

**BOROUGH OF GETTYSBURG  
TROXELL COUNCIL CHAMBERS  
59 EAST HIGH STREET, GETTYSBURG, PA 17325  
COUNCIL BUSINESS MEETING MINUTES  
JANUARY 9, 2023**

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

**Others present included:** Jill Sellers, President of Main Street Gettysburg; Scott English, owner 66-68 West High Street; and Kierstan Belle, 38 East Water Street. Representing the press was Jim Hale with the *Gettysburg Times*; and filming by *Community Media-ACCTV*.

**President Wesley Heyser** announced an executive session of the Borough Council of the Borough of Gettysburg was conducted immediately following the adjournment of the December 12, 2022 monthly general business meeting of the Council 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 and the terms, conditions and benefits of employment of Borough employees; and (2) to review and discuss matters of Borough business which, if conducted in public, could lead to the disclosure of information or matters of confidentiality protected by law.

**President Wesley Heyser** announced that on January 11, 2023 from 5:30 pm to 7:00 pm a reception for Tom Jolin will be held at the Gettysburg Recreation Park in recognition and his dedication serving on the board of Healthy Adams Bicycle/Pedestrian Inc. (HABPI) for 18 years. Everyone is invited to attend the celebration.

**Moved Mr. Moon seconded Mr. Berger to approve the January 9, 2023 agenda as presented. Motion carried unanimously.**

**After making the name corrections to motions from Mr. John to Mr. Lawver the motion moved by Mr. Moon seconded Mr. Berger to approve minutes of the Council Business Meeting of December 12, 2022 as presented. Motion carried unanimously.**

**Public Comment (Restricted to Items on the Agenda)**

There were no public comments.

## **Current and Old Business**

### **Department of Planning/Zoning/Code Enforcement**

Planning Director Marshall gave the following report: the Planning Commission is scheduled to meet on Tuesday, January 17, 2023; Zoning Hearing Board is scheduled to meet on Wednesday, January 25, 2023; and the trap-neuter-return program for cats continues in the Borough so anyone with feral cat issues should contact Forever Love Rescue at 717-900-5525 or [www.foreverloverescue.org](http://www.foreverloverescue.org) or contact the Borough office for assistance.

**Moved Mr. Berger seconded Mr. Moon to authorize the execution and entry into a Sub-Applicant Cooperation and Indemnification Agreement with 501 Richardson Acquisition, LLC and Timothy C. Harrison, as a condition of the Borough of Gettysburg serving as the responsible entity, to conduct and submit a Part 58 Environmental Review to the U.S. Department of Housing and Urban Development on behalf of the Adams County Industrial Development Authority (ACIDA), for the Community Project Funding/Congressionally Directed Spending Grant which ACIDA received for the Gettysburg Station Redevelopment Project. Wesley K. Heyser, President of Borough Council, and Sara L. Stull, Borough Secretary, are hereby authorized to sign, attest, execute and deliver the Sub-Applicant Cooperation Agreement on behalf of the Borough. Motion carried unanimously.**

**Moved Mr. Moon seconded Mr. Carr to adopt a resolution authorizing the Borough of Gettysburg, as the responsible entity, to conduct and submit a Part 58 Environmental Review to the U.S. Department of Housing and Urban Development, on behalf of the Adams County Industrial Development Authority (ACIDA), for the Community Project Funding/Congressionally Directed Spending Grant which ACIDA has received for the Gettysburg Station Redevelopment Project within the Borough. Motion carried unanimously.**

### **Department of Historic & Environmental Preservation**

**Manager Gable** reported in the absence of Debra English the following: the Gettysburg Borough Storm Water Authority has sent lien notices to the property owners for their unpaid bills; and the Gettysburg College Anthropology Department will be taking the Parking Garage/Gettys Tavern Dig Artifacts for the spring semester class to wash and bag them.

### **Parking Department**

**Manager Gable** reported in the absence of Becka Fissel that Bryce Albert began full-time as a Parking Enforcement Officer on January 4, 2023.

## **Public Works Department**

**Public Works Director Harbaugh** gave the following report: Brian Arentz was hired as a Public Works Laborer to begin work on January 23, 2023; and Christmas trees will be collected until January 31, 2023. Residents should place them on top of the curb or along the alley but not on the street. Trees can also be dropped off at the Public Works building or the Gettysburg Area Recreation Authority.

## **Borough Engineer**

**Chad Clabaugh, Borough Engineer** gave the following report: the grant application was submitted for the PA Small Water and Sewer Program to be used for the Stevens Run Channel Wall Rehabilitation project; the grant application was submitted for the COVID-19 ARPA PA H2O funds for the Gettysburg Inner Loop Phase B – Stormwater Improvements; submitted the design and permitting for the railroad crossing; and he will provide a presentation at an upcoming meeting for the traffic study that is near completion for Race Horse Alley.

**Moved Mr. Berger seconded Mr. Moon A motion to adopt a resolution requesting a COVID-19 ARPA PA H2O GRANT of \$902,000 from the Commonwealth Financing Authority to be used for the Gettysburg Inner Loop Phase B – Stormwater Improvements, and acknowledging the Borough’s authorization made at the December 12, 2022 council business meeting to submit for said grant, and to designate Charles Gable, Borough Manager and Chad Clabaugh, Borough Engineer as the official(s) to execute and deliver all documents and agreements between the Borough and the Commonwealth Financing Authority and assist in obtaining the requested grant. Motion carried unanimously.**

**Moved Mr. Carr seconded Mr. Moon. A motion to adopt a resolution requesting a PA Small Water and Sewer Program grant of \$424,995.80 from the Commonwealth Financing Authority to be used for the Stevens Run Channel Wall Rehabilitation, and acknowledging the Borough’s authorization made at the December 12, 2022 council business meeting to submit for said grant, and to designate Charles Gable, Borough Manager and Chad Clabaugh, Borough Engineer as the official(s) to execute and deliver all documents and agreements between the Borough and the Commonwealth Financing Authority and assist in obtaining the requested grant. Motion carried unanimously.**

## **Police Department**

Mayor Frealing reported in the absence of Chief Glenn the following report: the department received a grant in the amount of \$126,593 from the Pennsylvania Commission on Crime and Delinquency (PCCD); they continue to discuss the process for hiring new police officers; and they met with Mike Cogliano, President and Robert Riley, Vice President of WellSpan Hospital to discuss funding for the police department.

## **Office of the Manager/Treasurer/Secretary**

**Manager Gable** gave a financial report noting that there is \$1.32 million in the General Fund Checking Account; \$948,000 in the Reserve Funds; and \$550,000 in Capital Projects.

**Councilwoman Butterfield** said that she was glad to hear that Manager Gable had lunch with the outgoing Cumberland Township Manager Ben Thomas. She also thanked Kara Riethmaier, Human Resource Coordinator for her work in revising the Borough's Employee Handbook.

**Moved Mr. Moon seconded Mr. Berger to approve all bills and payrolls for the month as presented. Motion carried unanimously.**

**Moved Mr. Moon seconded Mr. Carr to transfer the sum of \$25,000.82 from the Borough's General Fund Account to its Capital Projects Fund and to modify the Borough's budget for Fiscal Year 2023 accordingly. The aforesaid sum of \$25,000.82 was awarded to the Borough of Gettysburg by the County of Adams from a portion of the County's American Rescue Plan Act (ARPA) funds for the purpose of reimbursing the Borough for lost Liquid Fuels funds from the Commonwealth of Pennsylvania as a result of the COVID-19 pandemic. Motion carried unanimously.**

**Moved Mr. Carr seconded Mr. Berger to authorize a COLA increase for retired police pensioner Douglas McKinney, to be paid from the Police Pension Plan effective January 1, 2023. Motion carried unanimously.**

**Moved Mr. Moon seconded Mr. Berger to adopt a resolution to excuse the police from making contributions to the Police Pension Fund for 2023. Motion carried unanimously.**

**Moved Mr. Carr seconded Mr. Moon to adopt a resolution appointing John D. Butterfield as a member of the Gettysburg Borough Zoning Hearing Board for a five (5) year term, commencing in January 2023 and expiring in January 2028. The motion carried with Councilwoman Butterfield abstaining.**

**Moved Mr. Moon seconded Mr. Berger to appoint John D. Lawver, Jr. as a member of the Gettysburg Borough Storm Water Authority for a five (5) year term, commencing in January 2023 and expiring in January 2028. The motion carried with Councilman Lawver abstaining.**

**Moved Mr. Berger seconded Mr. Moon to appoint Tammy Murdorf as a representative to the York Adams Tax Bureau and to appoint Lisa Angstadt as an alternate representative to the York Adams Tax Bureau. Motion carried unanimously.**

**Moved Mr. Moon seconded Mr. Lawver to appoint Tammy Murdorf as a voting delegate to the Adams County Tax Collection Committee and to appoint Lisa Angstadt as an**

**alternate voting delegate to the Adams County Tax Collection Committee. Motion carried unanimously.**

## **Reports**

### **Main Street Gettysburg**

**Jill Sellers, President of Main Street Gettysburg** read the following report:

1. **Volunteers** – Main Street Gettysburg is proud to report that 1,324 volunteer hours were logged to support events and projects in 2022. With the 2022 rate of volunteer hours at \$29.95, that equals \$39,653.80!
2. **A Gettysburg Christmas Festival** – On January 6, 2023, we held a post-event meeting to discuss successes, challenges, and the road ahead for the Christmas Festival. We also reviewed surveys and feedback, which have been helpful to quantify the outcome, as well as begin planning for this year.
  - 10,000+ followers on social media
  - 7,500-10,000 people attended
  - 91% plan to return in 2023
  - 87% came to shop
  - 59% stayed the night
  - 56% traveled 25+ miles
    - ↳ 029% of which traveled 100+ miles
  - 52% spent \$150 or more
  - 44% of businesses sales increased
  - 29% were local, Gettysburg/Adams County
  - 26% came with 3 or more people
3. **Christmas in Gettysburg Movie** – Filming with the cast is scheduled to begin on January 18, 2023. Main Street Gettysburg continues to coordinate with the producers to provide community connections and other logistical support. Businesses are encouraged to leave their holiday decorations in place through the end of January to provide an appropriate backdrop for filming.
4. **Façade Improvement Program** – Main Street Gettysburg was awarded a \$50,000 Keystone Communities Grant to be administered as a local Façade Improvement Program in 2023. We will initiate the application process soon.
5. **RAISE Grant** – We are engaged with the grant writing team to submit a third-round application for a US Department of Transportation grant for the Baltimore Street Project.
6. **30<sup>th</sup> Movie Anniversary** – Our partnership with Journey Through Hallowed Ground and the American Battlefield Trust continues to develop an event weekend to celebrate the 30<sup>th</sup> anniversary of the movie *Gettysburg* on October 13-15, 2023. Activities will include film

screenings, memorabilia exhibits, autograph sessions, presentations, and appearances by the Director and Cast.

#### **Gettysburg Area Recreation Authority**

**Councilman Carr** said that there was nothing new to report at this time.

#### **Gettysburg Municipal Authority**

**Councilman Berger gave the following report:** the GMA Budget was finalized; a modest increase of five percent for the water billing; and Utilities Manager Mark Guise plans to attend an upcoming meeting to give Council a brief summary of their upcoming projects.

#### **Steinwehr Avenue Heart of Gettysburg Battlefield (SAHGB)**

**Councilwoman Butterfield** reported that Todd Mickley was appointed to serve another three-year term. The next BID meeting is scheduled for Thursday, January 12, 2023.

#### **Adams County Boroughs Association (ACBA)**

**Mayor Frealing** reported that the next meeting of ACBA is scheduled for Monday, January 16, 2023.

#### **Adams County Council of Governments (COG)**

**Councilwoman Butterfield** reported that there was no meeting held in December and the next meeting is scheduled for Thursday, January 26, 2023. The new officers were appointed as follows: Terry Schrolle, President; Patricia Smith, Treasurer; and Dannielle Helwig, Secretary. The Collaboration Sub Committee met with Commissioner Marty Qually on December 20, 2022 to discuss the Broadband Survey results and the future focus.

#### **Adams County Transportation Planning Organization (ACTPO)**

**Councilwoman Butterfield** said that they will conduct their meetings quarterly with the next meeting to be held on Wednesday, January 25, 2023. The At Home in Adams County will meet via ZOOM on Monday, January 23, 2023.

#### **Overdose Awareness Task Force**

**Councilman Moon** said that there was no meeting held in December and that the next meeting is scheduled for Tuesday, January 17, 2023.

#### **Trail Feasibility Study**

**Councilman Berger** said that there was nothing new to report at this time.



## **Recycling**

**Councilwoman Butterfield** gave the following report: The Recycling Committee will host a meeting with Waste Management Officials and Borough staff to discuss materials that are accepted for recycling. Council members are welcome to attend.

## **Elected Official's Comments**

**Mayor Frealing** said that she along with Attorney Taurean Moses will be the two keynote speakers at the 41<sup>st</sup> Annual Adams County Celebration for Rev. Dr. Martin Luther King Jr., to be held at Christ Chapel, Gettysburg College on January 16, 2023 at 7:00 pm and encourages everyone to attend.

**Councilman Moon** said that today is National Law Enforcement Day and asked Mayor Frealing to express Council's appreciation to the Chief and police officers for their service.

**Councilman Carr** thanked the public works employees for their service that are celebrating anniversaries this month; Wayne Heflin, 27 years and Rob Harbaugh 17 years.

## **Public Comment**

**Scott English, owner 66-68 West High Street** read a prepared statement regarding the draft language to the zoning text amendment (see attached).

**Moved Mr. Lawver, seconded Mr. Moon to adjourn the meeting at 7:50 PM. Motion carried unanimously.**

Respectfully submitted,



Sara L. Stull  
Borough Secretary

Scott English

Presented at January 9, 2023 meeting

ENGLISH ZTA

Good evening and Happy New Year!

09 JAN 23

I'm requesting that the ZTA for the English Event language be modified to reflect the actual discussions by Council as a whole, not the current language. The current language in the draft ordinance, was noted that I requested the limit on my business operation to two events per month – language that was shown through the attached Right to Know request - that I did not request. I would like the language corrected and included as *alternative language* in the DRAFT Ordinance for review at the January 28, 2023 Council Workshop. I'm also requesting that if necessary a Special Council Meeting prior to the next Council Workshop or a Special Council meeting after the next Council Workshop, be convened to facilitate finalizing the draft language for a motion at the February 13, 2023 Council meeting.

ZTA language to be included for discussion at the January 28, 2023 Workshop:

- 1) Correct the restriction from only two events per month to read "restrict large, outdoor tented events over 75 people to two times per month with no other event occurrence restrictions."
- 2) Include the Planning Commission's recommendation of "Let the parcel size dictate the tent size."
- 3) ADD *alternative language* changing from a special exception to a "permitted use" as the Central Adams County Joint Comprehensive Plan targets my parcel in a Downtown Core recommended for future growth and economic growth as it's located in a mixed-use zoning district.

I appreciate Mr. Moon's comment from last Council meeting, and I appreciate everyone's time and effort working with the Borough Staff since November of 2021 on adaptively reusing the Gettysburg Academy property.

The property is located within a mixed-use zoned area of the Borough. An area designated in the Elm Street plan of the Borough. Also, the property is in what the Central Adams Joint Comprehensive Plan of 2019 calls the Downtown Core. According to this plan, my property is located two blocks inside the outer boundary of an area targeted for future growth and economic growth. "This will ensure that future growth occurs in areas where there is broad support for development." The plan also emphasizes in multiple areas "Support or facilitate the efforts of owners to continue using their historic properties or to adapt them for a new use."

I'm trying to preserve an expansive green space while adaptively reusing a property in an area that two different, publicly reviewed and Borough adopted plans specifically recommend the following:

- Direct Economic development efforts in the Downtown Core (a Designated Growth Area) while using context-sensitive design elements (my property is across the street from Old Town zoning and on the same block as three churches that frequently close the street to vehicle traffic.
- Promote redevelopment and infill sites within the Region over development on new greenfield areas. My property is one of the few remaining historic green spaces within the Borough. Limiting the use of my green space to 2 times per month will leave me with no other choice but to explore other options for the open lot that I'm paying taxes on.
- Promote context sensitive design, especially on sites located in transition areas or within view of historic resources and landscapes. Assure that zoning ordinance design standards related to



size, scale, orientation, and materials for new construction are not in conflict with the historic fabric of the Region.

- Municipalities should take a long-term view on income generation from events, and consider the increased revenues from visitation, parking, dining, and sales at local businesses when considering event regulations, permitting, etc.

Thank you again for your time.

Scott English

410-937-6953



*Gettysburg*  
HISTORIC CROSSROADS

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

Telephone: (717) 334-1160  
FAX: (717) 334-7258  
[www.gettysburgpa.gov](http://www.gettysburgpa.gov)

Rita C. Frealing, Mayor  
Wesley K. Heyser, Council President  
J. Matthew Moon, Council Vice President

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

November 7, 2022

Scott English  
66-68 W. High Street  
Gettysburg, PA 17325

[debengli@aol.com](mailto:debengli@aol.com)

**Re: Right-to-Know Law request dated November 1, 2022**

Dear Mr. English:

Pursuant to your Right-to-Know Law request, you have requested records of the Borough of Gettysburg for documentation of a statement made by you, as an applicant for a Zoning Ordinance text amendment for an events venue, that the applicants requested to restrict the operation of the business to only two (2) events per month total, as set forth on the attached request. In that regard, following a review, the Borough has not identified any responsive records.

You have a right to appeal the denial of any requested information in writing to Liz Wagenseller, Executive Director, Office of Open Records, 333 Market Street, 16<sup>th</sup> Floor, Harrisburg, PA 17126-0333, <http://www.openrecords.pa.gov>. If you choose to file an appeal you must do so within fifteen (15) business days of the mailing date of this response in accordance with Section 1101 of the Right-to-Know Law.

Thank you for your consideration.

Sincerely,

**BOROUGH OF GETTYSBURG**

Sara L. Stull  
Open Records Officer

Enclosure

November 28, 2022

*Via email (heastman@barley.com)*

Harold A. Eastman, Jr.  
Gettysburg Borough Solicitor  
59 East High Street  
Gettysburg, PA 17325

**Re: 66-68 West High Street, Gettysburg**

Dear Solicitor Eastman:

I represent Scott English, owner of the historic the Gettysburg Academy structure, which is located within the Elm Street Overlay District of the Borough of Gettysburg (the "Borough"). The property, which has been in my client's family for over 90 years, is located at 66-68 West High Street (the "Property"). My client desires to ensure the continued viability of this unique property by opening the property to varied uses that complement its character and the goals of the Borough's planning documents. In furtherance thereof, my client requests that the Borough adopt a text amendment to the Borough Zoning Ordinance to expressly recognize a Special Events Venue use within the Elm Street Overlay District.

The objective of the Elm Street Overlay District is to serve as a transition zone between the Borough's downtown and the surrounding mixed-use, residential, and commercial areas. In the Gettysburg Elm Street Plan prepared by Derck & Edson, one of the identified strategies for the Elm Street area is to increase mixed use development with the neighborhood to create a sustained level of activity within the neighborhood. This is precisely what my client is attempting to do. The use proposed by my client is not outside the uses contemplated within the district. Current permitted uses in the Elm Street Overlay District include cultural centers and museum historical/interpretative facility. The churches down the street perform weddings and social gatherings. The use proposed by my client is consistent with the existing and intended character of the neighborhood.

Additionally, the Property is within the Downtown Core area on the Future Land Use map of the Central Adams Joint Comprehensive Plan (the "Plan"). As stated in the Plan, the Downtown Core is the "historic heart" of the Borough and is the site of commercial, civic, office, and residential uses. As the Comprehensive Plan notes, these uses often occur "within a

single property or building.” Properties in this area are meant to be used efficiently, while “**promoting creative reuse** or redevelopment projects”. The Plan further provides that “[f]lexibility should be provided in terms of the use of buildings and a mixture of neighborhood-oriented residential and nonresidential uses should be encouraged.”

Further, the Plan recommends that the Borough examine ordinances that promote new development and redevelopment in the Downtown Core, so that properties may offer uses that meet the needs of residents and visitors to the Borough and the greater Gettysburg area. Similarly, the Plan characterizes this area as a Primary Designated Growth Area, where mixed uses tend to be concentrated and where the majority of future growth and economic development is expected to occur.

Our client’s intended use of the Property as a Special Events Venue is consistent with the purposes described in the Elm Street Overlay District and within the Plan. Opening the historic structure to civic, commercial, tourism, and historic uses is squarely within the stated goals of the Elm Street Overlay District and the Plan. This use, within the Designated Growth Area, is consistent with the character of area as contemplated by the planning documents adopted by Gettysburg Borough.

As the Plan contemplates, my client presented an amendment seeking to promote the very goals espoused in the Borough’s planning documents. I hope that Borough Council reviews the request accordingly. I would like to point out that in the current draft of the amendment, the Special Event Venue use is listed as a special exception in the Elm Street Overlay Zone. As you know, a special exception is a permitted use, subject to express conditions stated in the ordinance. There is no benefit to the use being a special exemption when the amendment already sets forth comprehensive criteria for the use. A special exception requirement in this circumstance would only add additional cost and time to the request, as well as create a false sense of discretion in granting the use. The goals of the planning documents are better served by listing the proposed use as permitted. Further, there are other enhancements that can be added to the amendment to make it more compatible with the Borough’s planning documents.

I appreciate the time and effort that you, Borough Council, and the Planning Commission have put into the review of the proposed amendment. Given the significant review and discussion that has occurred, I request that Borough Council take action on the attached draft text amendment in the near future. I plan on attending an upcoming Borough Council meeting to solicit any remaining questions or comments regarding the proposed amendment that Borough Council may have. I welcome any comments or questions you may have in the interim. I look forward to an upcoming discussion regarding this matter.

Sincerely,

Samuel E. Wiser, Jr.  
***Salzmann Hughes, P.C.***

Samuel E. Wiser, Jr.

*Enclosure*