

**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**  
**AUGUST 24, 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; and Public Works Director Robert Harbaugh.

**Others present included:** Deb Adamik, President of Main Street Gettysburg; David and Patricia Crouner, 166 Gordon Avenue; Leslie Trew Magraw, 221 Springs Avenue; Chad Collie, of Allied Plaster & Construction; and Susan Cipperly, 314 North Stratton Street; Jim Hale representing the *Gettysburg Times*; and Mark Wherley, *Community Media-ACCTV* filming through zoom platform.

### **Announcements**

**President Schindel** announced an executive session of the Borough Council of the Borough of Gettysburg was conducted immediately following the August 10, 2020 Council general business meeting consistent with sections 708(a)(1), 708(a)(4) and 708(a)(5) of the Sunshine Act.

**President Schindel** announced an executive session of the Borough Council was conducted on Monday, August 17, 2020, commencing at 4:00 PM, 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 or reinstatement of employment, the terms and conditions of employment, and the possible furloughing or laying off of current Borough employees due to the financial impact upon the Borough of the COVID-19 disaster emergency; (2) to review 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 information or matters of confidentiality protected by law.

**President Schindel** announced an executive session of the Borough Council was conducted on Wednesday, August 19, 2020, commencing at 5:00 PM, 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 or reinstatement of employment, the terms and conditions of employment, and the possible furloughing or laying off of current Borough employees due to the financial impact upon the Borough of the COVID-19 disaster emergency; (2) to review 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 information or matters of confidentiality protected by law.

**President Schindel** announced an executive session of the Borough Council was conducted this afternoon, August 24, 2020, commencing at 4:00 PM, consistent with section 708(a)(1) and 708(a)(5) of the Sunshine Act for the following purposes: (1) to discuss matters involving the employment, the termination or reinstatement of employment, the terms and conditions of employment, and the possible furloughing or laying off of current Borough employees due to the financial impact upon the Borough of the COVID-19 disaster emergency; and (2) 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.

**President Schindel** announced an executive session of the Borough Council will be conducted immediately following the adjournment of this work session consistent with section 708(a)(1) and 708(a)(5) of the Sunshine Act for the following purposes: (1) to discuss matters involving the employment, the terms and conditions of employment and the evaluation of performance of current Borough employees; and (2) 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.

**President Schindel** read a prepared statement on behalf of the full Borough Council expressing their full support regarding Borough Manager Charles Gable. Statement will be entered into the record of the Borough of Gettysburg (see attached).

**President Schindel** also read a prepared statement that was presented to the police department that afternoon when Councilors met with them regarding the furlough of an officer (see attached).

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

#### **Public Comment**

**David and Patricia Crowner, 166 Gordon Avenue**, explained the proposed Gettysburg Community Theater brick project at 49 York Street. The street-front aged

concrete work and low planter walls are deteriorating, they no longer use the porch steps at the west end, and the sidewalk needs replaced. This improvement offers an excellent opportunity for the Theater to have a sidewalk installed with brick pavers, such as Lincoln Square, so that people can pay for “honorary” bricks. The income from “honorary” bricks will help offset the cost of the entire project, estimated to be between \$30,000 and \$40,000 dollars. The “honorary” bricks will support the theater, and the entire project will improve the looks of the Borough on York Street.

**Chad Collie, of Allied Plaster & Construction, contractor for Leslie Trew MaGraw and Andrew Johnson owners of 221 Springs Avenue.** The property owners would like to build a small garage at the rear of their property located in the Borough’s R-1 District. They were informed of the setback limitations that could impede their plans and possible other surrounding properties. He asked Council to consider a zoning ordinance text amendment that would allow the property owners to make improvements to their property.

**Susan Cipperly, 314 North Stratton Street** expressed her concerns regarding the proposed Sidewalk Ordinance changes. Some of those concerns are the obstructions and encroachments that occur in various locations throughout the Borough and make it difficult for the disabled to get around. She asked Council and Staff to review the outdoor seating areas, planters, merchandise sandwich board signs, etc. for these obstructions to and make sure that the passage meets the requirements for public safety.

## **New Business**

### **Community Theatre Brick Project**

**Planning Director Marshall** said that the Gettysburg Community Theater is interested in replacing the deteriorated low planter walls and sidewalk in front of their building. They are planning an honorary brick program to help offset the cost of the project. She said that other nonprofit agencies may wish to do the same type of project and recommended that a proper design be established. Director Marshall suggested using beveled bricks which are ADA compliant.

**Councilman Lawver** noted that St. James Lutheran Church used this type of paver that worked well and is ADA compliant. Council members expressed their support of the project.

**Deb Adamik** said that representatives from the Gettysburg Community Theater contacted Main Street about the program and said that she is in support of the honorary brick program. She noted that Main Street is planning a Lincoln’s Footsteps brick program on Baltimore Street.

## **Addition of ADA Parking Space**

**Parking Manager Fissel** said that a request was received for a handicapped parking space on West Water Street in the Residential Parking Permit area. She noted that the space could be used by anyone and not designated for one person.

**Councilwoman Butterfield** asked if there is a limit to the number of handicapped spaces on a street. Parking Manager Fissel responded that there are currently no handicapped spaces on West Water Street.

**Councilman Moon** asked about curb painting these areas. Councilman Lawver responded that the lead paint needs replaced every year and can be costly. Chief Glenn noted that proper signage must be in place to be able to issue parking violations.

## **Old Business**

### **Sidewalk Ordinance Revisions**

**Planning Director Marshall** presented Council with the proposed draft Sidewalk Ordinance for review. She pointed out that a new section was added for information distribution boxes, which are outdoor containers used for displaying brochures, literature, news, and other related products. She said that applicant would need a sidewalk obstruction permit.

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

**Manager Gable** reported that there have been no changes since the last meeting unless Council would like to make any changes to the policy.

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

**Manager Gable** reported that he addressed Council's concerns with Comcast Cable representatives regarding the lack of a local office. He said that they are currently looking at UPS locations to use as a dedicated site for local residents. This would not be included in the Comcast Cable Franchise Agreement, and asked Council if they wish to proceed.

Council members agreed to proceed with finalizing the Comcast Cable Franchise Agreement.

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

**Councilwoman Lawson, along with Councilwoman Butterfield and Councilman Moon** have been reviewing other municipalities regarding a non-discrimination ordinance. They are recommending a five-member Human Relations Commission (HRC) and one alternate, and that they only meet as needed but at least one-time each year. Borough

residents would serve on the HRC but would allow for one member or however many Council approves to work within the Borough.

**Councilman Moon** reported that he spoke with Doylestown Borough and said that they adopted a non-discrimination ordinance seven years ago. They meet three times each year to keep informed of updates and trainings. He noted that they have not had any mediations to date.

**Councilwoman Butterfield** reported that she spoke with Carlisle Borough and will forward their ordinance to Council to review. She noted that there has been zero cost to Carlisle since establishing the non-discrimination ordinance.

**Solicitor Eastman** continues to work on a draft non-discrimination ordinance to be placed on an upcoming Council agenda for review and approval.

**Planning Director Marshall** responded to the issues regarding the 221 Springs Avenue setback that Chad Collie, of Allied Plaster & Construction spoke about. She said that she would recommend a 5-foot setback, and also to ask property owners to submit a survey to determine boundary lines.

After some discussion Council members agreed to proceed with the current draft zoning text amendments that is scheduled for a public hearing on September 28, 2020.

#### **Public comment**

**Susan Cipperly, 314 North Stratton Street** suggested an 8-foot size parking space for set-back referring to the Springs Avenue discussion and asked about requirements for gutters to catch rain runoff.

The meeting adjourned at 8:35 PM to an executive session.

Respectfully submitted,

Sara L. Stull  
Borough Secretary

This Borough Council in a unanimous voice feel compelled to respond to the accusations and recriminations of the publisher of the Gettysburg Times, Harry Hartman. We offer our voices in full support of our borough manager, Charles Gable.

All of us came to these positions on council as volunteers, whether elected or appointed. The business of running a government, even a small one like Gettysburg's, can be an alarmingly intricate task. We on council do our best to lend our wisdom and experience to the decision-making process. Anyone who has sat through one of our meetings can tell you they tend not to be the flashy back and forth debates we all have come to think of governance as is depicted in media representations. The real work of government at the local level is long, slow, and at times remarkably tedious. The Pennsylvania Borough Code, the system of laws under which we operate is a dense and restrictive document. Those of us charged with upholding it rely on the experience and expertise of career professionals like a Borough Manager and our Solicitors, Department Heads, and rank and file employees. Without their invaluable input, the likelihood that we would misstep, violating the law or wasting the taxpayers' time and money, goes up dramatically.

We have seen four consecutive years running where Mr. Gable and his team have put together fiscally responsible budgets. Each of these years yielded six-figure surpluses which enabled the Borough to both fully staff its departments while reducing taxes for the people of the borough. It is no secret that the COVID-19 global pandemic has carved a gaping hole in the finances of this municipality. We have made steep cuts in the budget that council adopted last year. The task of identifying and prioritizing what and where to cut has been laborious and difficult, each cut representing another way we are not able fill the needs of neighbors. The work performed in this has been the burden we as council placed on Mr. Gable and his team of dedicated professionals. We have seen voluntary furloughs from both uniformed and non-uniformed staff. We have cut positions, downsized through attrition, and reallocated

resources, restructuring the Borough Office to increase efficiencies and cut payroll whenever and wherever we can. Again, this has been the hard work of Mr. Gable, and where there are tasks that are not getting done by employees we no longer have, he has picked up those responsibilities as well. While Mr. Hartman can assert that we can save money by firing Mr. Gable, he fails to take that thought process to the next logical conclusion; we would have to replace him. Fast. This government requires seasoned, passionate employees to steer it, and the role of the Borough Manager cannot go unfilled. Any potential cost savings Mr. Hartman sees is illusory.

Mr. Hartman's reporting on the police officer situation is a perfect example. When the publisher contacted the borough seeking responses to the allegations of the Police local's representative, Mr. Gable prepared a comprehensive narrative of the entire history of the Borough's actions in one of the most unfortunate chapters in our Police Department's recent history. Much of Mr. Hartman's reporting on August 11<sup>th</sup> is based on the work Mr. Gable produced. The officer in question committed a felony. That is not in dispute. He violated the civil rights of another police officer. Rather than go to trial, he made a deal with the District Attorney and accepted the ARD and the stipulation that his actions can never be expunged from his record. Throughout the entire sordid story, Mr. Gable acted at the advice of our lawyers, and in so doing, took the bold stance that his responsibility to the tax payers of Gettysburg, of which he is one, was to not pay twelve thousand dollars to a felon. He did this with the council of the borough's Solicitor, and our contracted labor attorneys. Mr. Gable's actions on the behalf of the taxpayers were made in good faith.

We went to court. We lost. We did not handle the termination of this officer correctly. A contractually required arbitrator told us as much and laid out the terms of what we owe the plaintiff because of this. We owe him back wages less any wages he has earned through other employment since his termination. We have followed the court's orders

and come to the number \$34,000. We are prepared to pay that, yet the union is rejecting this number, advocating for nearly \$200,000, arguing that the police officer is entitled to compensation for overtime he never worked. What is striking and should be alarming to the people of Gettysburg and any other municipality that this police union represents, is the lengths this union will go to defend an officer who pleaded a felony. At a time when the nation's eye is on police unions and their defense of individuals on their forces that operate outside the law, this union has doubled down. They will go to the mat for a former officer that broke the law. This should concern everyone.

We find ourselves here now with a growing financial burden. We will ultimately pay this person what the courts compel us to. Sadly that money has to come from somewhere. The police officer is currently back on our payroll, and as per the union contract, if he is taking one of our contractually obligated jobs, someone else has to go, and the Pennsylvania Civil Service stipulates that this decision will be made on the basis of seniority. This is simple math. The well is dry, and in order to facilitate the union's defense of a felon, it will cost one of the union's brothers their job. The union knows this, and every officer on our force knows this. Chief Glenny, who has done a remarkable job cleaning up a department that was in shambles, knows this.

Mr. Hartman's opinion piece attempts to break down Mr. Gable and his standing in this community and to end his career. This compulsion has cost us amazing leaders already, and the voids their departure have left have yet to be filled. The only headline he should be chasing here is "Union Defends Felon, Tax Payers PAY." Anything else is serving an agenda, and not the people of Gettysburg.

This Borough Council will not abide by this effort to denigrate Charles Gable who is the Borough Chief Executive Officer. He has the full faith and support of this council. Council respects and appreciates all the work of the Borough's staff including the police department.



Statement by President Jake Schindel  
Presented to the Gettysburg Borough Police Department Personnel  
Monday, August 24, 2020  
4:00 PM

On December 9, 2019, Gettysburg Borough Council adopted the 2020 budget for the Borough of Gettysburg. Within this budget was an included allocation for the staffing of the borough's police department (budget department 410), which was authorized to employ one chief of police, two sergeants, one detective, eight patrol officers and one civilian secretary.

Knowing the financial difficulties the Borough of Gettysburg is facing related to revenue shortfalls as a result of the COVID-19 pandemic, the detective requested a voluntary furlough from duty on May 13, 2020. As of May 14, 2020, the police department continued to be staffed at its full authorized strength, less the detective who took a voluntary furlough.

A patrol officer employed by the Borough of Gettysburg was terminated by Gettysburg Borough Council on November 13, 2017. Teamsters Local 776 filed a grievance on November 20, 2017 requesting "to return the officer...to full duty and made (sic) whole for all losses". The Borough of Gettysburg denied this grievance on December 6, 2017. The matter proceeded to arbitration.

On July 11, 2018, the Pennsylvania Bureau of Mediation assigned an arbitrator, and a hearing involving the dispute was subsequently held on November 16, 2018. On May 9, 2019, Arbitrator James M. Darby sustained the grievance and issued the following award: "The Grievant shall be immediately reinstated and made whole with respect to pay and benefits (minus interim earnings), subject to his satisfying all physical fitness for duty requirements, as well as any necessary training obligations".

The Borough of Gettysburg filed a petition to the Court of Common Pleas to vacate the arbitration award on July 31, 2019. This petition was denied on September 20, 2019. Subsequently the Borough of Gettysburg appealed this decision to the Commonwealth Court of Pennsylvania. 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 denied the Borough of Gettysburg's petition to vacate the award by an opinion dated June 5, 2020.

The Borough of Gettysburg, in order to comply with the arbitrator's directive that "the grievant shall be immediately reinstated", notified the patrol officer in this matter to return to duty on June 22, 2020. This patrol officer, in compliance with the arbitrator's award, is currently employed by the Borough of Gettysburg as a patrol officer. The patrol officer is currently on a paid medical leave, which the Borough of Gettysburg cannot discuss further publicly due to the employee's rights.

As a result, the Borough of Gettysburg has employed nine individuals to fill the eight patrol officer positions authorized by the 2020 budget adopted by Gettysburg Borough Council on December 9, 2019. During a budget year without the financial impacts of the COVID-19 pandemic, retaining an additional employee beyond the authorized strength of the police department, or any other borough department, would be difficult to sustain due to the cost.

During the past two months, the Gettysburg Borough Council has delayed remedying this situation by not furloughing a patrol officer in the hope that a furlough would become unnecessary. Unfortunately, this has not occurred. As a result, it is the intention of the Gettysburg Borough Council to return to the number of individuals employed as patrol officers from nine to eight, as authorized in the 2020 budget that borough council adopted. The members of the borough council do not relish the concept of furloughing a

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valued patrol officer from the police department. However, the Gettysburg Borough Council has a responsibility to the taxpayers to ensure the fiscal health of the municipality.

As a result, in accordance with Article II of the Collective Bargaining Agreement between the Borough of Gettysburg and Teamsters Local 776, effective January 1, 2018 through December 31, 2022 and Section 1190 of the Pennsylvania Borough Code, the Borough of Gettysburg, in order to return the number of individuals employed as patrol officers to eight, from nine, is bound to furlough "the person...last appointed to the respective force".

In accordance with Chapter 5.3 of the Rules and Regulations for the Civil Service Commission of the Borough of Gettysburg, Gettysburg Borough Council may fill any future vacancy which occurs in the position of patrol officer with a patrol officer who has been furloughed, unless that officer requests their name be removed from the furlough list in writing, or declines the appointment.

The Gettysburg Borough Council is confident in the ability of its employees, including its Borough Manager, Charles Gable, its Police Chief, Robert Glenn, Jr., and its entire police force to provide their professional services to the residents and visitors of Gettysburg.

The council does not take these steps lightly. It brings us no joy to see any of our staff impacted in this manner. We commend the work that Chief Glenn and all of our officers have undertaken to undo past mistakes of the department and to transform into a community-based police department. The unfortunate reality though is that we all are still dealing with the effects of previous leadership. As a team, we must continue to work together to strengthen the bond between the department and all citizens of Gettysburg as we finish the task of building a stronger, better department. We know that under Rob Glenn's leadership, this current difficulty will pass.