

**BOROUGH OF GETTYSBURG  
59 EAST HIGH STREET, GETTYSBURG, PA 17325  
DUE TO COVID-19 PANDEMIC, MEETING  
CONDUCTED VIA TELECOMMUNICATIONS  
DEVICES THROUGH ZOOM PLATFORM  
COUNCIL WORK SESSION MEETING MINUTES  
JULY 27, 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, , Mrs. Judith Butterfield, and Mr. Matthew Moon. Mr. John Lawver was absent. Staff present included: Mayor Theodore Streeter; Borough Manager Charles Gable; Assistant Borough Manager/ Secretary Sara Stull; Borough Solicitor Harold Eastman, Puhl Eastman, and Thrasher; Parking Manager Rebecca Fissel; Planning Director Carly Marshall; Director of Historic and Environmental Preservation Debra English; Michael McHenry, Gettysburg College Intern; and Public Works Director Robert Harbaugh.

**Others present include:** Chad-Alan Carr, Gettysburg Community Theatre, 49 York Street and President and Founder of Gettysburg Pride; Aaron Ray, Jenni Fun House, 11 Steinwehr Avenue; Jason Landau Goodman, PA Youth Congress Executive Director; Jim Hale representing the *Gettysburg Times*; and Mark Wherley, *Community Media-ACCTV* filming through zoom platform.

**President Schindel** opened the meeting and expressed the importance of wearing a mask during the COVID pandemic to ensure safety for everyone. He noted that mask wearing around town is adequate but could be better.

**Councilwoman Lawson** said that she recently received a complaint regarding a ghost tour that some people were not wearing masks and said that businesses need to stress the importance of people wearing masks.

### **Announcements**

**President Schindel** announced an executive session of the Borough Council will be held immediately following the adjournment of this evening's meeting 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.

### **Public Comment Restricted to Old Business and New Agenda Items (not tabled items)**

#### **Public Comment**

**Aaron Ray, Jenni Fun House, 11 Steinwehr Avenue** asked Council to consider waiving the Amusement Device Tax fee this year due to the economic downfall. He said that his business has many devices in which a \$50.00 fee is administered for each device which is costly for his business.

**Chad-Alan Carr, Gettysburg Community Theatre, 49 York Street, and President and Founder of Gettysburg Pride**, thanked Council for their continued work during this pandemic and also making Gettysburg a welcoming community for everyone. He addressed the importance for enacting the non-discrimination ordinance.

**Manager Gable** noted that Council received two emails in support of the non-discrimination ordinance.

#### **New Business**

#### **Zoning Text Amendments**

**Planning Director Marshall** explained the zoning ordinance text proposed amendment requests are in connection with the regulation of nonconforming buildings, structures and uses, and the amendment of general and supplemental zoning ordinance provisions regulating building setbacks and lot requirements. The second is in connection with the regulations for apartment conversions of existing buildings constructed subsequent to October 13, 1975, and a reduction of the minimum lot area requirement for apartment conversion, and minimum habitable floor area requirements. Council will need to schedule a public hearing for both of these requests.

#### **Process for Appointing Members to Appointments Boards and Commissions (ABCs)**

**Manager Gable** reported that there are currently nine ABC's, and that over the years, it has been difficult to fill some of these positions.

**Assistant Borough Manager/ Secretary Stull** gave a brief history and explained the current process to fill the ABC appointments. A list of the current ABC's with expiration dates was provided to Council along with a description of each of the boards. In 2018 Council formed a committee to search for candidates and provide information to volunteers interested in serving. It has been a difficult task over the years to find people interested in serving on these boards. As terms expire the person is notified to see if they wish to be reappointed for another term. Another issue has been the appointment of the boards, chairmen as some are

not willing to commit to the position so some of these chairmen have been in the position for several terms.

**Planning Director Marshall** suggested rotating leadership roles on the boards to provide for training for the other members. Advertising the ABC open appointments on social media may also be helpful.

**Councilman Heyser** pointed out that the boards elect their chairperson and that Council does not elect their leadership. He noted that some of these boards require people that are responsible members of the community because they can potentially cause the Borough liability issues. It does need to have a better structure with Council taking more responsibility.

**Councilman Moon** suggested that all Council members recruit people to serve on these boards.

**Councilman Moon and Councilwoman Butterfield** agreed to take the lead and work with Sara and Carly to formulate a procedure for the ABC appointments.

### **Code Enforcement Ticketing**

**Planning Director Marshall** said that she has been reviewing the code enforcement ticketing system to determine if it would be cost effective for the Borough. She pointed out that the parking department currently uses this ticketing system.

**Michael McHenry, Gettysburg College Intern** prepared a presentation on the code enforcement ticketing system. This would transfer the burden of code violation costs from all Gettysburg residents to specifically those in violation. Ticketing would serve as an incentive to reduce the number of interactions per violation, which would produce a cost savings to the Borough.

**Councilman Lawver** said that he would be in favor of the ticketing system and suggested increasing fines for repeat offenders.

**Councilman Heyser** was also in support of the ticketing system noting that it is always the same offenders.

### **Amusement (Electronic Devices) Tax Forgiveness 2020**

**Manager Gable** reported that this is not a high revenue source for the Borough which amounts to approximately \$4,000 collected annually.

**Solicitor Eastman** explained that this would need to be forgiven for everyone for fiscal year July 1, 2020 through June 30, 2020.

Council agreed and instructed staff to prepare a resolution for the August Council meeting to forgive the collection of Amusement (Electronic Devices) Tax for fiscal year July 1, 2020 through June 30, 2020.

## **Old Business**

### **PBS 2014-2 Revolving Loan Program**

**Michael McHenry, Gettysburg College Intern** gave a presentation on the Historic District Revitalization Revolving Loan Program stating that Fund 40 earmarks money to be spent on the creation of a loan program to include commercial and residential properties. He explained the eligibility guidelines and the necessary paperwork required. The Borough and the Adams County Economic Alliance (ACEA) plan to pursue a partnership upon the implementation of this program and no cost to the Borough. The ACEA will conduct a financial analysis of each loan application and provide a recommendation to the loan review committee.

**Councilman Moon** asked who would be on the loan approval committee.

**Michael McHenry** responded that it would consist of two Council members, Borough Manager, a Borough Staff person, and the Adams County Economic Alliance.

**Councilwoman Lawson** expressed her concern with the \$500 fee for both the commercial and residential applicants.

**Michael McHenry** responded that the amount is to cover expenses that the Borough would incur.

**Solicitor Eastman** said that it is more expensive for an individual loan for proper securing as opposed to a commercial loan. He said that costs are to cover recording documents and other closing fees.

**Councilman Heyser** said that it is important for the Borough to maintain the Fund so that it continues to revolve. He noted that the commercial lenders fees are probably higher than the \$500.

Council members agreed to proceed with the loan program.

### **PBS 2018-5 Cable Franchise Agreement Renewal**

**Manager Gable** reported that the Comcast Cable Franchise Agreement expired in March and that the Cohen Law Firm has reviewed the draft agreement. He recommended a ten-year term for the new agreement.

**Councilman Lawver** expressed his concern that there is not a local office for citizens to return or pickup equipment. He pointed out the number of senior citizens within the borough that have trouble taking care of business. He also pointed out his frustration with the cable company cutting wires and leaving them hang instead of disposing of them.

**Councilwoman Lawson** noted that these same concerns were addressed when the Borough held a public meeting with Comcast to discuss ongoing issues.

**Councilman Moon** said that he attended that meeting and remembered the Comcast representatives were not very responsive with citizens' concerns.

**Councilman Heyser** also noted that he attended the meeting and that Comcast representatives weren't sympathetic to the citizens' concerns.

Manager Gable will review and address the concerns with Comcast representatives.

## **PBS 2020-2 Human Relations Ordinance**

**President Schindel** said that the proposed ordinance banning discrimination against the LGBTQ community in employment, housing, and public accommodations, is very important to Council members. It has been discussed during several meetings and noted that Councilwomen Lawson and Butterfield have been researching ordinances approved by other municipalities.

**Councilman Moon** asked who would serve on the Human Relations Commission (HRC) that must be established for the non-discrimination ordinance. Councilwoman Lawson responded that last fall over fifty citizens attended a meeting where many of them said that they would be interested in serving on the committee.

**Mayor Streeter, Councilman Lawver, and Councilman Heyser** expressed their concern with the potential liability to the Borough. Councilman Lawver asked if there were any lawsuits against other municipalities.

**Jason Landau Goodman, PA Youth Congress Executive Director** responded yes in 2006 against a municipality in South Eastern, PA. He pointed out that there are approximately 60 municipalities with ordinances; and that after a handful of favorable court cases, the law surrounding the matter is "pretty settled".

**Solicitor Eastman** responded to the questions and explained that the HRC would consist of members of the community and not Elected Officials or Borough Staff. The HRC would be "complaint driven" and would also lack enforcement power. It would facilitate arbitration among people involved and that the cases would go to the courts if arbitration were not successful. Solicitor Eastman noted that Borough Council would need to budget for the HRC as there would be some cost incurred, such as for legal assistance. He also said that the HRC would need to provide training for its members.

**Jason Landau Goodman** said that free training is available from the state for commission members.

**Councilman Heyser** suggested the HRC consist of five members and one alternate and that he would not recommend authorizing a member to have a legal background. Sometimes these appointments are difficult to fill such as HARB appointments that have specific requirements.

**Councilwoman Lawson** said that she would be happy to take the lead and review other municipalities and gather names of interested people to serve on the Commission and report that information to Council. She noted that she gives her \$2,500 salary as a Council member back to the Borough, and would be happy to earmark those funds for the HRC.

There was no public comment at this time.

The meeting was adjourned at 9:05 PM to an executive session.

Respectfully submitted,

Sara L. Stull  
Borough Secretary