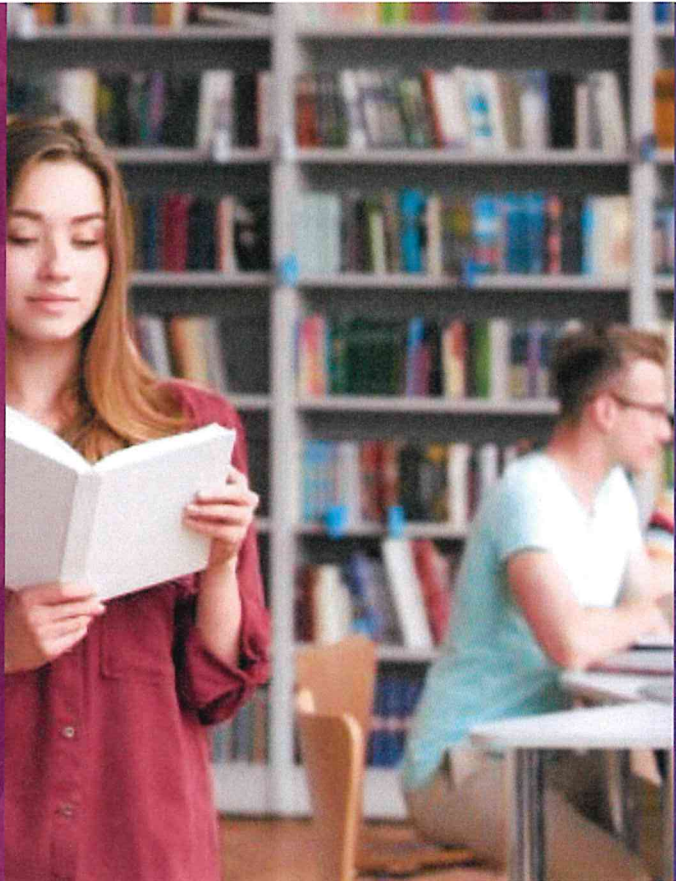


August 9, 2021

Deed of Consolidation and Confirmation

- Required by the Department of Conservation and Natural Resources in order to obtain grant funding
- New Deed was required to include language specific to the Land and Water Conservation Fund (LWCF)

*Feasibility of Adams County Library System Relocating to (GARA)
Gettysburg Area Recreation Authority*



August 9, 2021

Lease

Lease between Borough and GARA:
September 8, 2014

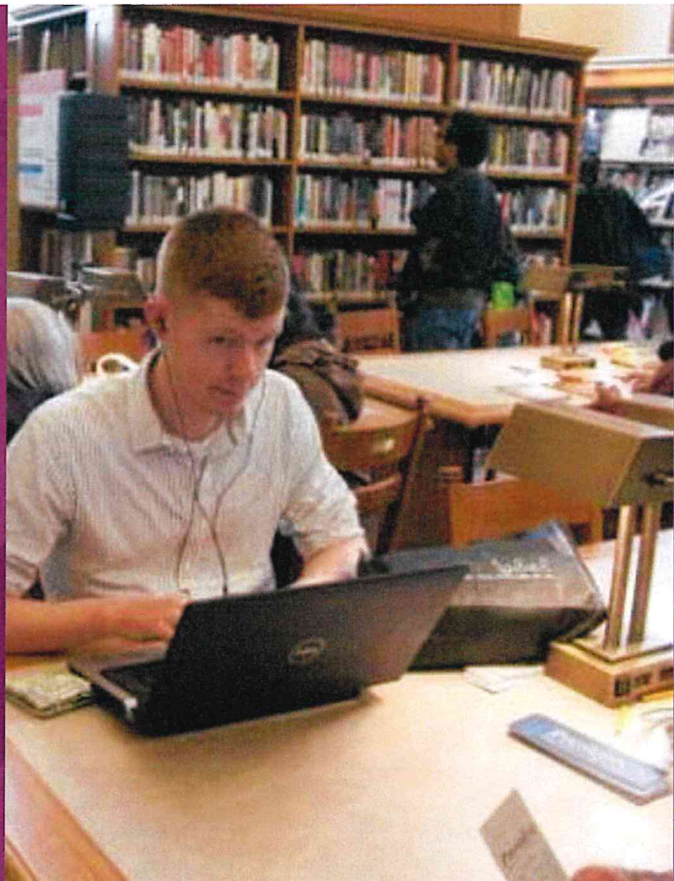
- Initial Term of 10 Years
- Automatic Renewal for Additional 10 Years

Consistent with LWCF Language

GARA Communicated with Bureau
of Recreation and Conservation of
DCNR

Response:
Unauthorized Act of Conversion

*Feasibility of Adams County Library System Relocating to (GARA)
Gettysburg Area Recreation Authority*

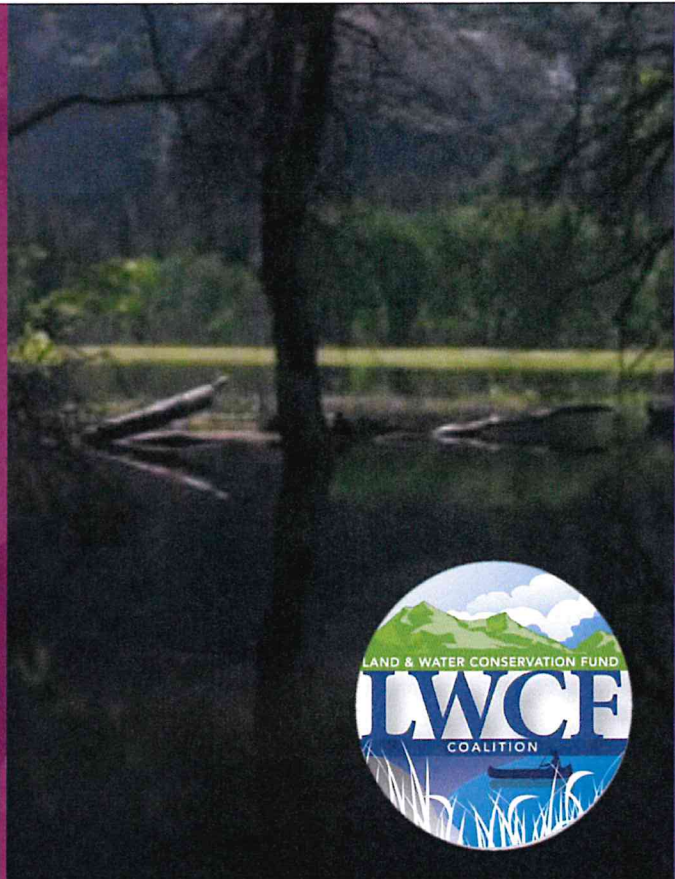


August 9, 2021

Land and Water Conservation Fund Act

- Administered through National Park Service (NPS)
 - GARA and Borough have received numerous grants via LWCF
- Federal Regulations govern post-completion compliance of projects, including conversion requirements

*Feasibility of Adams County Library System Relocating to (GARA)
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August 9, 2021

Keystone Recreation, Park and Conservation Fund Act

"'Recreational areas.' Public buildings, structures, facilities, lands and waters for any related public recreation purpose such as, but not limited to, playgrounds, swimming facilities, athletic fields, courts, maintenance buildings, trails, recreational and environmental centers used for such active and passive purposes, including, but not limited to, public parks, fishing, hunting, boating, educational purposes or preservation of scenic sights or areas of historical significance."

*Feasibility of Adams County Library System Relocating to (GARA)
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Any Conversion
to a Library is
Inconsistent
with the
Keystone Act

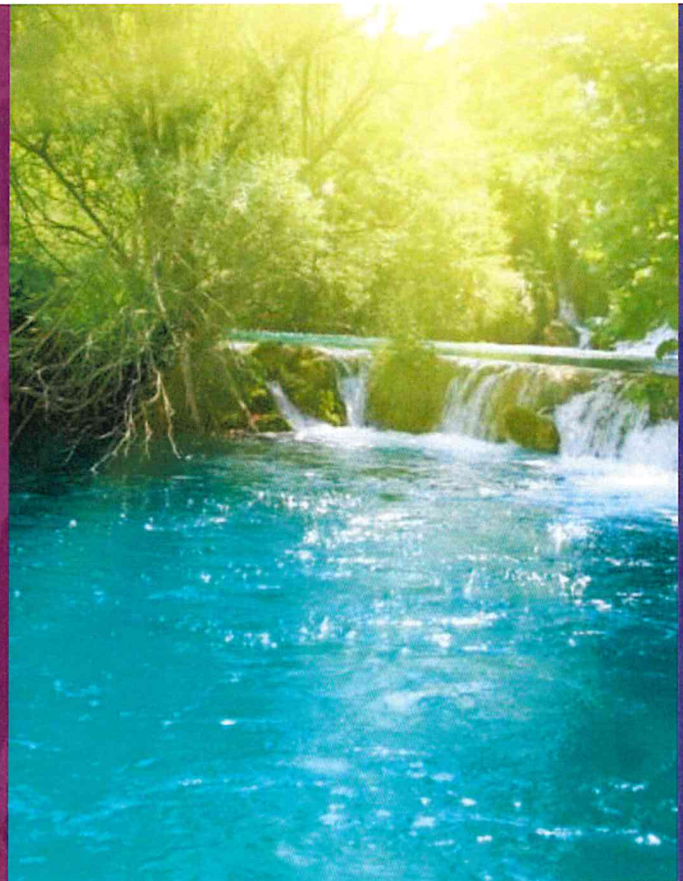


August 9, 2021

Environmental Rights Amendment of the Pennsylvania Constitution

“The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people”

Feasibility of Adams County Library System Relocating to (GARA)
Gettysburg Area Recreation Authority



August 9, 2021

Donated or Dedicated Property Act (DDPA)

Considers Property Donated to Political
Subdivision for Intended Use as a Public Facility

Most Relevant Section

- Section 3383

County Orphans' Court has Jurisdiction for
Relief from DDPA

*Feasibility of Adams County Library System Relocating to (GARA)
Gettysburg Area Recreation Authority*



August 9, 2021

Donated or Dedicated Property Act (DDPA)

Borough Lacks Legally Required Factual Foundation
to Claim GARA is No Longer a Practical or Public
Use for a Playground or for Recreational Purposes'

*Petition of the Borough of Downingtown, 639 Pa.
673 A.3d 844 (2017)*

- Purpose was to Sell Park Property to Developers
- PA Supreme Court Denied Petition for Relief

*Feasibility of Adams County Library System Relocating to (GARA)
Gettysburg Area Recreation Authority*

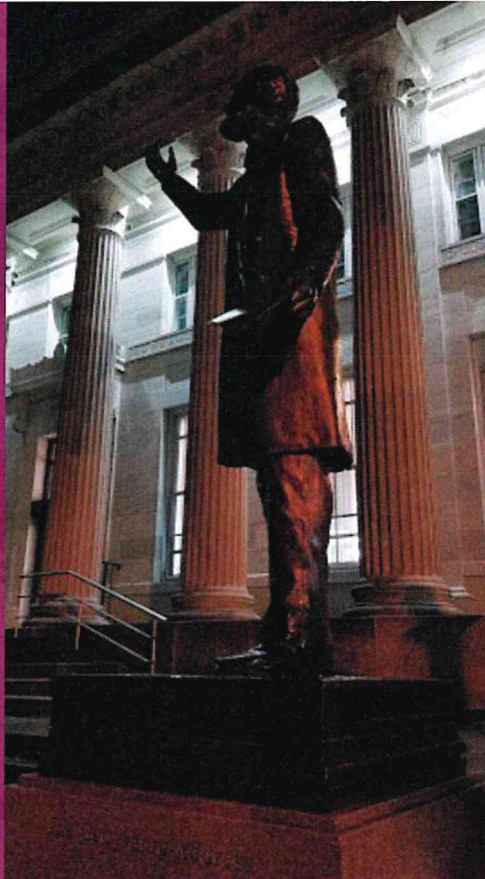


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Conclusion

No Matter the Overall Benefit of the ACLS Beginning Operation on GARA Property, the Conveyance of the donated and dedicated land for 'Playground and Recreation Purposes' Would be an Unauthorized Conversion

Feasibility of Adams County Library System Relocating to (GARA)
Gettysburg Area Recreation Authority



Breach of:

August 9, 2021

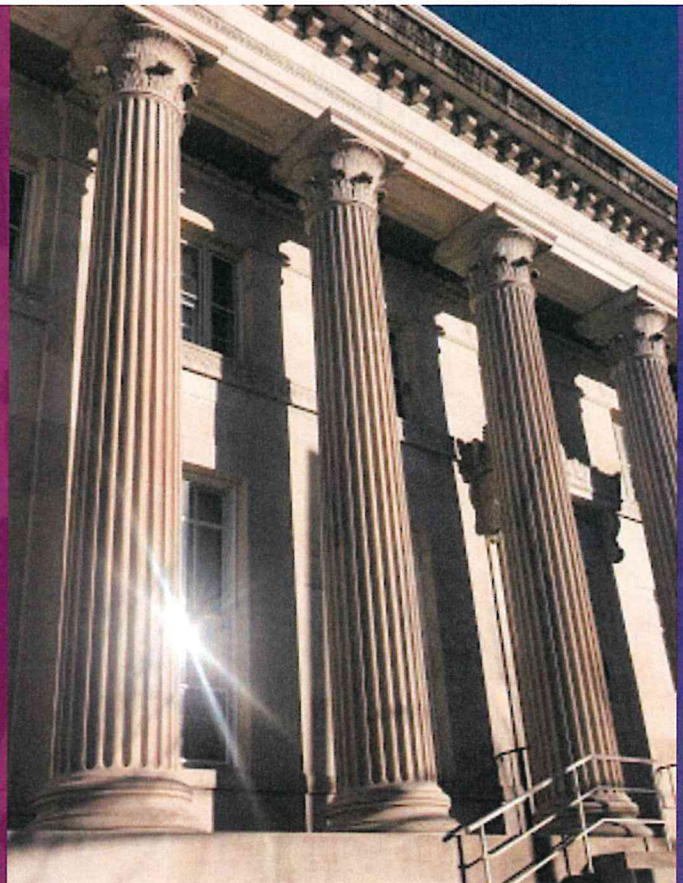
- Land and Water Conservation Fund Act
- Keystone Recreation, Park, and Conservation Fund Act
- Environmental Rights Amendment to the Pennsylvania Constitution
- Donated or Dedicated Property Act

Solution ?

Challenges Often Cited:

- Parking Availability
- Renovations to Current Facility

1. Capital Campaign Led by County to Raise Sufficient Funds to Rehabilitate Structure to Meet Operational Needs
2. Parking Agreement with County Parking Lot Half Block Away



Solution ?

Challenges Often Cited:

- Parking Availability
- Renovations to Current Facility

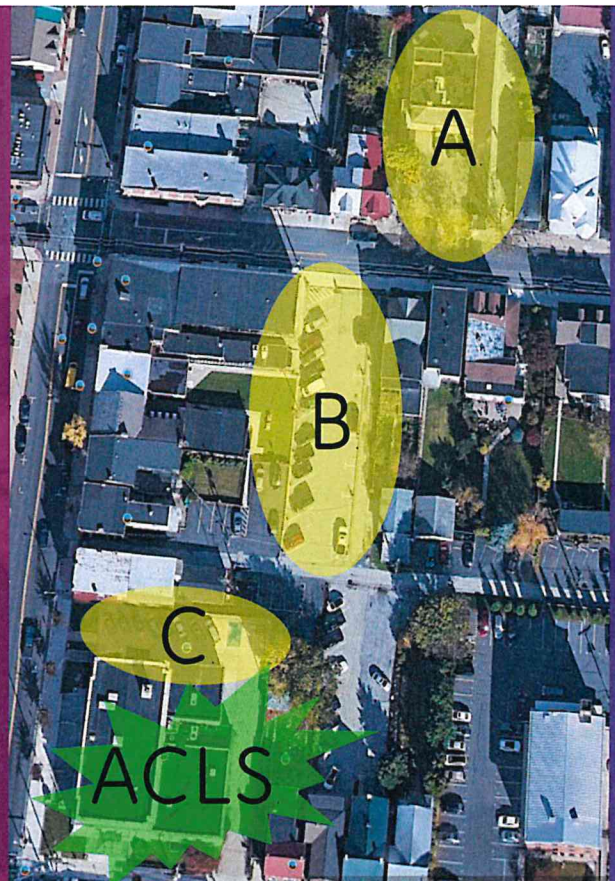
A. Adams County Parking Lot

- 746 Feet

B. Gettysburg Borough Parking Lot

- 425 Feet

C. ACLS Parking for (ADA)





Presented by:
Charles R. Gable, *MPA*
Borough Manager
August 9, 2021

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