

**COUNCIL MEETING MINUTES
AUGUST 8, 1994**

President Simpson called the meeting to order at 7:30 PM with the following Councilors present: Mr. Schmitt, Mrs. Gustafson, Ms. Giles, Mr. Troxell, Mr. Eline, Mr. Zellner, Mr. Murphy and Mr. Kreisher. Mayor Linn, Donald Oyler and Charles Sterner were out of town. Also in attendance were Chief Gantz, Dr. Powell, Mr. Lawver, Mrs. Showvaker, Mr. Little, Mr. Weikert, Mr. Persson, Brad Pflugh, student intern, Bill Walker representing Gettysburg College, Lucy Basalla of the Gettysburg Times and Sharon Hare of the Hanover Evening Sun.

Moved Mr. Schmitt, seconded Mr. Troxell to approve the agenda as presented. Motion carried.

Moved Mr. Troxell, seconded Mrs. Gustafson to approve the public hearing minutes of July 11 as presented. Motion carried.

Moved Mr. Schmitt, seconded Mr. Eline to approve the council meeting minutes of July 11 as presented. Motion carried.

Mrs. Simpson opened the meeting by presenting Mr. Gerald R. Bennett a proclamation thanking him for his outstanding efforts at promoting Gettysburg through the Historic Pathways project.

Mrs. Simpson also thanked all of Main Street Board for their help with the support of the Historic Pathways project.

Citizens in attendance:

Frank Faulkner, 47 Baltimore Street, Fahnestock House and Lana Sorenson Emery, 77 Bluebird Trail, Carroll Valley attended the meeting in behalf of Mr. Faulkner. He is still concerned about the lack of handicapped ramps that are needed.

Jenny Riffe, V.P. New York Cab Company, 2939 York Road.

Elwood Christ, 155 Hanover Street, attended to observe the meeting.

Willis Weikert, former Mayor of Gettysburg, 55 Seminary Avenue, attending to observe the meeting.

Herb Bowling, 146 Chambersburg Street, concerned when work will be started on Stock Alley.

Ronald Doaks, 261 S. Washington Street, attended to observe the meeting.

Milton Moyer, 118 Carlisle Street reported that he is the spokes person for the citizens community watch program. They will be holding a meeting on Thursday, August 11 at 7:00 PM in Council Chambers if anyone is interested in attending. Cpl Wright has been assigned to work with them and will be attending this meeting.

Mary Patrick, 255 S Washington Street, is also representing the citizens community watch group. She is also concerned about bikes on the sidewalks.

Road paving bids were opened:

Roadite, Division of Stewart & March, Inc. Bid includes 250 tons of modified latex pavement type A at \$105.61/ton, \$26,402.50; 850 pounds of joint seal at \$3.06/lb., \$2,601.00 for a grand total of \$29,003.50.

Moved Ms. Giles, seconded Mr. Zellner to accept the road paving bid from Roadite for a total of \$29,003.50. Motion carried unanimously.

Mrs. Showvaker reported that the Rec Park has been full and summer programs are going well. The Board has discussed the feasibility study for a swimming pool.

Mr. Eline-Community Development reported that a meeting will be held on Monday, August 22 at 4:00. Dr. Mowery will be attending this meeting to bring Council up to date on the school's building plans.

Mr. Zellner-Human Relations had nothing to report.

Mr. Troxell-Legislative Committee reported that he will be meeting with Harry Stokes to follow up with the one way avenues proposed by the National Park.

Moved Ms. Giles, seconded Mr. Schmitt to authorize Mr. Oyler to prepare the Ordinance for the taxi parking space on the square. This will be advertised for adoption at the next Council meeting. Motion carried unanimously.

Mr. Kreisher-Public Works did not meet in July.

Moved Ms. Giles, seconded Mr. Troxell to adopt an ordinance amending the ordinance forbidding public drinking or public possession of liquor or malt or brewed beverages to permit drinking from the sidewalk immediately adjacent to certain restaurant premises licensed by the Pennsylvania liquor control board. Motion carried unanimously.

Moved Ms. Giles, seconded Mr. Schmitt to adopt an ordinance amending the ordinance prohibiting obstruction of sidewalks and gutters to permit serving areas in front of restaurants licensed by the Pennsylvania liquor control board. Motion carried unanimously.

Moved Mrs. Gustafson, seconded Mr. Schmitt to approve HARB "consent agenda" as presented. Motion carried unanimously.

Dr. Powell reported that the Holiday Inn franchise is proposing changes to the its building on Baltimore Street. He will continue to meet with them to discuss the proposals for further review.

Mr. Murphy-Finance Committee will hold the next meeting on Wednesday, August 17 at 3:00 PM.

Moved Mr. Murphy, seconded Mr. Zellner to approve all bills and payrolls for the month. Motion carried unanimously.

Moved Mr. Murphy, seconded Mr. Eline to waive the real estate taxes due on the Gettysburg School District's Meade School property for the period January 1, 1994 to July 31, 1994 and further, that a recomputed tax statement be sent to the new owner, the South Central Community Action Program Inc. for the period August 1, 1994 to December 31, 1994. Motion carried unanimously.

Mr. Little reported that the fine for parking in a handicapped space should be raised to \$50.00 for offenders. The police have made arrests in connection with the meter thefts.

Dr. Powell reported that the trailers on Washington Street will be removed as soon as possible.

Ms. Giles inquired as to the status of the Frederick Douglas Project.

Dr. Powell reported that certain items were found during the archeological dig which requires further study. The Park Service is now involved because of these findings. DER has approved the necessary sewer modules for replacement buildings.

Mrs. Gustafson thanked Brad Pflugh for all his help this summer. This will be his last meeting as he will be going back to Slippery Rock University.

Mr. Weikert reported that the newspaper article asking citizens to remove weeds was a help.

Mr. Lawver reported that spring cleanup is complete and brush won't be gathered again until October. The men are currently working in Racehorse Alley and the street sweeper has been cleaning streets and alleys.

Chief Gantz reported that some of the problems citizens have reported are starting to clear up. The police have been out on foot patrol and bike patrol along with the unmarked car concentrating on the problems.

Moved Mr. Schmitt, seconded Mr. Troxell to adopt the Resolution for the proposed amendments to the Civil Service Regulations. Motion carried unanimously.

Moved Mr. Troxell, seconded Mr. Schmitt to adopt the Resolution authorizing Chief Gantz to purchase from the Pennsylvania Federal Surplus Property Program. Motion carried unanimously.

With no further business Mr. Schmitt moved, seconded Mr. Troxell to adjourn the meeting at 9:00 PM.

Respectfully submitted,

Sara L. Weaver

Sara L. Weaver
Borough Secretary

August 1, 1994

TO: Gettysburg Borough Council Members
FROM: Chief of Police
RE: Proposed Amendments to the Civil Service Regulations

I am providing you with a copy of my proposal for amendments to the current police civil service regulations. Some of these modifications are necessary to address inconsistencies that have arisen because of recent court decisions. Other proposals are part of the department's efforts to upgrade standards for police officers. You will be asked to adopt these changes at the August council meeting.

The Borough is required to have some form of civil service regulations. These ordinances regulate the selection, hiring, and probationary process for new, full-time police officers. In addition, they control promotions, the discharging of employees, and the process for reducing the number of police officers on the police force. They have no impact on the hiring of part-time police officers or civilian employees.

While there are basic requirements for civil regulations found in Article XI, Subdivision J of *The Borough Code*, each individual borough is responsible for formulating its own set of regulations. In addition to the basic guidelines found in *The Borough Code*, court decisions, police contracts, and findings by the Pennsylvania Labor Relations Board also have an impact on the content of civil service regulations in Pennsylvania.

This proposal is generally similar to the regulations passed in 1990. The significant modifications involve the following areas:

- 1) Raising the minimum education standard for new police officers from a high school diploma, or GED, to 60 credits from an accredited college or university.
- 2) Raising the minimum education standard for the position of chief of police from a high school diploma, or GED, to a Bachelors degree from an accredited college or university.
- 3) Removing the use of performance evaluations from the promotional process.

I hope that you will give a favorable consideration to these proposals. Please feel free to contact myself should you have any questions or comments concerning this matter.

Adopted - August 8, 1994

Sara L. Weaver
Borough Secretary

***RULES AND REGULATIONS
FOR THE
CIVIL SERVICE COMMISSION OF THE BOROUGH
OF GETTYSBURG***



Proposed August 8, 1994

ARTICLE I

Definitions

1.1 Unless otherwise expressly stated, the following words and phrases, wherever used in these Rules and Regulations, shall construed to have the meaning indicated herein:

a. Appointing Authority

The Borough Council of the Borough of Gettysburg, Adams County, Pennsylvania.

b. Applicant - Any individual who applies in writing to the Commission in response to a legally advertised notice of vacancy and/or examination for any position in the Police Department.

c. Certification - The submission to Appointing Authority pursuant to their request of three names taken from the eligible list developed by the Civil Service commission.

d. Chairperson - The Chairperson of the Civil Service Commission of the Borough of Gettysburg, Pennsylvania.

e. Commission - The Civil Service Commission of the Borough of Gettysburg, Pennsylvania.

f. Eligible - A person whose name is recorded on a current eligible list or furlough list.

g. Eligible List - The list of names of person who have passed all examinations for a particular position in the Police Department.

h. Examination - The series of tests given to candidates to determine their qualifications for a position in the Police Department.

i. Police Department - The Police Department of the Borough of Gettysburg, Adams County, Pennsylvania.

j. Furlough List - The list containing the names of persons temporarily laid off from positions in the Police Department because of a reduction in the number of officers.

k. Police Officer - For the purpose of these Rules and Regulations, an entry level sworn full-time position in the Police Department.

- l. Probationer - An officer in the Police Department who has been appointed from an eligible list, but who has not yet completed the work-test period.
- m. Reduction in Rank - A change to a different position or rank where the employee fulfilled all of the requirements of these Rules and Regulations for both the prior and current position or rank. However, a decrease in salary without a change to a different position or rank shall not necessarily constitute a reduction in rank.
- n. Removal - The permanent separation of a police officer from the Police Department.
- o. Suspension - The temporary separation without pay of a police officer from the Police Department.
- p. Secretary - The Secretary of the Civil Service Commission of the Borough of Gettysburg, Pennsylvania.
- q. Municipal Secretary - The Secretary of the Borough of Gettysburg, Adams County, Pennsylvania.

1.2 Gender.

The words "he", "his", "him" and "men" when used in these Rules and Regulations represent both the masculine and feminine genders.

ARTICLE II

THE COMMISSION

2.1 Officers.

The Commission shall consist of three commissioners who shall be qualified electors of the Borough of Gettysburg and who shall be appointed by the Gettysburg Borough Council to serve for a term of six (6) years.

Any vacancy occurring in the Commission for any reason shall be filled by the Gettysburg Borough Council for the unexpired term within the period of thirty days after such vacancy occurs.

2.2 Offices Incompatible with Civil Service Commissioner.

No commissioner shall at the same time hold an elective or appointed office under the United States Government, the Commonwealth of Pennsylvania or any political subdivision of the Commonwealth, except that one member of the Commission may be a member of the Gettysburg Borough Council and one may be a member of the teaching profession.

2.3 Organization of Commission.

The Commission shall meet and organize on the first Monday of February of each even numbered year. The Commission shall elect one of its members as the chairperson one as the vice-chairperson and one as the secretary.

2.4 Duties of Chairperson.

The Chairperson, or in his or her absence, the Vice-Chairperson, shall preside at all meetings and hearings of the Commission, decide all points of order or procedure and perform any other duties required by law or these rules.

2.5 Duties of Secretary.

The Secretary shall carry on at the direction of the Commission all official correspondence of the Commission, send out all notices required by law and these rules of procedure, keep a record of each examination or other official action of the Commission, and perform all other duties required by law, by these rules and by the Commission.

2.6 Meetings.

Except for the biennial organizational meeting, all meetings shall be held either at the call of the Chairperson or at the call of two members of the Commission. At least twenty-four (24) hours written notice of each meeting shall be given to each commissioner. No rule or regulation of the Commission shall be adopted without the prior approval of the Borough Council, except when otherwise provided in these rules. The Commission shall have the discretion to determine whether meetings shall be open to the public when not specifically regulated by law or these rules.

Two members of the Commission shall constitute a quorum and no action of the commission shall be valid unless it shall have the concurrence of at least two members.

2.7 Order of Business.

The order of business of all meetings of the Commission shall be determined by the Chairperson except when regulated by law or these regulations.

2.8 Minutes.

The Secretary shall keep minutes of its proceedings showing the vote of each member upon each question, and records of examinations and other official actions. If a member is absent or fails to vote, the Secretary shall indicate that fact in the minutes. All recommendations of applicants for appointment received by the Commission shall be kept and preserved for a period of five years, and all such records and all written causes of removal filed with the Commission, except as otherwise provided in these rules and regulations, shall be open to public inspection and subject to reasonable regulation.

ARTICLE III

APPLICATIONS AND QUALIFICATIONS

3.1 Eligibility for Examination.

In order to be eligible for participation in any position with the Police Department, every applicant must submit a completed application form to the commission, or its designee before the deadline stated by the Commission for that specific examination. The applicant must make an oath or affirmation that the application is completed truthfully, and the applicant is subject to the penalties of 18 PA. Cos. Stat. 4904 relating to unsworn falsification to authorities.

3.2 Discrimination.

The Borough is an equal opportunity employer. It is the Borough's and the Commission's policy to grant equal employment opportunities to qualified persons without regard to race, religion, color, national origin, gender, age, veteran's status, marital status or nonjob-related physical or mental handicap or disability. The Borough and the Commission will provide equal opportunities in employment and promotion.

3.3 Availability.

Application forms shall be available to all interested persons in the office of the Chief of Police, and from such other offices and officers that the Commission, from time to time, may choose to designate. Application forms may be mailed upon written or telephone request. However, the Commission assumes no responsibility for missed filing deadlines due to a delay in the mail.

3.4 Age Requirements.

All applicants must have reached their eighteenth birthday before the deadline for submitting completed applications.

3.5 General Qualifications - All Applicants.

Every applicant for any position in the Police Department shall have earned a minimum of sixty credits from an accredited college or university. In addition, every applicant must be a United States citizen, be physically and mentally fit to perform the full duties of a police officer, and, prior to appointment, possess a valid motor vehicle operators license issued by the Commonwealth of Pennsylvania.

3.6 General Qualifications - Applicants for Corporal and Sergeant.

a. In addition to meeting the qualifications in Section 3.5 above, (except that of 60 college credits), all applicants for a promotional position, except Chief, shall have not received a formal written reprimand for one year prior to the deadline for submitting applications, and have not been suspended without pay at any time five (5) years prior to the deadline for submitting applications. Any formal written reprimand or suspension to which the applicant has timely appealed pursuant to a grievance procedure or these Rules and Regulations shall be disregarded unless the appeal is resolved prior to the creation of the eligibility list.

b. All applicants shall have continuous prior service with the Police Department of Gettysburg as follows:

- 1) an applicant for the position of Corporal shall have at least four (4) years of service with the Department;
- 2) an applicant for the position of Sergeant shall have at least seven (3) years of experience as a Corporal within the Police Department.

3.7 General Qualifications - Applicants for Chief of Police.

Every applicant for the position of Chief of Police shall have earned a Bachelors degree from an accredited college or university. In addition, every applicant must be a United States citizen, be physically and mentally fit to perform the full duties of a police officer, and, prior to appointment, possess a valid motor vehicle operators license issued by the Commonwealth of Pennsylvania.

3.8 Rejection of Applicant.

The Commission may refuse to examine, or, if examined, may refuse to certify as eligible after examination, any applicant who is found to lack any of the minimum qualifications for examination prescribed in these Rules and Regulations for the particular position for which the applicant has applied. The Commission may refuse to examine, or if examined, may refuse to certify any applicant who is physically or mentally unfit to perform the full duties of the position to which he seeks employment, or who is a habitual substance abuser, who is guilty of any crime involving moral turpitude, or of infamous or notoriously disgraceful conduct, or who has been dismissed from public service for delinquency or misconduct in office, or who affiliated with any group whose policies or activities as subversive to the form of government set forth in the constitutions and law of the United States and the Commonwealth of Pennsylvania. In addition, the Commission shall refuse to examine or if examined, refuse to certify any applicant who has been convicted of a crime for which the punishment can be more than one year imprisonment.

3.9 Hearing for Disqualified Applicants.

Any applicant or other person who believes that he is aggrieved by the actions of the Commission, in refusing to examine or to certify him as eligible after examination, may request a hearing before the Commission. Within ten days after such request, the Commission shall designate a time and place for the hearing which shall be conducted pursuant to the procedures set forth in the Local Agency Law, 2 Pa. Cons. Stat. 101 et seq. The applicant or aggrieved party must make their request for a hearing in writing within ten calendar days of the date when the party knew or should have known of the Commission's action which is being challenged.

3.10 Public Notice.

The Commission shall conspicuously post in the Borough Building notice of the time and place of every examination, together with the information as to the type of position to be filled, the requirements for that position, where applications may be obtained for the examination, and the deadline for filing those applications. In addition, at least two weeks prior to each

examination, publication of the notice shall occur in at least one newspaper of general circulation or a newspaper circulating generally in the Borough.

ARTICLE IV

EXAMINATION AND GRADING PROCEDURE

4.1 General Examination Requirements for the Position of Police Officer.

a. The examination for police officer will consist of a written and an oral examination which will be graded on a one hundred (100) point scale with the written examination representing fifty percent (50%) of the final score and the oral examination representing fifty percent (50%) of the final score.

b. Selection of an officer for a promotion shall be determined by his or her standing at the end of the testing procedure. The officer with the highest combined score shall be selected for the promotion. If it is necessary to promote more than one officer, each additional promotion shall be awarded to the officer who has the highest combined score after those who have been promoted are removed from the standings.

c. The testing results for promotions shall not be valid for more than ninety days from the date of result posting.

4.2 General Examination Requirements for the Positions of Corporal, and Sergeant.

The examination for the positions of Corporal and Sergeant, shall include a written and an oral examination which will be graded on a one hundred (100) point scale with the written examination representing fifty percent (50%) of the final score and the oral examination representing fifty percent (50%) of the final score. In addition, each applicant may be required to undergo a physical fitness test which will be graded on a pass/fail basis for every applicant. After an applicant has been extended an offer of promotion, the final appointment to the promotional position shall be contingent upon the applicant passing a physical and psychological examination.

4.3 Notice of Examination.

The Commission shall appoint a written examination administrator, an oral examination administrator, a physical fitness examiner, a medical examiner and a psychological examiner to conduct the appropriate examination required by these Rules and Regulations.

4.4 Physical Fitness Testing.

An applicant for the position of police officer must pass a series of physical fitness performance tests established by the Commission. Physical fitness performance tests shall be based on a pass/fail score. Within thirty (30) days after the physical performance test, all applicants shall be given written notice of their test results, and passing applicants shall be scheduled for a written examination appointment.

4.5 Written Examinations.

The written examination shall be graded on a 100 point scale, and an applicant must score eighty-two percent (82%) or higher in order to continue in the application process. Applicants scoring less than eighty-two (82%) percent shall be rejected.

Within thirty (30) days after the administration of the written examination, all applicants shall be given written notice of their test results and passing applicants shall be scheduled for an oral examination appointment.

4.6 Oral Examination.

Every applicant who scored eighty-two percent (82%) or higher in the written examination shall be given an oral examination which will be graded on a 100 point scale with a score of eighty-two percent (82%) or higher necessary for passing. The oral examination shall involve questioning the applicant on how he would handle situations relevant to police work. Within thirty (30) days after the applicant's oral examination, he shall be informed of his score in his oral examination and total overall score.

The Commission may designate an examining agency or qualified individual(s) to act as examiner for the written examinations. The Commission shall reserve the right to accept or reject for cause, in whole or in part, the recommendations of the regularly appointed examining agency. The oral examination and the evaluation of the service or performance report of any applicant shall be the responsibility of the Commission; provided, however, that the Commission may designate, from time to time, such persons qualified to evaluate performance, oral interviews and service records, as

are considered necessary to assist in such interviews, examinations and evaluations.

4.7 Veteran's Preference Points.

Pursuant to the Veterans' Preference Act, any applicant for the position of patrol officer who qualifies as a "soldier" under this Act, shall receive an additional ten (10) points on top of their total score if that applicant had received passing scores under Sections 4.1, 4.4 and 4.5.

4.8 Physical and Psychological Examinations.

After the appointing authority selects a candidate from the certified list of three for appointment to the vacant position, that candidate shall submit to a background investigation, physical examination and a psychological examination. The physical fitness and psychological examination will be done by appropriate medical experts.

If the candidate successfully passes the background investigation, physical and psychological examinations, then that employee shall be appointed to the vacant position in the police department for which he had applied. The appointment shall be contingent upon successfully passing the background investigation, physical and psychological examinations. Failure to pass any examination shall result in the candidate being rejected from consideration. The rejected candidate may appeal this decision under Section 3.9.

The Chief of Police or his designee shall conduct a background investigation on each applicant. The background investigation shall include interviews with the applicant's family, acquaintance, current and former employers, current and former neighbors, references and current and former teachers and school officials. In addition, the applicant's credit history and record of criminal convictions should be investigated. The applicant may be interviewed directly when the information collected during the background investigation requires clarification or explanation.

After the background investigation is completed, the Chief, or his designee, shall make a written recommendation to the Commission on whether the applicant is appropriate for consideration for appointment as a police officer. Appropriateness of the applicant shall be based on the criteria set forth in Section 3.7 of these Rules and Regulations. This recommendation shall be in writing and if the recommendation is to disqualify, then a detailed written explanation of the reasons for disqualification must be included. The Commission shall make the final determination on whether the information collected during the background investigation warrants rejection of the candidate.