

BOROUGH OF GETTYSBURG
59 EAST HIGH STREET, GETTYSBURG, PA 17325
DUE TO COVID-19 PANDEMIC, MEETING
CONDUCTED VIA TELECOMMUNICATIONS
DEVICES THROUGH ZOOM PLATFORM
COUNCIL MEETING MINUTES
JUNE 8, 2020

President Jacob Schindel called the meeting to order at 7:00 PM and asked the Assistant Borough Secretary Karen Mesher to conduct a roll call of Council members in attendance. The following **Councilors were present:** Vice President Wesley Heyser, Mr. Christopher Berger, Ms. Patricia Lawson, Mr. John Lawver, Mr. Matthew Moon, and Mrs. Judith Butterfield. **Staff present included:** Mayor Theodore Streeter; Borough Manager Charles Gable; Assistant Borough Secretary Karen Mesher; Borough Solicitor Harold Eastman, Puhl Eastman, and Thrasher; Police Chief Robert Glenney; Finance Director Nicolette James; Parking Manager Rebecca Fissel; Planning Director Carly Marshall; Director of Historic & Environmental Preservation Debra English; Public Works Director Robert Harbaugh; Borough Intern Mike McHenry; and Chad Clabaugh, Borough Engineer, C. S. Davidson, Inc.

Others present include: Deb Adamik, President of Main Street Gettysburg and Mark Wherley, Community Media-ACCTV filming through Zoom platform.

President Schindel acknowledged the sudden passing of Michael J. Shestok on Friday, May 29, 2020, and called for a moment of silence. He said that Mr. Shestok was a vet, husband, father, husband; and that he leaves a legacy of community involvement as a past Planning Commission member, Gettysburg College ROTC Advisor, and MSG supporter.

President Schindel announced that an executive session of the Borough Council was conducted immediately prior to the commencement of the May 26, 2020 special meeting consistent with section 708(a)(1) of the Sunshine Act.

President Schindel announced that an executive session of the Borough Council will be held immediately following the second opportunity for public comment occurring just prior to the adjournment of this evening's meeting consistent with sections 708(a)(1), 708(a)(4) and 708(a)(5) of the Sunshine Act for the following purposes: (1) to discuss matters involving the employment, the terms and conditions of employment, and the possible furloughing, to include employee requests for voluntary furloughs, or the possible laying off of current Borough police and non-uniform employees due to the financial impact upon the Borough of the COVID-19 disaster emergency; (2) to discuss information in connection with litigation filed in the United States District Court for the Middle District of Pennsylvania to Docket No. 1:19-cv-01412 captioned Linda Atiyeh, et al, Plaintiffs v. the Borough of Gettysburg and to consult with its solicitor and other professional advisors relative to information or strategy in connection with issues on which identifiable

complaints could or are expected to be filed; (3) to provide information in connection with the appeal filed in the Commonwealth Court of Pennsylvania to Docket No. 1460 CD 2019 captioned Borough of Gettysburg v. International Brotherhood of Teamsters Local Union No. 776, Police Labor Organization; and (4) to review and discuss matters of Borough business which, if conducted in public, would violate a lawful privilege or lead to the disclosure of confidential information protected by law; including matters related to the initiation and conduct of investigations of possible violations of the law.

Assistant Borough Secretary Mesher called by roll call the attendance of Borough Council; and all seven members were in attendance.

Moved Ms. Lawson, seconded Mr. Berger to approve the June 8, 2020 agenda as presented. Motion carried unanimously 7-to-0 by roll call vote.

Moved Ms. Lawson, seconded Mr. Berger to approve minutes of the Council Meeting of May 11, 2020; CDBG Public Hearing, Special Council Meeting and Council Work Session on May 26, 2020 as presented. Motion carried unanimously 7-to-0 by roll call vote.

There was no public comment at this time.

Finance Department

Finance Director James updated Council on the CARES Program, stating that there were only 11 dispersals made to businesses to date and 8 dispersals pending. She said that the program will be offered to businesses through September 15, 2020. She said that she is working with Borough Intern Mike McHenry from Gettysburg College on the non-Disaster Relief Revolving Loan. She told Council that the Borough did receive some real estate tax revenue, but parking revenue is the big puzzle. She noted that the Borough lost revenue totaling approximately \$80,000 in April and \$100,000 in May due to the pandemic. She said that parking revenue is down significantly, and that Parking Garage revenue from Hotel patrons was zero in April and May due in part to the closure of the Gettysburg Hotel.

Moved Ms. Lawson, seconded Mr. Lawver to approve all bills and payrolls for the month as presented. Motion carried unanimously 7-to-0 by roll call vote.

Planning Department/Zoning/Code Enforcement

Planning Director Marshall reported that Building Permits, Outdoor Dining Permits, and Amusement Licenses have increased since Adams County has moved to the Yellow Phase of Reopening Pennsylvania. She said that the Community Development Block Grant (CDBG) disbursements were made on May 26, 2020; and \$70,413 were allocated for the CARES Program which is a small grant fund for small businesses; and \$130,289 were allocated for regular disbursements which will include public input through hearings for those projects.

Moved Mr. Lawver, seconded Ms. Lawson to enact an ordinance amending and updating Chapter 8 of the Gettysburg Borough Code of Ordinances regulating Floodplains for the purpose of updating and replacing the Borough's flood plain management ordinance and regulations in compliance with federal and state flood plain management requirements. Motion carried unanimously 7-to-0 by roll call vote.

Ms. Marshall and Manager Gable discussed the Parklet Program, which is a concept to convert parking spaces into extended business spaces to meet compliance mitigation for social distancing created by the pandemic. She said that she visited Wrightsville Borough along with Manager Gable and Councilor Moon to discuss the operation of Parklets in their borough. Manager Gable spoke with PA Representative Dan Moul regarding Parklets who said that he would advocate for this business concept for the Borough. He discussed this concept with Chief Glenn, and said that the Borough has statutory authority for this concept under Special Events in PA Title 212, Section 701 in the PA Vehicle Code which provides for the management of parking spaces for the larger public interest from a health perspective. He also discussed the concept of Rolling Street Closures which would close one street relative to Lincoln Square every weekend to create a pedestrian mall and increase public space to afford businesses the opportunity to move their wares outside onto the public sidewalk. Ms. Marshall noted that Rolling Street Closures are currently being used in Harrisburg and Mechanicsburg to aid their businesses with social distancing. She said that the Borough is seeking both Council and public feedback for these business concepts, and that the Parklet Program could be initiated as a Borough pilot program on Lincoln Square on a rotating use by local businesses. Council discussed construction, open container laws, ADA compliancy, and public safety challenges.

Historical and Environmental Preservation

Director of Historic & Environmental Preservation English reported that the next Borough E-Cycling event will be held on Saturday, June 20, 2020 from 10AM to 11AM at the Borough Highway Shed on E. Middle Street. She updated Council on the status of the GBSWA RRRs and billing fees; and that a test billing was conducted to isolate any issues in advance of the 2020 Stormwater billing.

Moved Mr. Lawver, seconded Ms. Lawson to accept the recommendations of the Borough of Gettysburg Historic Architectural Review Board (HARB) following its review on May 20, 2020 and grant Certificates of Appropriateness for the following applications as presented: COA 20-0014 - 248 Chambersburg Street. Gary and Patricia Stone; Install vinyl siding on side and rear of the structure, wrap windows and Cornish overhang with aluminum. HARB approved as submitted except no change in material/windows to front façade of house, the front facade must remain "as is" and existing materials repaired as stated in application dated January 21, 2020. COA 20-0031 – 636 York Street. Lisa Angstadt; Add wood deck style porch railing to existing concrete porch; approved as submitted in the application dated May 7, 2020. COA 20-0033 - 110 Chambersburg Street. Philip B. Schindel; board reviewed conceptual design in lieu of a completed Certificate of Appropriateness

application for the proposed commercial space to the rear of 110 Chambersburg, as submitted in application dated May 7, 2020. COA 20-0035 - 311 Carlisle Street. Harry Tassou; Replace exterior wood stair with NEW code compliance stair way submitted in application dated May 7 2020 with an addition of a mid-level landing ½ way up the stairs. Motion carried unanimously 6-to-0 with one abstention (Mr. Schindel) by roll call vote.

Parking Department

Parking Manager Fissel reported that there is a drastic parking revenue difference as noted from January 1, 2019 to May 31, 2020. She said that she is currently working on a “Pay-by-Phone” program that is similar to the current Passport Parking App program. She introduced a reduced LPP parking option that would reduce the monthly cost by \$5 to \$10 to help people transition back to work during the pandemic. Mr. Gable said that the fee could be amended by resolution.

Moved Ms. Lawson, seconded Mr. Moon to amend by resolution the cost of the LPP permit from \$35 to \$25 per month through September 2020 in the formalized 2020 Borough fee structure as a discount alternative for the business sector in this underutilized parking option. Motion carried unanimously 7-to-0 by roll call vote.

Mrs. Butterfield commended Dallas Plank on receiving the Sergeant McCauley Scholarship Award; and noted that he had done several ride-along with the Gettysburg Borough Police Department in preparation for his chosen profession.

Public Works Department

Public Works Director Harbaugh gave the following report: relocated the trail at the Gettysburg Rec Park to coincide with agility project; noted that the Broadway project is 90 percent complete with sign installation and sodding still pending; completed the Stevens Run Wall Project and opened Kuhn and Gilliland Alleys with DEP permit by CS Davidson pending; and received a grant to install HABPI Bike symbols on Queen Street and Steinwehr Avenue by July 31, 2020.

Borough Engineer

Borough Engineer Chad Clabaugh gave the following report: updated Council on the Race Horse Alley Garage maintenance which is conducted every other year, noting that the top level is next due and that there are no major deficiencies; received five bids for CDBG Curb Ramp Project with Pantano as the lowest bidder at \$96,900, and is currently working with them to cure any deficiencies in their original bid; and discussed the status of the Broadway Street Project, permits filed, and that money will be held pending plantings.

Moved Mr. Moon, seconded Mrs. Butterfield to authorize the Borough Engineer to advertise for public bids for the 2020 Race Horse Alley Parking Garage Maintenance project. Motion carried unanimously 7-to-0 by roll call vote.

Moved Mrs. Butterfield, seconded Mr. Lawver to award the contract for the Borough's 2020 CDBG curb ramp replacement project to Pantano Concrete, LLC as the lowest qualified and responsible bidder, conditioned upon Pantano Concrete, LLC, as the apparent low bidder curing certain deficiencies in its original bid submission responsive to MBE/WBE contract and bidding requirements. Motion carried unanimously 7-to-0 by roll call vote.

Moved Mrs. Butterfield, seconded Mr. Lawver to approve application for payment in the amount of \$43,741.25 to C.E. Williams for progress on the Broadway Street Project. Motion carried unanimously 7-to-0 by roll call vote.

Police Department

Chief Rob Glenny gave the following report: stated that he is fielding a lot of questions regarding police policies and procedures, and that the GPD Use of Force Policy passes muster; noted that recent protests in the Borough were non-violent; and is available to answer any questions. Ms. Lawson commended GPD for using plain clothes officers to monitor the protests. Mr. Moon stated his appreciation for GPD using de-escalation tactics and asked the Chief to look into Bias Training and Response Protocol. Chief Glenny said that GPD has policies currently in place that address use of force and officers interceding and read the Duty to Intercede Response Policy 300.2.1 to Council.

Borough Secretary

Manager Gable said that Ms. Stull is on a well-deserved vacation in Florida.

Moved Ms. Berger, seconded Ms. Lawson to accept the J. P. Harris Tax Exoneration report for tax year 2006 as presented. Motion carried unanimously 7-to-0 by roll call vote.

Borough Manager

Manager Gable gave a brief report to explain the proposed revisions to the 2020 General Fund budget expenditures due to the COVID-19 pandemic (see attached). He also encouraged all Borough residents to respond to the 2020 Census that is currently underway, and that door-to-door contact will commence soon. He said that he wrote a letter to Robert Iuliano, President of Gettysburg College, asking for matching funds for the next phase of the Gettysburg Innerloop project near the college; and stated that Teamsters Local 776 representing the Borough Non-Uniform employees rejected the MOU to help the Borough reduce their labor burden as a result of the pandemic, and said that any future employment decisions would follow the current labor contract.

Moved Mrs. Butterfield, seconded Ms. Lawson to adopt a resolution rescinding the Mayor's Declaration of Mandatory Curfew, while leaving in place the Declaration of Disaster Emergency in order to manage the COVID-19 pandemic, effective Wednesday, June 3, 2020. Motion carried unanimously 7-to-0 by roll call vote.

Moved Ms. Lawson, seconded Mrs. Butterfield to authorize the preparation and publication for intended enactment at the July 13, 2020 monthly general business meeting of the Borough Council an ordinance amending the definition of the term "Average Monthly Compensation" in the Borough of Gettysburg Non-Uniformed Employees' Pension Plan. Motion carried unanimously 7-to-0 by roll call vote.

Moved Mr. Lawver, seconded Ms. Lawson to modify the 2020 General Fund (Fund 01) budget expenditures in response to dramatic revenue losses experienced by the Borough, precipitated by the COVID-19 pandemic. The following line items shall be adjusted for a combined savings of \$232,648. Motion carried unanimously 7-to 0 by roll call vote (Mr. Lawver had reservations).

Mr. Lawver said that he is not happy about the situation that staff is in and the cuts to staff training but agreed with those cuts. Manager Gable noted that salaried employees have currently increased their salary contributions to their health benefits from 11 percent to twenty percent, and that pension contribution will now be based on the highest five years of service and not the last five years of service. He noted that the budget modifications highlighted in his graph represent all the expenditures cut by all departments in advance of any future job furloughs which there are only two voluntary furloughs currently. Council thanked Mr. Gable for his hard work to reduce monetary cuts and noted that any future decisions will only get harder.

Liaison Reports

Main Street Gettysburg

Deb Adamik, President of Main Street Gettysburg gave the following report: stated that Ms. Frazee is back at work; noted the \$220 million grant by the Governor for small businesses by the Community First Fund; discussed the MSG CARES video that went out nationally, and encouraged businesses to create their own videos; updated Council on the pending meeting with the Southern Assembly to discuss small business support during the pandemic; discussed the status of "Long, Long, Long, Long Dinner Party" and the "Christmas Festival"; cautioned the public and stressed awareness of business hacks and scams in light of pandemic; and noted that public restrooms are open at the Parking Garage and are available on Steinwehr Avenue.

Gettysburg Area Recreation Authority

Councilman Schindel reported that not much is going on at the REC Park except for routine maintenance and mowing. He said that the playground is not open to the public, but the public restrooms are open in the Charlie Sterner building. He said that discussion regarding the July fireworks is occurring but proceeding with caution regarding the amount of people that would attend to watch with the stated limit of 250 people in the Green Phase.

GMA

Councilman Berger reported that he had attended their zoom meeting in May. He noted that GMA had a 10-15 percent revenue reduction but is still in good shape. He said that the Heritage Land Tank Grant is proceeding. He said that NPS is replacing their water main on West Confederate Avenue.

Steinwehr Avenue Heart of Gettysburg Battlefield (SAHGB)

Councilor Butterfield said that SAHGB will meet this month on June 11, 2020 and will discuss reopening.

Adams County Boroughs Association (ACBA)

Mayor Streeter said that ACBA will meet on June 16, 2020.

Adams County Council of Governments (COG)

Councilman Lawver said that the May meeting was cancelled and was not sure about the June meeting.

Adams County Transportation Planning Organization (ACTPO)

Councilor Butterfield said that they had a meeting today, June 8, 2020. She said that the Aviation Advocacy had met with the local Gettysburg Airport, and that fuel is coming to the airport. She said that they must have public meetings to approve business.

Adams County Heroin Awareness Task Force

Councilman Moon said that they have not met since April.

Trail Feasibility Study

Councilman Berger said that they had just received the final 44-page report; and that he had not heard anything regarding the NPS trail system.

Healthy Adams Bicycle Pedestrian Inc. (HABPI)

Councilor Lawson said that HABPI is meeting regularly on Zoom; and that Susan Naugle is currently working on grant applications and hoping for a DCED grant that would address places that are sinking. She said that the Gettysburg Bicycle Shop on York Street is doing an incredible business during the pandemic.

Other Reports

There were no other reports for the Recycling Committee, the Gettysburg Fire Department, or the Adams County EMS at this time.

Elected Officials Report

There were no reports given by elected officials at this time.

Public Comment

There was no public comment at this time.

Executive Session

The meeting was dismissed at 9:45 PM for an executive session. The meeting reconvened at 11:57 PM (with Councilor Butterfield not present by roll call), and Council made the following motion:

Moved Mr. Berger, seconded Ms. Lawson to approve entering into a Memorandum of Understanding (MOU) with the Teamsters Local, 776 union for the Borough's police employees and to authorize the execution of the MOU by Charles Gable, Borough Manager. Motion carried unanimously 6-to-0 by roll call vote.

Moved Mr. Schindel, seconded Mr. Lawver, to adjourn the meeting at 11:59 PM. Motion carried unanimously 6-to-0 by roll call vote.

Respectfully submitted,

Karen M. Mesher
Assistant Borough Secretary