

BOROUGH OF GETTYSBURG
59 EAST HIGH STREET, GETTYSBURG, PA 17325
COUNCIL MEETING MINUTES
AUGUST 12, 2019

President Susan Naugle called the meeting to order at 7:00 PM with the following Councilors present: Vice President Jacob Schindel, Mr. Wesley Heyser, Mr. Christopher Berger and Mr. John Lawver. Ms. Patricia Lawson was absent. Staff present included: Mayor Theodore Streeter; Borough Manager Charles Gable; Borough Secretary Sara Stull; Borough Solicitor Harold Eastman, Puhl Eastman & Thrasher; Police Chief Robert Glenn; Interim Parking Manager Becka Fissel; Robert Harbaugh, Public Works Director; and Chad Clabaugh, Borough Engineer, C. S. Davidson, Inc.; Finance Director Nickie James was absent.

Others present include: Deb Adamik, President, Main Street Gettysburg; Tim Woodward, Gettysburg Polish Pottery, 102 Baltimore Street; Ruth Brown, Civil War Tails, 785 Baltimore Street; Christian Walling, The Lucky Spot (food truck), 2423 Baltimore Pike; Jeffrey Rioux, Project Gettysburg-Leon, 300 North Washington Street; Mike Malewicki, 2 West Broadway; John and Judith Butterfield, 999 Sunset Avenue; Brandon Stone, 358 Park Street; Vandessa Johnson, 137 Breckenridge Street; Mike Shestok, 264 Baltimore Street; Nancy and Kurt Kramer, 12 Wade Avenue; Donald Marritz, 61 East Broadway; Jennifer Cole, 115 Ridge Avenue; Yeimi (Jamie) Gagliardi, 321 York Street; Jenny Dumont, 74 East Water Street; Andrew Miner, 322 Gettys Street; Marie Davis, 831 Johns Avenue; Joe and Kelly Lynch, 90 Springs Avenue; Representing the press was Jim Hale with the *Gettysburg Times*; and filming by Community Media-ACCTV.

President Naugle announced that the public hearings for the Borough's 2019 Community Development Block Grant (CDBG) Program will be held on Monday, August 26th and Monday, September 9th, with each public hearing to commence at 6:30 PM.

President Naugle announced that the electronic recycling event is scheduled for Saturday, September 21, 2019 for Borough residents. Anyone interested must pre-register by contacting Judith Butterfield at 717-337-0724.

President Naugle announced that an executive session of the Borough Council were conducted prior to the commencement of the July 22, 2019 work session beginning at 6:00 p.m. consistent with section 708(a)(1) of the Sunshine Act and immediately following the July 22, 2019 work session consistent with section 708(a)(1), section 708(a)(3), section 708(a)(4) and section 708(a)(5) of the Sunshine Act.

President Naugle announced that an executive session of the Borough Council will be conducted immediately following the adjournment of this evening's meeting consistent with section 708(a)(1), section 708(a)(3), section 708(a)(4) and section 708(a)(5) of the Sunshine Act for the following purposes: (1) to discuss matters involving the employment, the termination or resignation of employment, the terms and conditions of employment of

employees, prospective employees and/or former employees of the Borough; (2) to receive information and discuss the possible acquisition or lease of real property by the Borough; (3) to consult with its solicitor and other professional advisors regarding information and strategy in connection with litigation filed in the Adams County Court of Common Pleas to Docket No. 19-S-206 captioned Linda Atiyeh, et al., Plaintiffs v. Borough of Gettysburg, et al., Defendants; and (4) to review and discuss Borough business which, if conducted in public, would violate a lawful privilege or lead to the disclosure of confidential information protected by law.

Mayor Streeter announced that the Gettysburg College Freshman Walk is scheduled for Thursday, August 22, 2019, beginning at 6:00 PM.

Moved Mr. Berger, seconded Mr. Schindel to approve the August 12, 2019 agenda as presented. Motion carried unanimously.

Moved Mr. Lawver, seconded Mr. Schindel to approve the Council Meeting Minutes of July 8, 2019, and Council Work Session Meeting Minutes of July 22, 2019. Motion carried unanimously.

Special Presentation

Gettysburg Borough Police Mounted Patrol

Chief Glenny reported that the police department has a mounted horse patrol to use for a test period. The trained mounted officers are Orth, Pennese and Holden. He said that the mounted patrol will be used for public relations and community events only. Chief Glenny pointed out that traffic and security is most important and will be addressed first before using the mounted patrol. There is no cost to the Borough for use of the horses.

Presentation on Gettysburg Borough Police Interaction with Immigration and Customs Enforcement (I.C.E.)

Chief Glenny explained that the largest investigative arm of the Department of Homeland Security (DHS) is the Immigration Customs Enforcement Agency, also known as "ICE." Its mission is to promote homeland security and public safety by enforcing U.S. federal criminal and civil laws concerning border control, customs, trade, and immigration. This mission is executed through the enforcement of more than 400 federal statutes and focuses on smart immigration enforcement, preventing terrorism and combating the illegal movement of people and goods. DHS investigates the criminal enterprises that engage in a broad range of illicit activity including narcotics trafficking, human trafficking, gang violence, money laundering and other financial crimes, intellectual property theft, and customs fraud. DHS also investigates a broad range of cybercrime, including child exploitation in the commitment to securing both physical and virtual borders. DHS also combats human trafficking, involuntary servitude and sexual exploitation through sale into

the sex trades. They also conduct and prosecute crimes dealing with the manufacture and use of fraudulent identification documents.

Chief Glenn said that there are two types of Deportation. The first is Civil Deportation where the individual is located in the United States and is removed back to their country of origin. This type of deportation has no criminality attached. The second is Criminal Deportation where individuals are actually arrested and charged for violating the immigration laws of our Country. He said that it has been his experience that the only folks ICE is willing to detain and come get are those that committed a felony, serious crime against persons, multiple offences or those who have been criminally deported previously. They do not have the time nor the man power to deal with every undocumented alien.

Public Comment on Chief Glenn presentation

Donald Marritz, 61 East Broadway said that Gettysburg is a welcoming community for immigrants, and noted that he doesn't completely trust ICE. He said that people have their constitutional rights. Chief Glenn said that people would be detained to do an investigation; but noted that if ICE doesn't have the proper documentation, the police won't continue to hold someone.

Yeimi (Jamie) Gagliard, 321 York Street asked if the police would detain people in churches or at social events and would businesses be handled. Chief Glenn responded that he can't answer how ICE would handle businesses. He said that children would not be left alone at any time; which social services would be called to assist and help the families.

Andrew Miner, 322 Gettys Street thanked the police department for all their work. He noted that they worked well with the Gettysburg Rising Group for their event held downtown.

Jenny Dumont, 74 East Water Street said that about 20 years ago, she had an undocumented friend who was assaulted but refused to go to the police. He later died from his injuries. She asked to include in the policy that victims should not have to worry that names will be turned over to ICE. Chief Glenn responded that it would depend on the circumstances as to who would be required to have a background investigation completed.

Jeffrey Rioux, Project Gettysburg-Leon, 300 North Washington Street addressed his concerns about the upcoming Salsa on the Square event that attracts over 1400 people, stating that public safety should come first.

Jennifer Cole, 115 Ridge Avenue addressed her concerns with how long the police department would detain someone while waiting on ICE. She said that the policy should state a time frame to hold someone.

Public Comment on other business

Vandessa Johnson, 137 Breckenridge Street asked if the mounted horse patrol would be on a regular shift. Chief Glenn responded no that they would only be used for special events.

Mike Shestok, 264 Baltimore Street said that he supports the police mounted horse unit. He asked the chief how the police ride-along with Council members is going. Chief Glenn responded that all members haven't had a chance to ride along. He said that he is happy with the support that he has received from Council, and that the transition has gone well. Mr. Shestok also addressed his concerns regarding Wall Alley, stating that he still believes it should be a one-way street for safety reasons. He said that speed limit signs should be posted.

Christian Walling, The Lucky Spot (food truck) addressed Council about the rental of meter bags to use for his food truck that were taken away this year upon changing the parking ordinance.

Kurt Kramer, 12 Wade Avenue said that with the importance of the Baltimore Street Revitalization Project and of the historic street following "Lincoln's Steps", Borough Council should accept the donation of the "Brown House" on Baltimore Street.

Finance Department

Manager Gable reported that the Pillow Tax is down this year. He said that he doesn't know why or if people are choosing not to stay overnight when visiting. Manager Gable noted that the parking revenue is up this year.

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

Moved Mr. Heyser seconded Mr. Schindel to approve transfer of \$1,700.00 from Capital Projects fund to the General Fund to correct deposit of Buckle Up Pennsylvania (BUPA) police grant funds. Motion carried unanimously.

Moved Mr. Heyser seconded Mr. Berger to approve transfer of \$69,096.35 from the General Fund to CDBG checking account, and then transfer from CDBG to Capital Projects to repay the account due to receiving one check from County of Adams combining the CDBG and jury parking money. Motion carried unanimously.

Planning Department/Zoning/Code Enforcement/HARB

Moved Mr. Schindel seconded Mr. Berger to enact an ordinance amending the Official Zoning Map of Gettysburg Borough, Adams County, Pennsylvania, for purposes of reclassifying and rezoning certain parcels and portions of parcels of real

property adjacent to Schoolhouse Alley and Wall Alley in order to remove the same from the INS-1 Institutional-1 District and to reclassify, rezone and add said parcels and portions of parcels of real property to the RO Residential Office District. Motion carried unanimously.

Moved Mr. Heyser seconded Mr. Schindel to enact an ordinance for the purpose of amending Chapter 1, Part 6.C. of the Code of Ordinances of the Borough of Gettysburg in order to expand the jurisdiction of the Code Enforcement Appeals Board to determine appeals filed relative to the enforcement of the ordinance prohibiting illegal discharges into and illicit connections to the storm drain systems, the storm sewer systems and the water courses in the Borough of Gettysburg. Motion carried unanimously.

Moved Mr. Schindel seconded Mr. Lawver to approve the Operation and Maintenance (O&M) Agreement for Stormwater Management Practices associated with the construction of a garage and driveway at 29 West Broadway. Motion carried unanimously.

Parking Department

Interim Parking Manager Becka Fissel reported that the annual Residential Parking Permit (RPP) renewal letters were sent to residents in the RPP District. She noted that a comparison of last July to this year show that there is over a \$1,000 parking revenue increase.

Moved Mr. Berger, seconded Mr. Schindel to amend the Borough of Gettysburg 2019 fee schedule in order to authorize and set a flat rate parking fee of fifteen (\$15.00) dollars per day in connection with the 2019 Gettysburg Christmas Festival special event scheduled for December 6, 2019 through December 8, 2019. Motion carried unanimously.

Moved Mr. Lawver seconded Mr. Schindel to adopt a resolution approving the sale of surplus Gettysburg Borough personal property (parking equipment) to the City of York pursuant to section 1201.2 and section 1201.3 of the Borough Code. Motion carried unanimously.

Moved Mr. Schindel seconded Mr. Berger to authorize the entry into a Memorandum of Understanding with the County of Adams relative to parking services for citizens of Adams County called to jury duty, with a termination date of December 31, 2022, in order to update and replace the 2015 Memorandum of Understanding, which has expired. Susan C. Naugle, President of Borough Council, and Sara L. Stull, Borough Secretary, are hereby authorized to execute the Memorandum of Understanding on behalf of the Borough. Motion carried unanimously.

Public Works Department

Robert Harbaugh, Public Works Director reported that residents in the area of East and West Broadway were given door hangers on July 8th explaining the upcoming construction work. He said that door hangers were also given to residents and businesses along Steinwehr Avenue that will be affected during the King Street Project. The information for both projects can also be found on the Borough Website at www.gettysburgpa.gov. Mr. Harbaugh reported that a sink-hole was discovered on Steinwehr Avenue due to base failure in the road. He said that the contractor has been notified, and that they will correct the issue.

Borough Engineer

Chad Clabaugh, Borough Engineer reported on the following: The King Street Project went well and commended the Public Works Department and Agility Crews from Cumberland, Straban and Mt. Pleasant Townships; the Planning Commission continues to review the Sidewalk Ordinance, and noted their goal is to present recommendations to Council by the end of this year; the Zoning Map hasn't been updated in approximately ten years other than a few changes that have been made addressing particular issues separately. He plans to provide Council with the updated changes and produce a new revised Zoning Map.

Police Department

Chief Glenny reported on the following: Gettysburg Borough Police and Cumberland Township Police Officers rode together during Gettysburg Bike Week to address issues since this event was held in both jurisdictions; Officer Taylor has created a Police Department Facebook Page to share information; Officer Taylor gave tours of the police department to the public noting it went very well; so they are planning to conduct another one in the near future.

Borough Manager

Manager Gable reported on the following: The Gettysburg Storm Water Authority met and approved extending the discount period through September 30, 2019; the Borough is close to reaching the goal of \$50,000 in donations towards the PML Annual Summit; Baltimore Street will be closed on October 4th for the Long Long Long Dinner Party event; Along with Chief Glenny, Council Members Naugle and Berger met with Penn DOT Officials to discuss large truck issues. Penn DOT has agreed to provide a traffic study during late hours instead of mid-daytime.

Moved Mr. Berger, seconded Mr. Lawver to authorize the issuance of a letter in order to demonstrate to the Eastern Federal Lands Highway Division Gettysburg Borough's commitment to provide twenty (20%) percent matching funds in the amount of \$313,480.00 for the Gettysburg Gateway Connectivity Project in

conjunction with an application and request for grant funds in the amount of \$1,253,917.00 through the Federal Lands Access Program. Charles R. Gable, MPA, Borough Manager, is hereby authorized to sign and issue the letter of commitment. Motion carried unanimously.

Moved Mr. Berger, seconded Mr. Lawver to adopt a resolution authorizing the submission of an application and request for grant funds in the amount of \$1,253,917.00 through the Federal Lands Access Program from the Eastern Federal Lands Highway Division to be used for advance design and engineering relative to the Gettysburg Gateway Connectivity Project and committing the Borough to provide local matching funds in the amount of \$313,480.00 for the Project. Charles R. Gable, MPA, Borough Manager, is designated as the official to execute all documents and agreements between the Borough of Gettysburg and the Eastern Federal Lands Highway Division. Motion carried unanimously.

Moved Mr. Schindel, seconded Mr. Berger to approve the Minimum Municipal Obligation (MMO) for the Gettysburg Police and Non-Uniformed Pension Plans for 2020. Motion carried unanimously.

Moved Mr. Heyser seconded Mr. Schindel to set a public hearing and to authorize the provision of written notice to affected property owners and the advertisement of public notice of the public hearing to be held on Monday, September 23, 2019 commencing at 6:30 p.m. for the purpose of receiving information and public comment from affected property owners within the proposed neighborhood improvement district relative to a Petition and Preliminary Plan received by the Borough of Gettysburg for the creation of the proposed West Broadway Islands Neighborhood Improvement District. Motion carried unanimously.

Moved Mr. Heyser seconded Mr. Berger to set and authorize the provision of public notice of a special meeting of the Borough Council to be held on Monday, September 23, 2019 commencing immediately following the public hearing for the purposes of determining whether to adopt the preliminary plan as presented at the public hearing as a proposed final neighborhood improvement district plan for the creation of the proposed West Broadway Islands Neighborhood Improvement District and such other business which may come before the Borough Council. Motion carried unanimously.

Moved Mr. Schindel seconded Mr. Heyser to proceed with the authorization of the acceptance of a proposed donation and gift from Futurestake, Inc. of certain improved real property situate at 340 Baltimore Street and identified as Adams County Tax Parcel No. 16010-0383---000, and to authorize the Borough Manager to explore with community partners sources of funding for the construction and use of a community/visitor's center at the site. Further, to authorize the solicitor to prepare any necessary documents, to include a donation agreement and an authorizing

resolution in order to facilitate the Borough's acceptance of the gift of the proposed donation of the real property. Motion carried unanimously.

Borough Secretary

Moved Mr. Heyser seconded Mr. Schindel to adopt a resolution to excuse the police from making contributions to the Police Pension Fund for 2019. Motion carried unanimously.

Borough Council Vacancy Appointment

President Naugle announced that the following three candidates have submitted applications for the appointment to Borough Council: Judith Butterfield, Vandessa Johnson and Brandon Stone. She asked each to introduce themselves.

Judith Butterfield

Mrs. Butterfield addressed Council stating that she moved to Gettysburg in 1995 and that she has been very active working with Retired Judge Spicer and serving on several boards and commissions over the years. She said that she loves to do research projects; assisted the Borough with ordinance research, provided Website help, and continues to work closely with the Recycling Program.

Council members asked if she would seek re-election and if she had any goals for the Borough. Mrs. Butterfield responded that her plan is to seek re-election. Her goal would be to provide a more efficient sidewalk maintenance program for the citizens.

Vandessa Johnson

Mrs. Johnson addressed Council and said that she moved from Baltimore City approximately twelve years ago to Gettysburg. She said that she is disabled and retired with her degree in psychology. She is a mother of four children, and said that she likes to get children in the community involved in activities. Mrs. Johnson said that she has helped with the Elm Street clean-up programs to keep the streets nice.

Council members asked if she would seek re-election and if she had any goals for the Borough. Mrs. Johnson responded that her plan is to seek re-election. Her goal would be to have a bulk item pick-up again as they did before to clean up the Third Ward. She would like to see recycling containers on street corners to help keep the town clean and make it an Eco-Friendly community.

Brandon Stone

Mr. Stone addressed Council and said that he has lived in Colt Park for fifteen years, and also owns property on York Street. He works as a technical architect at Federal

National Mortgage Association (Fannie Mae). Mr. Stone said that he was part of the renovation project for a property on West High Street; so is familiar with members of the Borough and HARB. He said that public facilities are important to tourists and was happy to hear about the donation of the “Brown House” on Baltimore Street.

Council members asked if he would seek re-election and if he had any goals for the Borough. Mr. Stone responded that he plans to seek re-election. His goal would be to explore new solutions that could aid with Borough operations. The sidewalks, curbs and lighting throughout the Borough are in need of maintenance work in order to be safe for the community. Mr. Stone said that he is passionate about historic preservation, and has several projects forthcoming.

At this time the nominations and selection of an eligible person to fill the vacant office for the member of Borough Council representing the 3rd Ward due to the termination of residency by Charles T. Strauss from the 3rd Ward resulting in his resignation from office.

Council members agreed that this is a difficult decision because they all have good qualities to offer to the Borough. They pointed out to the applicants that they can serve on the Borough’s many boards and commissions if they choose.

Moved Mr. Schindel, seconded Mr. Berger to adopt a resolution appointing Judith M. Butterfield as a member of the Borough Council of the Borough of Gettysburg representing the 3rd Ward in order to fill the vacancy in that elective office occurring as a result of the termination of residency from the 3rd Ward and resignation from office of Charles T. Strauss and to serve as a member of the Borough Council and hold office until January 6, 2020, which is the first Monday in January following the November 2019 municipal election. Motion carried unanimously.

At this time President Naugle asked Judith Butterfield to join the members at her seat with Borough Council.

Liaison Reports

Main Street

Deb Adamik thanked Council for their vote to approve the donation of the “Brown House” on Baltimore Street to the Borough of Gettysburg. She announced that Main Street continues to sell tickets for the Long Long Long Dinner Party for October 4th. Deb reported that the Gettysburg Christmas Festival planning is going well with new ideas every day.

Gettysburg Area Recreation Authority

Councilman Schindel reported that the Generals Football team has begun practice; new lights are expected to arrive soon; and the new playground will be installed during the Pennsylvania Municipal League Annual Summit on October 3rd. They will need volunteers to help with building the playground if anyone is interested.

Gettysburg Municipal Authority

Council President Naugle reported on the following: progress continues toward completing the necessary documents for both the Herr's Ridge and Heritage Land Tanks; GMA is currently pumping water to put into Marsh Creek; and Department of Environmental Protection will test the well on Long Lane.

Adams County Transportation Planning Organization

Council President Naugle reported that the transportation funding has been cut, noting the drop is approximately 10 million dollars for Adams County. The Freedom Transit Demonstration Program can track phone applications as to where the busses are going.

Council Comments

Council President Naugle reported that the DCED Trails Grant application has passed through the review process, and that the final decision for awarding the funding will be in September.

Public Comments

John Butterfield, 999 Sunset Avenue asked what the process would be if there was a tie vote for a Council appointment, and if the Mayor would then vote. Council President Naugle responded yes that the Mayor would vote to break the tie.

Moved Mr. Schindel, seconded Mr. Heyser to adjourn the meeting at 10:05 PM to an executive session. Motion carried unanimously

President Naugle dismissed the meeting at 11:00 PM.

Respectfully submitted,

Sara L. Stull
Borough Secretary