

**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
JULY 13, 2020**

President Jacob Schindel called the meeting to order at 7:00 PM and asked the Borough Secretary Sara Stull 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 Manager/Secretary Sara Stull; Borough Solicitor Harold Eastman, Puhl Eastman, and Thrasher; Police Chief Robert Glenney; Parking Manager Rebecca Fissel; Planning Director Carly Marshall; Director of Historic & Environmental Preservation Debra English; Accountant II & Project Management Assistant Nicolette James; Public Works Director Robert Harbaugh; Borough Intern Mike McHenry; and Chad Clabaugh, Borough Engineer, C. S. Davidson, Inc.

Others present included: Deb Adamik, President of Main Street Gettysburg; Gary Shaffer, HARB Chairman; Ron Frenette, 811 Johns Avenue; Michelle Kennedy; Jim Hale representing the *Gettysburg Times*; and Mark Wherley, Community Media-ACCTV filming through Zoom platform.

President Schindel opened the meeting and spoke about the recent events in Gettysburg, noting that everyone has freedom of speech to express themselves. He said that the community needs to do better with these important issues and that everyone should be accepting of other people.

President Schindel announced that an executive session of the Borough Council of the Borough of Gettysburg was conducted immediately following the adjournment of the June 22, 2020 Council work session consistent with sections 708(a)(1), 708(a)(4) and 708(a)(5) of the Sunshine Act.

President Schindel announced that an executive session of the Borough Council was conducted immediately following the adjournment of the July 6, 2020 Council special meeting consistent with sections 708(a)(1) and 708(a)(5) of the Sunshine.

President Schindel announced that an executive session of the Borough Council was held immediately prior to the commencement of this evening's meeting, beginning at 6:30 p.m., 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, appointment or reinstatement, the terms and conditions of employment, the evaluation of performance, the promotion or demotion, and the possible furloughing or 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 provide and consider information in connection with the Court's decision entered in 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 (3) 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.

Moved Mr. Moon, seconded Ms. Lawson to approve the June 8, 2020 agenda as presented. Motion carried unanimously 7-to-0 by roll call vote. Mr. Schindel noted that he would abstain from votes pertaining to his property.

Moved Ms. Lawson, seconded Mr. Lawver to approve minutes of the Council Meeting of June 8, 2020; CDBG Public Hearing and Council Work Session on June 22, 2020 and Special Council Meeting on July 6, 2020 as presented as presented. Motion carried unanimously 7-to-0 by roll call vote.

Public Comment

President Schindel read a statement that he received from Scott Hancock, Gettysburg College Professor of History and Africana Studies, 32 N. Howard Avenue addressing the recent events in Gettysburg (see attached).

Ron Frenette, 811 Johns Avenue expressed his concerns about the recent events in downtown Gettysburg. He said that the July 4th events were not "celebrity events" and have become corrupted over the past few years. The local and state representatives need to deescalate these situations, noting that the residents and visitors are the ones that are affected by these types of events.

Current and Old Business

Department of Planning Department/Zoning/Code Enforcement

Planning Director Marshall reported that PA Municipal Code Alliance (PMCA) opened an office in Straban Township to better serve the local municipalities. Citizens will be able to apply and pick up building permits directly from PMCA at their new location. The Code Enforcement Officer will no longer need an office in the borough building but would check in everyday for any assignments.

Planning Director Marshall reported that the Planning Commission will be discussing sidewalks and zoning.

Moved Mr. Berger, seconded Mr. Heyser to accept the application and request from The Ragged Edge, Inc. for the Borough's consideration of proposed

amendments to the text of the Gettysburg Borough Zoning Ordinance relative to the regulation of nonconforming buildings, structures and uses and certain minimum lot and yard requirements. Motion carried 6-to-0 by roll call vote with Mr. Schindel abstaining from the vote.

Moved Mr. Heyser, seconded Mr. Berger to authorize the Director of Planning, Zoning and Code Enforcement and the solicitor to draft a proposed ordinance for consideration relative to the possible amendment of the text of the Gettysburg Borough Zoning Ordinance relative to the regulation of nonconforming buildings, structures and uses and certain minimum lot and yard requirements. Motion carried 6-to-0 by roll call vote with Mr. Schindel abstaining from the vote.

Moved Mr. Moon, seconded Mr. Berger to accept the application and request from Gary W. Shaffer, AIA, Registered Architect of Shaffer Design Associates, P.C., on behalf of Thakor Patel, doing business as P.B. Pramukh Swamiji LLP, and to refer the same to the Gettysburg Borough Planning Department for review, recommendation and to prepare a draft ordinance text amendment for the Borough Council's consideration, of proposed amendments to the text of the Gettysburg Borough Zoning Ordinance, relative to section 27-1502 of the Zoning Ordinance for apartment conversions of existing buildings constructed subsequent to October 13, 1975 and a reduction of the minimum lot area requirement for apartment conversions in certain zoning districts. Motion carried unanimously 7-to-0 by roll call vote.

Moved Mrs. Butterfield, seconded Mr. Lawver to adopt a resolution pursuant to the provisions of Chapter 15, Part 1, Section 105 of the Code of Ordinances of the Borough of Gettysburg in order to authorize and ratify the Borough's temporary parklet and pedlet pilot testing program in certain Borough zoning districts for the benefit and use of businesses in commercial areas of the Borough. Motion carried unanimously 7-to-0 by roll call vote.

Moved Mr. Moon, seconded Mr. Berger to adopt a resolution temporarily suspending certain provisions of Chapter 6, Part 2 of the Code of Ordinances of the Borough of Gettysburg relative to the regulation of the consumption and possession of alcoholic beverages in certain public areas in connection with the implementation of the Borough's temporary parklet and pedlet pilot testing program. Motion carried unanimously 7-to-0 by roll call vote.

Department of Historic & Environmental Preservation

Moved Mr. Berger, seconded Ms. Lawson to accept the recommendations to accept the recommendations of the Borough of Gettysburg Historic Architectural Review Board (HARB) following its review on June 17, 2020 and grant Certificates of Appropriateness for the following applications as presented: COA- 20-0040, 65 E. High Street - Timothy L. Redding, Reddwood Carpentry LLC, Replace existing shingled roof with evergreen colorway corrugated metal roofing as stated in

application dated 5/18/2020. COA-20-0036, 20 Breckenridge Street – L&SW Enterprises LLC, repair the brick façade on the north and east exterior walls located above and left of the front entrance door, and lintel above the door. The Board recommended all materials used are compliant with the Secretary of the Interior Guidelines for brick, mortar, painting, and cleaning as submitted in the application dated May 8, 2020. COA-20-0051, 15 York Street; ISAM LLC / Linda Atiyeh; creation of new and the re-opening of old windows and (1) door that will match the fixed glass openings on the front façade at 15 York Street work to rear of building as presented in the application dated June 9, 2020. Motion carried unanimously 7-to-0 by roll call vote.

Parking Department

Parking Manager Fissel reported that the “Pay-by-Phone” program is a new vendor that we are working with for parking payments. She explained that a patron can call Pay-by-Phone, login to Pay-by-Phone website, or add the pay by phone app to pay for parking. All options will require a patron to enter the zone number, license plate number and the amount of time they would like. The app has a map of the Borough with the parking zone locations. The third blocks of West Lincoln Avenue and West Broadway are app only parking or Local Privilege Parking (LPP); and patrons can use Passport or Pay-by-Phone. Parking Manager Fissel reported that there were six (LPP) parking permits sold in June and ten to date.

Councilman Heyser asked if we were already providing this service. Parking Manager Fissel responded that this is an additional option with a new application to download; noting that the consumer would pay the thirty-five-cent transaction fee and not the Borough.

Moved Mr. Moon, seconded Ms. Lawson to adopt a resolution pursuant to the provisions of Chapter 15, Part 1, Section 105 of the Code of Ordinances of the Borough of Gettysburg in order to authorize and ratify the Borough’s temporary parking pilot testing program of APP-only parking zones. Motion carried 6-to-1 by roll call vote with Mr. Heyser the distaining vote.

Moved Mr. Berger, seconded Mr. Moon to approve and ratify a reduction of the Borough’s monthly fee for a Local Privilege Parking (LPP) permit from \$35.00 to \$25.00 to remain in effect through September 30, 2020. Motion carried unanimously 7-to-0 by roll call vote.

Public Works Department

Public Works Director Harbaugh gave the following report: Stevens Run Wall Project is complete, except for the emergency DEP permit by CS Davidson is still pending; the bike loop symbols for Queen Street and Steinwehr Avenue that were purchased by HABPI through a Hoffman Grant were installed and completed on June 24th; completed the first

public parklet on Lincoln Square located in front of the Pub Restaurant; reviewed the cost of turning off water service to 340 Baltimore Street until the Borough proceeds with a plan for this property. Found that the quarterly fee is \$123.49, and the Equivalent Dwelling Unit (EDU) cost is \$494 per year, and that if the water were shut off, it would cost \$7,000 to get another EDU. Manager Gable recommended not to shut the water off, because it would be cost prohibitive to turn it back on.

Borough Engineer

Borough Engineer Chad Clabaugh gave the following report: the Presbyterian Church parking lot is completed; hold \$4,293.75 for the Broadway Street Project until the grass can be replanted; a preconstruction meeting is scheduled this week for the CDBG Curb Ramp Project too begin later this month; awaiting response from DEP for the Stevens Run Wall collapse to finalize the project; ten bids were received for the Race Horse Alley Garage maintenance; completed the preliminary drainage area mapping and Chambersburg Street Storm Sewer analysis to determine the best strategy and method of conveying the water from the system with the unknown discharge location. He will provide a presentation on this in an upcoming Storm Water Authority meeting once the reporting for master plan is completed. The Storm Water Authority opted to wait until the Public Works Department is available to complete the required construction on the blind junction behind the Gettysburger Restaurant to progress the attempt at finding the unknown masonry culvert.

Moved Mr. Lawver, seconded Mrs. Butterfield to award the Racehorse Alley Parking Garage Maintenance 2020 project to the responsive lowest qualified and responsible bidder Crilon Corp at their Total Base Bid of \$40,922.42, and to complete the project by November 27, 2020. Motion carried unanimously 7-to-0 by roll call vote.

Police Department

Chief Rob Glenny gave the following report: the fight on Steinwehr Avenue is still under investigation noting that charges will be filed; the Police Department received over five-hundred calls regarding the July 4th events noting that these events were never confirmed by Antifa. Several news media releases were placed through television and newspapers to keep the public informed of these events. Several law enforcement agencies were available to assist to help make the citizens feel safe. Chief Glenny said that an “After Action” briefing is scheduled for Thursday, July 16th to discuss and critique this joint operation plan.

Councilman Berger said that he is proud of the leadership of the chief and the officers for their dedicated work and the teamwork between other departments. He pointed out that this is a tough time to be a police officer in this climate now.

Office of the Manager/Treasurer/Secretary

Manager Gable gave a brief report to explain the administration adjustments that were recently made due to COVID budgetary concerns. The Finance Department has been eliminated and has been moved under the Office of the Manager/Treasurer. He explained that the Borough Code statutory requirements are to hire a Borough Secretary and a Borough Treasurer which is Sara and myself. Streamlining perspective of the duties of the Finance Department has been rolled into the newly created Office of the Manager/Treasurer. The office will consist of the Assistant Borough Manager/Secretary, Accountant II/Project Management Assistant, and Accountant I/ Finance Assistant.

Manager Gable reported that he has not heard anything from Gettysburg, South Dakota regarding to the letter he sent in response to the Confederate Flag symbol but did hear that they have since removed the flag from their decals.

Manager Gable reported that a thirty-day extension letter was received by Destination Gettysburg's attorney for the Public Right-to-Know request that the Borough sent them for financial information regarding the Pillow Tax funds.

Accountant II/Project Management Assistant James reported that she and Intern Michael McHenry continue to work on the Revolving Loan for Disaster Relief. She said that Robin Fitzpatrick, Adams County Economic Alliance, has agreed to be the credit check agency and will provide a financial analysis along with collecting and reviewing all applications to make sure they are complete before submitting to the loan committee for review. There will be no cost to the Borough because they want this to be a community effort to support the community.

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

Moved Mr. Berger, seconded Mrs. Butterfield to authorize a COLA increase for retired police pensioner Walter Gliem, to be paid from the Police Pension Plan effective June 1, 2020. Motion carried unanimously 7-to-0 by roll call vote.

Moved Mr. Lawver, seconded Mr. Berger to authorize a COLA increase for retired police pensioner William Laughman, to be paid from the Police Pension Plan effective June 1, 2020. Motion carried unanimously 7-to-0 by roll call vote.

Moved Mr. Berger, seconded Mr. Lawver to accept the J. P. Harris Tax Exoneration report for tax years 2002 through 2006 and 2008 through 2014 as presented. Motion carried unanimously 7-to-0 by roll call vote.

Moved Ms. Butterfield, seconded Mr. Moon to enact an ordinance amending the definition of the term "Average Monthly Compensation" in the Borough of

Gettysburg Non-Uniformed Employees' Pension Plan and Trust. Motion carried unanimously 7-to-0 by roll call vote.

Liaison Reports

Main Street Gettysburg

Deb Adamik, President of Main Street Gettysburg gave the following report: the Bill passed in the House creating more funding for the infrastructure which would include the FLAP Grant for the Baltimore Street project; the MSG CARES Program video was created to promote the downtown businesses in a cost efficient manner; and she attended a webinar to learn more about the \$225 million Small Business Grant for small businesses to apply for the grant.

Gettysburg Area Recreation Authority

Councilman Schindel reported that the July 4th fireworks was a great success and that they hope to do it again next year, noting that GARA made approximately \$600.

Gettysburg Municipal Authority

Councilman Berger gave the following report: the 2019 Audit Report was received with an unmodified opinion with no findings, noting that they are in a good financial state; the proposed Heritage Land Tank is still with DEP and that GMA will wait until approved to proceed; looking to develop a new well called the Andrews Well; and reviewing future Capital Projects analysis.

Steinwehr Avenue Heart of Gettysburg Battlefield (SAHGB)

Councilor Butterfield reported the upcoming meeting is scheduled for Thursday, July 16, 2020.

Adams County Transportation Planning Organization (ACTPO)

Councilor Butterfield reported that the Electronic TIP Survey located on the County Website is still in progress.

Adams County Heroin Awareness Task Force

Councilman Moon reported that they discussed the difficulties some people are having accessing care during COVID, and that telemedicine does not work for some citizens. A safe hypodermics drop-off location was established at the Bonneauville Fire Department, and that needles should be placed in a sharps container or other secure container.

Healthy Adams Bicycle Pedestrian Inc. (HABPI)

Councilor Lawson reported that they will be adding roadway signs stating a 4-foot distance between bicyclist and cars; applied for another grant for the Gettysburg Inner Loop; and will participate in the Giving Spree at the Gettysburg Middle School in November.

Elected Officials Report

Councilman Moon thanked the public works crew for a nice job constructing the new parklet on Lincoln Square.

Councilman Berger acknowledged Trimbel Wallace, owner of Larks Gifts for volunteering to stain the new parklet.

Public Comment

Michelle Kennedy thanked Chief Glenn and the department for their police work regarding the recent investigation involving her child and look forward to hearing the outcome. She said that she hopes the District Attorney's office will take the case seriously. Ms. Kennedy said that racial tension is bad in this town, and that there is no room in a person's heart for hate. This is a great town and a great place to live, and she does not want to see tourism stay away because of these issues.

Deb Adamik, President of Main Street Gettysburg, reported that MSG hosted a small group of local leaders including NPS Superintendent Steve Sims; Gettysburg College President, Bob Iuliano; Borough Manager Charles Gable; Trimbel Wallace, owner Lark Gifts; Emmet Patterson owner McDonalds Franchise; and Annie Frazee, Vice President of MSG to discuss the COVID crisis, economic and racial issues.

Moved Mr. Lawver, seconded Ms. Lawson, to adjourn the meeting at 9:07 PM. Motion carried unanimously 7-to-0 by roll call vote.

Respectfully submitted,

Sara L. Stull
Borough Secretary

President Schindel read at the July 13, 2020 Borough Council meeting.

To the Council members of Gettysburg Borough:

As we all know, on July 4th this year, hundreds of people came to Gettysburg in response to an online and unsubstantiated rumor that Antifa or some similar group would be coming to vandalize monuments and flags. Much like what happened in July of 2017, many of the people who came here, saying they were “protecting” the battlefield and town, were armed with a variety of weapons, including a great number of assault weapons like the AR-15.

When it is clear that there is going to be a large public demonstration seeking to reinforce the myth that the Confederacy is something to be remembered only with honor and reverence, I think it is important to attempt to correct that myth that has been based on a century of bad history. It is important to tell the whole story of the Civil War, including that the primary organizing principle of the Confederate government was, as numerous Confederate leaders said repeatedly before and during the war, to maintain the right to own slaves. This was perhaps most concisely stated in all capital letters by Richmond newspaper *Southern Punch* in 1864, “WE ARE FIGHTING FOR INDEPENDENCE THAT OUR GREAT AND NECESSARY DOMESTIC INSTITUTION OF SLAVERY SHALL BE PRESERVED.” In short, I think it is important not to suppress history, but to have more of it.

Two days before, I sent an email to a five friends and let them know I was planning on going to three Confederate state monuments. Two of them, a father and son named Jim and Jimmy Schambach, live in Mechancisburg; the other three, Shawn Palmer, Clotaire Celius, Gavin Foster and myself live here. Three of us are Black and three are White. My son and I made miniature flags & my wife made signs on Friday night. That’s the level and limit of organization. Two documentary filmmakers, through another friend, contacted me on Friday and found out what I was planning and asked if they could come film the next day. What they saw was dozens of people, many armed with assault weapons, clearly trying to intimidate us, yelling racist insults at us, taking pictures of our license plates, following us to our cars and cheering when we left the Virginia and Mississippi monuments as though they and their AR-15s had successfully driven off our invading “army” of six men in shorts and flip flops, armed with signs, cell phones and water bottles, and then following us for two miles until I turned toward the middle school because that’s where Shawn Palmer had told me the police had set up camp. The actual armed invaders of Gettysburg were not here to protect history. They were not afraid of history being erased. They were afraid of more history and more truth.

The vast majority of those who came to Gettysburg on July 4th, a day that we remember as founding a country in which the right to free speech is not only protected but highly valued, did not want to protect free speech. They wanted to suppress free speech. If you think I’m exaggerating, I’d point to the first conversation we had at the North Carolina monument, where an armed woman told us if she saw somebody burning a flag—which a constitutionally protected exercise of the first amendment—she would kill them. Maybe she

was exaggerating to make a point, though when I asked her if a flag was worth the same as a human life, she would not answer.

It's important to keep in mind that one of the best uses of Gettysburg National Military Park is to teach children and families about United States history. In any normal summer, we have all seen busloads of school kids on the battlefield. We've seen families with kids of all ages. This should not be a place filled with angry people with AR-15s and other weapons. In 2017, a man accidentally shot himself with his gun. This year, I'm told somebody dropped a gun in a parking lot. Will we wait until there's an accident that kills one of those schoolkids?

I'm not entirely sure what the solution is. I understand second amendment rights. I do not understand why assault weapons should be permitted at Gettysburg National Military Park that has a specific function of educating the public, including our children.

Sincerely and respectfully,

Scott Hancock