

**BOROUGH OF GETTYSBURG
TROXELL COUNCIL CHAMBERS
59 EAST HIGH STREET, GETTYSBURG, PA 17325
COUNCIL PUBLIC HEARING MINUTES (VACATE ALLEY)
SEPTEMBER 27, 2021**

President Wesley Heyser called the meeting to order at 6:30 PM with the following
Councilors present: Vice President Matthew Moon; Mrs. Judith Butterfield, Ms. Patricia Lawson, Mr. John Lawver and Mr. Nicholas Redman. Mr. Christopher Berger arrived late for the meeting.
Staff present included: Mayor Theodore Streeter; Borough Manager Charles Gable; Assistant Borough Manager/Secretary Sara Stull; Borough Solicitor Harold Eastman, Barley Snyder; Planning Director Carly Marshall; and Public Works Director Robert Harbaugh.

Others present included: Attorney Bernard Yannetti of Hartman & Yannetti; Richard Kelley, 215 West High Street; Jim Hale representing the *Gettysburg Times*; and filming conducted by Community Media-ACCTV.

President Wesley Heyser opened the meeting and announced that the purpose of the hearing is for the Borough Council to receive information relative to a Petition to Vacate an Alley filed by Gemmell, LLC, Kelaco, and Randall B. Inskip and Judith L. Inskip, who are requesting Borough Council vacate an unopened alley abutting real estate located at 123 East Franklin Street, 215 and 219 West High Street and real property located to the rear of West High Street along West Legion Alley in the Borough of Gettysburg. The location of the unopened alley is between West High Street and West Legion Alley.

Attorney Bernard Yannetti representing Gemmell, LLC, owner of High Street Brews, 219 West High Street; Kelaco, 123 East Franklin Street; and Randall and Judith Inskip with property located to the rear of West High Street. He represents three of the four that are petitioning the Borough of Gettysburg to vacate an alley between West High Street and West Legion Alley (see attached petition).

Solicitor Eastman explained that the purpose of the hearing is to hear any comments from citizens that may be affected as a result of vacating the public alley. He noted that the alley was never opened or ordained as a public alley. Solicitor Eastman read Section 1732 of *The Borough Code* that "Any person or persons, constituting a majority in number and interest of the owner of the real estate abutting upon any area may petition the council to open such area as a street or portion thereof. Council shall hold a hearing upon such petition, following at least fifteen days' notice to all owners of abutting real estate not joining in such petition, and following at least fifteen days' notice thereof in a newspaper of general circulation in the borough. Following such hearing council shall either by motion deny such petition or by ordinance open, or lay out and open such street or portion thereof. All provisions of section 1731 hereof applicable to ordinances enacted by authority of that section shall apply to ordinances enacted by authority of this section". Borough Council will then need to make a motion to either open or vacate the alley.

Councilwoman Lawson asked if the Borough has ever done any maintenance work on this strip of land in question. Public Works Director Harbaugh began work at the Borough in 2005, and said that they have not done any work at this property during this time. He noted that he spoke with Gettysburg Municipal Authority Utility Manager Mark Guise who said that they have no future use for service at this location. Councilman Lawver who formerly worked for the Borough for 29 years said that they have never done any work during his tenure.

Richard Kelley, 215 West High Street expressed his concerns with vacating the alley. He said that he has owned his property since the 1980's and his tenants must use the alley to get to the rear of the property. By using this alley, his tenants have access from High Street to Legion Alley. There is no guarantee that they would be permitted to use the alley as Attorney Yannetti has told him. Mr. Kelley said that he is not opposed to vacating the alley but wants to be guaranteed that they can still use it.

Councilman Redman asked what plans have been made for the strip of land and if the other property owners would be allowed to use the alley. Attorney Yannetti responded that High Street Brews have made no plans for the strip of land.

Moved Ms. Lawson, seconded Mr. Moon in confirmation of its intention to grant the Petition, as presented at this public hearing, the Borough Council directs that a motion be placed on the agenda for the October 12, 2021 monthly general business meeting of the Council for consideration and formal action directing the solicitor to prepare an ordinance and publish the same for intended enactment at the November monthly general business meeting for the purpose of vacating and canceling the laying out of the subject unopened alley consistent with the Petition to Vacate an Alley filed by Gemmill, LLC, Kelaco, and Randy B. Inskip and Judith L. Inskip, a majority in number and in interest of owners of real estate abutting the unopened alley. Motion carried unanimously.

President Wesley Heyser adjourned the public hearing at 7:08 PM.

Respectfully submitted,

Sara L. Stull
Borough Secretary

BEFORE THE BOROUGH COUNCIL OF THE
BOROUGH OF GETTYSBURG
ADAMS COUNTY, PENNSYLVANIA

PETITION TO VACATE AN ALLEY

TO THE BOROUGH COUNCIL OF THE BOROUGH OF GETTYSBURG:

AND NOW, this 7th day of September 2021, comes the Petitioners, by and through their attorney, **Bernard A. Yannetti, Jr., Esq.**, and petitions the Borough of Gettysburg to vacate an alley, located within the Borough of Gettysburg and in support thereof avers as follows:

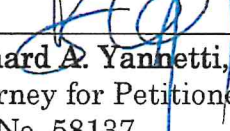
1. Petitioners are **Gemmell, LLC**, a Pennsylvania limited liability company with a property address of 219 West High Street, Gettysburg, Pennsylvania; **Kelaco**, a Pennsylvania general partnership with property located at 123 East Franklin Street, Gettysburg, Pennsylvania; and **Randall B. Inskip and Judith L. Inskip**, with property located to the rear of West High Street, along West Legion Alley, Gettysburg, Pennsylvania.
2. The fourth property to border the alley in question is owned by **Richard L. Kelley** and its location is at 215 West High Street, Gettysburg, Pennsylvania.
3. A copy of the Adams County Tax Parcel Viewer Map, depicting the abutting properties, is marked Exhibit A, attached hereto and made part hereof.
4. An alley exists in the Borough of Gettysburg between West High Street and West Legion Alley.
5. The alley was planned for but never opened or laid out as a public alley.

6. Petitioners are requesting that the Borough Council, after hearing, vacate the alley and divide the property between the four adjoining property owners.

7. If the relief requested in this Petition is granted, it would be of Gettysburg Borough's benefit to add this property to the tax rolls.

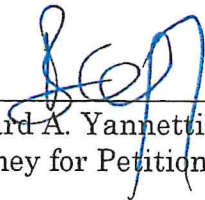
WHEREFORE, Petitioners hereby pray Borough Council grant this Petition.

Respectfully submitted:
HARTMAN & YANNETTI

By 
Bernard A. Yannetti, Esquire
Attorney for Petitioners
I.D. No. 58137
126 Baltimore Street
Gettysburg, PA 17325
(717) 334-3105

VERIFICATION

I verify that the statements made in the foregoing Petition are true and correct.
I understand that false statements herein are made subject to the penalties of 18 Pa.
C.S. §4904 relating to unsworn falsification to authorities.



Bernard A. Yannetti, Jr., Esq.
Attorney for Petitioners

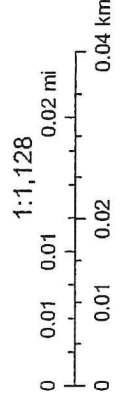
Date: 9-7-21

Adams County Tax Parcel Viewer Map



7/8/2021, 11:26:07 AM

- ☐ Michaux State Forest
- ☐ State Game Lands
- ☐ Gettysburg National Military Park
- ☐ Address Points
- ☐ Parcel Boundary
- ☐ Street Centerline
- ☐ Municipal Boundary



PA DCNR, GNMP, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

Esri, HERE, Garmin, INCREMENT P, USGS, EPA | PA DCNR, GNMP | Adams County Office of Planning & Development (ACOPD) - GIS Division | ACOPD | Web AppBuilder for ArcGIS