

**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  
DECEMBER 14, 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 present included:** Vice President Wesley Heyser, Mr. Christopher Berger, Mr. John Lawver, Ms. Patricia Lawson, 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, Barley Snyder; Police Chief Robert Glenny, Parking Manager Rebecca Fissel; Planning Director Carly Marshall; Director of Historic & Environmental Preservation Debra English; Public Works Director Robert Harbaugh; and Chad Clabaugh, Borough Engineer, C. S. Davidson, Inc.

**Others present included:** Deb Adamik, President of Main Street Gettysburg; Chad-Alan Carr, Community Theater, 49 York Street; Jason Landau Goodman, Jason Goodman PA Youth Congress Executive Director, 413 Walnut Street, Harrisburg; Tim Cwiek of the *Philadelphia Gay News Newspaper*; Eve English, 14 Lincoln Square; Jim Hale representing the *Gettysburg Times*; and Mark Wherley, *Community Media-ACCTV* filming through Zoom platform.

**President Schindel** offered condolences to the family of retired Gettysburg Police Officer Bill Laughman whose wife Tina died recently.

**President Schindel** asked that everyone continue to wear masks and stay safe noting that we are hopeful that the vaccine will arrive early next year.

**President Schindel** announced that his wife had their baby girl on Friday, and all are doing well. He said that he may leave the meeting early to be with his wife, so at this time he turned the meeting over to Vice President Wesley Heyser to continue.

**Vice President Wesley Heyser** announced that executive sessions of the Borough Council were conducted on Tuesday, December 1, 2020 and Thursday, December 10, 2020, each date commencing at 4:00 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, the termination of employment, the terms and conditions of employment, and the possible disciplining, furloughing or laying off of Borough employees; (2) to provide, consider and discuss information regarding pending grievances and matters on which identifiable complaints have or are expected to be filed by the International Brotherhood of Teamsters Local 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 information or matters of confidentiality protected by law. information or matters of

confidentiality protected by law, including matters related to the conduct of investigations of possible violations of law.

**Moved Mr. Moon, seconded Mr. Berger a motion to approve the December 14, 2020 agenda as presented. Motion carried unanimously 7-to-0 by roll call vote.**

**Moved Ms. Lawson, seconded Mr. Moon a motion to approve minutes of the Council Meeting of November 9, 2020; and Council Work Session on November 23, 2020 as presented. Motion carried unanimously 7-to-0 by roll call vote.**

### **Public Comment**

**Tim Cwiek of the *Philadelphia Gay News Newspaper*** asked if the Federal Property location formerly General Lee's Headquarters would be included in the Gettysburg Nondiscrimination and Local Human Relations Commission Ordinance. He also asked why the ordinance provides 60 days to file a complaint when the state law requires 180 days.

**Vice President Wesley Heyser** responded that this property is located within the Gettysburg Borough's jurisdiction, and therefore would be included. Councilman Heyser responded that the days to file a complaint would be taken under advisement.

**Chad-Alan Carr, Community Theater, 49 York Street**, said that he appreciates that the Borough Council has taken the Nondiscrimination and Local Human Relations Commission Ordinance seriously, and thanked them for their thoroughness and hard work.

**Deb Adamik, President of Main Street Gettysburg** said that with Governor Wolf's order to close businesses until January is a huge hardship for the local stores. The Main Street Gettysburg Cares Program continues to expand and is sending mass emails to promote shopping and encourage people to support the downtown businesses. Citizens can view the Gettysburg Pro Website and Gettysburg Season of Wishes Website to see what businesses are involved and the sales and promotions that they are offering.

### **Current and Old Business**

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

**Planning Director Marshall** reported that there were approximately 200 Land Use Permits issued this year, which was more than expected due to the pandemic.

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

**Director of Historic & Environmental Preservation Debra English** announced the following grants that were received this year for a total of \$205,598.88: \$16,009.88 for the 904 Recycling Grant; \$600 for the Historic Preservation Training; and \$188,989.00 for the MS4 Stormwater for the Culps Run Stream Restoration Project.

## **Parking Department**

**Parking Manager Fissel** reported that she was a panel speaker for an International Webinar set up by Pay-by-Phone that was held recently, to explain to others in the parking industry how to benefit from multi-vendor applications.

## **Public Works Department**

**Public Works Director Harbaugh** gave the following report: leaf pick-up continues through the end of the year; Christmas tree collection will begin on December 26<sup>th</sup>, and residents can place them out for pickup or drop them off at the public works building or at the Gettysburg Recreation Park. He noted that the trees are ground, and the bark is used at the public works building along the stream to help with erosion.

**Public Works Director Harbaugh** said that with the impending snow storm he asked that residents be patient with snow removal. He said that the department went from an eight member crew to a five-member crew due to the pandemic, and that there are not enough employees to plow continuously for 24-hour periods as they did in prior years. Harbaugh said that they will focus on clearing streets first then clear the alleys and sidewalks.

**Manager Gable** noted that the storm could produce 16 inches of snow or more and asked that residents be patient. He said that with the amount of snow forecasted, it is possible that a snow emergency warning would be put in place. Citizens using the alleys can place their cars in the Racehorse Alley Parking Garage or at the Gettysburg Recreation Park at no cost on the Wednesday before the storm begins.

## **Borough Engineer**

**Borough Engineer Chad Clabaugh** gave the following report: The South Street Project continues to move forward, and they are working with the Gettysburg Municipal Authority and Columbia Gas to coordinate work.

## **Police Department**

**Chief Glenn**y gave the following report: the department is required to provide audits for use of force and management of evidence each year, and commended Sergeant Pruy who completed both audits which are both in compliance; commended Officer Evans who is doing an excellent job with investigations, and most recently with a case involving ethnic intimidation charges against two men who were accused of yelling racial and homophobic slurs from a megaphone while driving in the Borough.

**Chief Glenn**y thanked Councilman Heyser for spearheading and securing an anonymous donation to provide officers with body cameras.

**Chief Glenn**y said that the Gettysburg Borough Police Mounted Patrol Unit has offered to volunteer their time to take Santa Claus around town this Friday evening.

**Councilman Heyser** read a prepared statement by Council regarding the Removal of Officer Michael Carricato (see attached).

**Moved Mr. Lawver, seconded Ms. Lawson to remove Michael Carricato as a police officer of the Gettysburg Borough Police Department and to terminate his employment with the Borough of Gettysburg. Motion carried unanimously 7-to-0 by roll call vote.**

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

**Manager Gable** gave a brief explanation regarding the fund balance policy, which is part of the general operating fund, requiring that the Borough maintain 18 to 25 percent of a year's budget in the checking account to make sure that they can continue to pay expenses. The proposed draft budget to be adopted tonight would mean that Council needs to maintain at least 18 percent or \$841,000 to be in the General Fund checking account. The 1.293 million dollars projected at the end of this year would be in this threshold, and surpasses what was predicted earlier this year, but does not mean that there is a surplus due to the expenses used for COVID-19 Pandemic.

**Moved Ms. Butterfield seconded Mr. Moon to accept all bills and payrolls as presented. Motion carried unanimously 7-to-0 by roll call vote.**

**Moved Mr. Moon, seconded Mr. Berger to approve the distribution of the Eichelberger-Stahle Funds to Borough residents as required and recommended. Motion carried unanimously 7-to-0 by roll call vote.**

**Moved Mr. Berger, seconded Mr. Moon to adopt a resolution for the purpose of approving and adopting the Adams County 2020 Hazard Mitigation Plan, as updated and prepared by the Adams County Department of Emergency Services. Motion carried unanimously 7-to-0 by roll call vote.**

**Moved Ms. Lawson, Mr. Moon to enact the Gettysburg Nondiscrimination and Local Human Relations Commission Ordinance. Motion carried unanimously 7-to-0 by roll call vote.**

**Moved Mr. Moon, seconded Ms. Lawver to adopt a resolution for the purposes of setting, updating and confirming the Borough's fees and charges for the issuance of licenses, permits and the provision of municipal services. Motion carried unanimously 7-to-0 by roll call vote.**

**Moved Mr. Lawver, seconded Ms. Lawson to adopt the Borough of Gettysburg budget for fiscal year 2021 containing an estimate of annual revenues and receipts for the General Fund in the amount of \$4,674,541.00 and an estimate of annual expenditures in the amount of \$4,674,541.00. The motion carried 4 YEA: Mr. Lawver, Ms. Lawson, Mrs. Butterfield and Mr. Schindel; 3 NAY: Mr. Berger, Mr. Mr. Moon and Mr. Heyser by roll call vote.**

**Councilman Heyser** expressed his concerns about the reduction stating that it has been challenging to recruit and maintain high-quality officers. He said that he shares his colleagues concerns about how the tax increase will affect people but said that his experience serving on the Borough's Civil Service Commission, which is part of the police hiring process, is what prompted him to vote against the budget for the first time ever.

**Councilman Berger** said that he agreed with a lot of the budget and respects his colleagues and Manager Gable but cannot in good conscience vote for a reduction in the police force. He said that public safety is paramount, and that he would like to keep the current staffing levels.

**Moved Mr. Berger, seconded Mr. Moon to adopt the Borough of Gettysburg budget for fiscal year 2021 containing an estimate of annual revenues and receipts for the Fire Protection Services Fund in the amount of \$123,800.00 and an estimate of annual expenditures in the amount of \$123,000.00. Motion carried unanimously 7-to-0 by roll call vote.**

**Moved Mrs. Butterfield, seconded Ms. Lawson to adopt the Borough of Gettysburg budget for fiscal year 2021 containing an estimate of annual revenues and receipts for the Community Development Block Grant (CDBG) Fund in the amount of \$175,007.00 and an estimate of annual expenditures in the amount of \$50,000.00. Motion carried unanimously 7-to-0 by roll call vote.**

**Moved Mrs. Butterfield, seconded Mr. Berger to adopt the Borough of Gettysburg budget for fiscal year 2021 containing an estimate of annual revenues and receipts for the Company K Memorial Fund in the amount of \$0.00 and an estimate of annual expenditures in the amount of \$0.00. Motion carried unanimously 7-to-0 by roll call vote.**

**Moved Ms. Lawson, seconded Mr. Moon to adopt the Borough of Gettysburg budget for fiscal year 2021 containing an estimate of annual revenues and receipts for the Capital Projects Fund in the amount of \$925.00 and an estimate of annual expenditures in the amount of \$50,000.00. Motion carried unanimously 7-to-0 by roll call vote.**

**Moved Ms. Lawson, seconded Mr. Moon to adopt the Borough of Gettysburg budget for fiscal year 2021 containing an estimate of annual revenues and receipts for the Debt Service Fund in the amount of \$566,672.00 and an estimate of annual expenditures in the amount of \$642,168.00. Motion carried unanimously 7-to-0 by roll call vote.**

**Moved Ms. Lawson, seconded Mrs. Butterfield to adopt the Borough of Gettysburg budget for fiscal year 2021 containing an estimate of annual revenues and receipts for the Capital Reserve Fund in the amount of \$3,510.00 and an estimate of annual expenditures in the amount of \$34,884.00. Motion carried unanimously 7-to-0 by roll call vote.**

**Moved Ms. Lawson, seconded Mr. Lawver to adopt the Borough of Gettysburg budget for fiscal year 2021 containing an estimate of annual revenues and receipts for the**

**Liquid Fuels Fund in the amount of \$179,014.00 and an estimate of annual expenditures in the amount of \$251,600.00. Motion carried unanimously 7-to-0 by roll call vote.**

**Moved Mrs. Butterfield, seconded Ms. Lawson to adopt the Borough of Gettysburg budget for fiscal year 2021 containing an estimate of annual revenues and receipts for the Revolving Loan Fund in the amount of \$4,575.00 and an estimate of annual expenditures in the amount of \$10,024.00. Motion carried unanimously 7-to-0 by roll call vote.**

**Moved Mr. Moon, seconded Mr. Berger to adopt the Borough of Gettysburg budget for fiscal year 2021 containing an estimate of annual revenues and receipts for the Eichelberger-Stahle Charitable Trust Fund in the amount of \$0.00 and an estimate of annual expenditures in the amount of \$0.00. Motion carried unanimously 7-to-0 by roll call vote.**

**Moved Ms. Lawson, seconded Mr. Lawver to enact an ordinance fixing the tax rates of the Borough of Gettysburg for fiscal year 2021 at 4.4090 mills on each dollar of real estate assessed valuation for general Borough purposes, 30 mills on each dollar of occupational assessed valuation for general Borough purposes, and at .25 mills on each dollar of real estate assessed valuation for fire protection services appropriations tax purposes. Motion carried unanimously 7-to-0 by roll call vote.**

**Moved Ms. Lawson, seconded Mr. Lawver to set the first monthly general business meeting of the Borough Council for fiscal year 2021 to be held on Monday, January 11, 2021 at 7:00 p.m., and to authorize the provision of public notice for the business meeting.**

**Moved Mrs. Butterfield, seconded Mr. Moon to set monthly general business meetings of the Borough Council for fiscal year 2021 on the following dates, and to authorize the provision of public notice for the business meetings:**

- **Monday, February 8, 2021 at 7:00 PM**
- **Monday, March 8, 2021 at 7:00 PM**
- **Monday, April 12, 2021 at 7:00 PM**
- **Monday, May 10, 2021 at 7:00 PM**
- **Monday, June 14, 2021 at 7:00 PM**
- **Monday, July 12, 2021 at 7:00 PM**
- **Monday, August 9, 2021 at 7:00 PM**
- **Monday, September 13, 2021 at 7:00 PM**
- **Tuesday, October 12, 2021 at 7:00 PM**
- **Monday, November 8, 2021 at 7:00 PM and**
- **Monday, December 13, 2021 at 7:00 PM.**

**Motion carried unanimously 7-to-0 by roll call vote.**

**Moved Ms. Lawson, seconded Mr. Berger to set monthly work session meetings of the Borough Council for fiscal year 2021 on the following dates, and to authorize the provision of public notice for the work session meetings:**

- **Monday, January 25, 2021 at 7:00 PM**
- **Monday, February 22, 2021 at 7:00 PM**
- **Monday, March 22, 2021 at 7:00 PM**
- **Monday, April 26, 2021 at 7:00 PM**
- **Monday, May 24, 2021 at 7:00 PM**
- **Monday, June 28, 2021 at 7:00 PM**
- **Monday, July 26, 2021 at 7:00 PM**
- **Monday, August 23, 2021 at 7:00 PM**
- **Monday, September 27, 2021 at 7:00 PM**
- **Monday, October 25, 2021 at 7:00 PM and**
- **Monday, November 22, 2021 at 7:00 PM.**

**Motion carried unanimously 7-to-0 by roll call vote.**

**Moved Ms. Lawson, seconded Mr. Berger to set the 2022 budget work session meetings of the Borough Council for fiscal year 2021 on the following dates, and to authorize the provision of public notice for the budget work session meetings:**

- **Monday, October 18, 2021 at 7:00 PM and**
- **Monday, November 1, 2021 at 7:00 PM.**

**Motion carried unanimously 7-to-0 by roll call vote.**

At this time Councilman Schindel excused himself from the meeting.

#### **New Business**

##### **PBS 2020-9 Emergency Restaurant Zero Interest Loan Program**

**Councilman Heyser** gave a brief overview of the newly created Emergency Restaurant Zero Interest Loan Program he proposed to help businesses during the pandemic. He said that with the recent Governors announcement to close all in-door dining facilities many businesses are hurting and “in the middle of an emergency”. The program would expand the existing Economic Redevelopment Loan Fund to include the pandemic relief. Borough Council approved the program and directed staff to begin the process of instituting the Pandemic Relief Loan Fund which would run through the end of February 2021.

**Moved Mrs. Butterfield, seconded Ms. Lawson to authorize the Borough Manager and staff to proceed with the emergency restaurant zero interest loan program. Motion carried unanimously 6-to-0 by roll call vote.**

## **Liaison Reports**

### **Main Street Gettysburg**

**Deb Adamik** gave the following report: thanked the volunteers who decorated the town for the Christmas Season of Wishes, and thanked Borough Council and staff for their continued support. She gave a shout out to Becka Fissel and Kelly Lynch for developing and volunteering to produce the Gettysburg Festival of Lights activity. It is a map showing locations where people want to showcase their holiday decorations. The map can be located on Facebook at Gettysburg Festival of Lights, and families can follow the map to drive around the county to see Christmas lights.

### **Gettysburg Area Recreation Authority**

**Councilman Heyser** reported that GARA received \$5,000 from the Giving Tree Program.

### **Gettysburg Municipal Authority**

**Councilman Berger** gave the following report: there will be a small increase in water rates but not the sewer, noting that they generally alternate years when increasing rates; Utilities Manager Mark Guise will plan to attend an upcoming Council meeting to give a brief summary of the 2021 Capital Improvement Plans.

### **Steinwehr Avenue Heart of Gettysburg Battlefield**

**Councilwoman Butterfield** gave the following report: new officers and members were appointed, and they discussed renewing the BID next year.

### **Adams County Transportation Planning Organization**

**Councilwoman Butterfield** gave the following report: the next scheduled ACTPO meeting is on January 27, 2021.

### **Healthy Adams Bicycle Pedestrian Inc. (HABPI)**

**Councilwoman Lawson** reported that HABPI participated in the Giving Tree.

### **Gettysburg Fire Department (GFD)**

**Councilman Heyser** reported that Deputy Fire Chief Ed Mizenko, who has been the Acting Fire Chief since the beginning of the year, was elected to fill the vacant seat of Fire Chief till the end of 2021.



## **Elected Officials**

**Councilman Moon** at the conclusion of his first year commended Council members, Manager Gable and staff, stating that he is proud to serve with everyone. He was grateful to participate this year and was pleased that the Nondiscrimination Ordinance was approved.

**Councilman Heyser** encouraged everyone to shop locally and promote the business, and also to stay safe during this difficult time.

## **Public Comment**

**Eve English** said that she lives above Ploughman Cider Taproom, at 14 Lincoln Square, and expressed her concerns with the loud noise from music. She said that Ploughman Cider Taproom was issued a Special Event Permit to play music four-nights a week, and so they do not need to adhere to the Borough's noise ordinance. Ms. English said that she has made numerous noise complaints and asked that this permit not be renewed.

**Chad-Alan Carr, Community Theater, 49 York Street**, again thanked Council for the unanimous vote on the Nondiscrimination Ordinance and thanked Council and Borough staff for all their dedicated work, and the police for keeping the town safe. Mr. Carr thanked Deb Adamik, and Main Street Gettysburg for all of their work and for providing Christmas Lights and the Gettysburg Season of Wishes program during this pandemic year.

**Moved Mr. Moon, seconded Mr. Lawver, to adjourn the meeting at 9:05 PM. Motion carried unanimously 7-to-0 by roll call vote.**

Respectfully submitted,

Sara L. Stull  
Borough Secretary

**Vice President Wesley Heyser read statement at the Borough Council meeting on December 14, 2020.**

On June 5, 2020, the Commonwealth Court of Pennsylvania published an opinion in the case of Borough of Gettysburg v. International Brotherhood of Teamsters, Local 776, Police Labor Organization. This opinion mandated that the Borough of Gettysburg reinstate Michael Carricato to his position as a patrol officer in the Gettysburg Borough Police Department, as per the award of Arbitrator James M. Darby.

The Borough of Gettysburg has labored extensively to return Michael Carricato to work in the Gettysburg Borough Police Department in order to fulfill its obligations in accordance with the arbitrator's award. During this process, on August 24, 2020, Council President Jacob Schindel made an erroneous statement to the effect that Michael Carricato is a felon. This statement by President Schindel, and any other statements to the effect that Mr. Carricato is a felon are inaccurate. Michael Carricato has not been convicted of a felony, and by extension is not a felon. Rather, Mr. Carricato was charged with a felony and then admitted to the Accelerated Rehabilitative Disposition program by the District Attorney of Adams County.

At this juncture, the Borough of Gettysburg has been unable to cause Michael Carricato to return to work, and as a result will be voting to remove Mr. Carricato as a police officer of the Gettysburg Borough Police Department and to terminate his employment with the Borough of Gettysburg.