

**BOROUGH OF GETTYSBURG  
TROXELL COUNCIL CHAMBERS  
59 EAST HIGH STREET, GETTYSBURG, PA 17325  
COUNCIL WORK SESSION MEETING MINUTES  
SEPTEMBER 26, 2022**

**President Wesley Heyser** called the meeting to order at 7:00 PM with the following **Councilors present:** Vice President Matthew Moon, Mrs. Judith Butterfield, Mr. John Lawver, Mr. Christopher Berger and Mr. Chad Carr. Ms. Patricia Lawson was absent. **Staff present included:** Mayor Rita Frealing; Borough Solicitor Harold Eastman, Barley Snyder; Borough Manager Charles Gable; Assistant Borough Manager/Secretary Sara Stull; Police Chief Robert Glenney; Director of Historic & Environmental Preservation Debra English; Planning Director Carly Marshall and Public Works Director Rob Harbaugh. **Staff absent included:** Parking Manager Rebecca Fissel and Chad Clabaugh, Borough Engineer, C. S. Davidson, Inc.

**Others present included:** Jill Sellers, President of Main Street Gettysburg; Attorney Bernie Yannetti, Hartman and Yannetti, 126 Baltimore Street; Scott English, owner of 66-68 West High Street; Susan Cipperly, 314 North Stratton Street; and Rosemary Meagher, 44 West High Street. Representing the press was Jim Hale with the *Gettysburg Times*; and filming by *Community Media-ACCTV*.

#### **Announcements**

**President Heyser** announced an executive session an executive session of the Borough Council of the Borough of Gettysburg was conducted immediately following the adjournment of the September 12, 2022 monthly general business meeting consistent with section 701(a)(1), 708(a)(2), section 708(a)(4) and section 708(a)(5) of the Sunshine Act.

**President Heyser** announced an executive session an executive session of the Borough Council will be conducted immediately following the adjournment of this evening's monthly work session consistent with section 708(a)(1), section 708(a)(2), section 708(a)(4) and section 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 policies and procedures for complaints relating to Borough employees; (2) to provide informational updates and to discuss strategy related to the negotiation of a new collective bargaining agreement with the International Brotherhood of the Teamsters Local No. 776 for the Gettysburg Borough Police employees labor organization; (3) to receive and consider information relative to the proposed Decision and Order entered by the Hearing Examiner of the Pennsylvania Labor Relations Board in Case No. PF-C-20-42-E, captioned Teamsters Local Union No. 776 v. Borough of Gettysburg; (4) to receive informational updates on pending grievances filed by Teamsters Local Union No. 776 on behalf of the Gettysburg Borough Police employees labor organization; and (5) to review and discuss matters of Borough business which, if

conducted in public, could lead to the disclosure of information or matters of confidentiality protected by law.

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

**Attorney Bernard Yannetti, of Hartman and Yannetti Law Office** representing the legal interest of the Gettysburg American Legion Post 202, 528 East Middle Street. They are requesting that they be excluded from the proposal to rezone the Tourist-Commercial District along Sixth Street which includes three parcels. He said that if the property were rezoned to residential, the financial impact would be devastating for the Legion if they were ever to sell the property noting that the construction of the building would only allow for a club or restaurant. He also noted that a residential use of the property would not be attractive since the location is across the street from the Gettysburg Municipal Authority.

**Rosemary Meagher, 44 West High Street** read a prepared statement addressing her concerns with the proposed zoning text amendment regarding the events venue at the English property at 66-68 West High Street (see attached).

**Susan Cipperly, 314 North Stratton Street** read a prepared statement addressing her concerns regarding the proposed Sidewalk Ordinance revisions (see attached).

**Scott English, owner of 66-68 West High Street** read a prepared statement addressing his concerns regarding the proposed Zoning Text Amendments for the event venue (see attached).

### **Special Presentation**

There were no special presentations.

### **New Business**

**Manager Gable** said that Borough Council appointed him to serve on the PA Municipal League Resolutions Committee at the annual conference on October 5<sup>th</sup> to 9<sup>th</sup>. He said that there are twelve resolutions for consideration and that he placed the documents in the Council folder for review. After reviewing the documents, Council should let him know how they want him to vote on these resolutions.

### **Old Business**

#### **Zoning Text Amendments – 220001 Event Venue**

**Planning Director Marshall** reviewed the proposed Zoning Text Ordinance amendments to include the specific definitions and the general and supplemental regulations (see attached).

**Councilman Lawver** expressed his concerns that the ordinance is too restrictive for the English property and that he would not support the amendments.

**Councilwoman Butterfield** also said that the ordinance is too restrictive for the English property and that she requires more time to read and compare all the changes.

**Councilman Carr** agreed that the ordinance is too restrictive for the English property and noted that other businesses with walking tours can walk up to buildings and give their tours any day of the week.

**Councilman Berger** said that he is against any special event venue in the Elm Street Overlay, but there may be areas in the ordinance that are too restrictive for the other zoning districts.

**Councilman Moon** said that more time is needed to discuss these amendments. He pointed out that this is the first time ghost tours were discussed, and that the discussions had been on large events such as weddings.

**Council President Heyser** said that this item will be placed on the Work Session meeting agenda scheduled for October 24<sup>th</sup> to continue the discussion. He asked that Council provide their thoughts and recommendations for the Zoning Text Amendments.

#### **Zoning Revisions RE: TC District Changes**

**Council President Heyser** reviewed the proposal to rezone the Tourist-Commercial District along Sixth Street which includes three parcels including the Gettysburg American Legion Post 202.

**Planning Director Marshall** noted that a person on York Street submitted a request to change it to a Residential District.

After some discussion Council agreed to exclude the Gettysburg American Legion Post 202, 528 East Middle Street from the rezoning changes. The Legion does a lot of great things for the community and veterans and we should support them.

#### **PBS 2016-12 Sidewalk Ordinance Revisions**

**Council President Heyser** said that sidewalk issues have been discussed for many years, and noted that there are many sidewalks throughout the Borough that are in need of repairs.

**Planning Director Marshall** said that she has been reviewing the ordinance with Solicitor Eastman and hopes to have it ready for Council approval early next year. They worked primarily on establishing a ticketing process for violations when offenses occur, but intend to continue to meet and discuss the clarification of the definitions. She reviewed the

ordinance and expressed the need to make amendments for the betterment of pedestrian mobility and complying with the American with Disabilities Act (ADA).

**Councilman Moon** said that he would like to keep the sign obstruction section in the sidewalk ordinance. He would like to get clarity on which contractors homeowners can use to replace their sidewalks, noting that in past years a constituent said they tried to replace their sidewalk and was told by a former employee that they needed to use a borough-approved contractor.

**Councilman Lawver** said that the Borough never had a list of approved contractors, but the Borough would provide the specifications that are required to repair a sidewalk.

**Public Works Director** said that sometimes it is difficult to find contractors to do small jobs, but noted that a homeowner can repair their own sidewalk as long as they follow the required specifications.

After some discussion on the importance of sidewalk safety, Council will need to continue to discuss the Sidewalk Ordinance, and noted that they were in favor of not allowing items placed in the open areas around the streetside tree wells.

#### **PBS 2017-04 Sign Ordinance Revisions**

**Council President Heyser** reviewed the Sign Ordinance and ask if the portable signs should be further regulated. He noted that most items discussed at the previous meeting were consensually approved.

**Councilman Carr** asked if the placement of displays within three feet of the building façade would be the same for portable sign placement and which ordinance it should be in. He asked when permits are issued to businesses for sandwich board signs are they given a diagram indicating the placement location.

**Planning Director Marshall** said that we can make suggestions for businesses but we do not indicate where to place them. She said that limiting signs placed on sidewalks would help to assure a better passage for pedestrians, and by confining the merchandise, sandwich-boards and displays to the first three feet from the building facades would be better for pedestrians. Items in the three-foot zone would need to be at least five feet from other obstructions such as steps and poles.

#### **Personnel Complaint Policy**

**Council President Heyser** said that he and Vice- President Moon asked the Borough Labor Attorney to draft an Employee Transparency and Accountability Policy. He explained that Borough Council does not have a policy that provides them with clear communication about complaints filed against any Borough employee in all departments and how they were

resolved. He said that the Manager, Mayor and Police Chief must inform Council in a timely manner of any complaints.

**Councilman Berger** said that he believes that some members of Council want to oversee the police department which he is against. He said that he has confidence in the chief and does not want to micro-manage the police department.

**Council President Heyser** said that the proposal is not too micro-manage or to take oversight of the police department, but the goal is to make sure that elected officials do not find out about serious events after fact.

**Mayor Frealing** said that she supports the concept of the policy, but asked if any Council policies could legally bind a mayor. Solicitor Eastman responded that he believes that no policy could intrude on the powers given to the mayor by law. Manager Gable noted that he and the Police Chief as an employee would be subject to the board policy, but the mayor is an elected official.

**Councilman Moon** said that the transparency policy protects both the employer and the employee. He pointed out that the Borough has had several lawsuits in recent years within the police department and Council should be made aware of the incidents.

**Chief Glenny** expressed his concerns about the names of accusers and employees included stating that in certain circumstances anonymity is appropriate especially when juveniles are involved. He also cautioned drafting a policy that could drive a reaction from the police officers' union. Chief Glenny noted complaint forms are located on the police website and said that the types of complaints include: informal, formal and incomplete (whereas the person does not follow-up with the police department for completion).

**Councilman Carr** said that the Borough is behind the times in human resource standards, and said that Council should proceed to approve the policy this year.

**Council President Heyser** said that Council will continue to review and consult with the attorney to finalize the Transparency Policy.

**Public Comment** (open to items not on the agenda)

**John Lawver, 524 McMillan Street** questioned that after thirty years of living at an intersection he now learned three weeks ago that he lives on a curve that involves a public right-of-way. He said that he has tried to find out what his responsibilities will be for this public right-of-way, but said that no one will return his calls. He expressed his concern that the Planning Director issued a driveway permit for the neighboring house being built that will cross over the sidewalk in front of his house. He asked about securing a driveway permit for his property and what the Borough's right-of-way in front of his house is going to be. He noted that he has maintained the grass and snow removal in front of his house based

on it being an intersection. Mr. Lawver said that any property owner would be frustrated that no one will return his calls to discuss this matter.

**Public Director Harbaugh** said that he met with John Lawver today to discuss a Highway Occupancy Permit (HOP) for a driveway entrance. He said that when someone wants to install a driveway they must secure a Land Use Permit which requires a HOP for a street cut. He said that he has not received the HOP for the neighboring property and was not aware that a driveway permit had been issued.

**Council President Heyser** asked Manager Gable to review and provide answers to John Lawver.

**Councilwoman Butterfield** asked if it could be that the former owners of the property did not have it surveyed properly.

**Councilman Lawver** responded that there is a discrepancy stating that where the current surveyor put his property corner shows a six-foot discrepancy according to the County tax map records. He understands that he would need to refer to his deed and have his property surveyed or he may need to contact Bob Sharrah who surveyed the neighboring property.

**Councilman Carr** had a constituent asked who is responsible to remove snow between the Racehorse Alley Parking Garage and the railroad tracks.

**Council President Heyser** responded that CSX Railroad is responsible for the snow removal.

**President Heyser** adjourned the meeting to an executive session at 9:30 PM.

Respectfully submitted,



Sara L. Stull  
Borough Secretary



Public Comment by Rosemary Meagher – 44 West High Street – Zoning Text Amendment  
September 26, 2022 Borough Council Workshop meeting

Thank you to Ms. Marshall and Mr. Eastman for formalizing the Zoning Text Amendment-Event Venue regarding the Gettysburg Academy. You have made a big effort to limit crowd size, number of events per month, clarification of what constitutes an event (one day, not a three day weekend), limitations for standing vehicles, i.e., shuttles, etc.

I continue to have issues with safety-the amount of increased street traffic, crowd control, noise and lighting in a residential neighborhood and available flush toilets for guests.

Concerns

#4-clarification of dumpster location: minimum of 20 feet from residential properties? Also, what is the time limitation for clearing the dumpster? And cleaning it as needed..

5.b. Maximum attendance 100 including staff. How will this be controlled? At a recent meeting, I mentioned two events that I attended recently, where the hostess sent out invitations with RSVP requested and in each event the number of guests was double the responses.

5.d. Who should be contacted when the event lasts long after 9:00 on Sundays and 10:00 on Friday and Saturday? These time limits, as stated, include clean up.

5. e. Same concern for music, etc, after 8:00 on Sunday and 9:00 on Friday and Saturday

7.f. Noise and lighting is mentioned but not defined.

There appears to be no reference to available flush toilets for crowds of this size. The Council heard from Gettysburg Municipal Authority and the Uniform Construction Code enforcement officer about required indoor plumbing to serve this number of customers. These standards should be part of any Special Exception approval.

Borough Council Meeting – September 26, 2022

Public Comment by Susan Cipperly, 314 N. Stratton Street re Sidewalk Ordinance revisions

General comment:

It is good to get the Sidewalk Ordinance back on the active agenda after being tabled for a long time. I have some specific thoughts and questions, as shown on the attached pages.

In addition to the revisions, there are provisions in the existing ordinance that need to be enforced. In the downtown area, it is about sidewalk clutter and pedestrian pathways. In other parts of town, there are roller coaster sidewalks that bulge due to tree roots that make them impassable with a stroller or wheelchair, and create tripping hazards. There are areas that have no sidewalk at all on one side of the street. If there are funding programs that would help owners repair or construct in these situations, it would provide a public benefit. Some of these situations have been improved via borough street projects, at no cost to the adjacent property owners. Associated costs such as tree removal can be prohibitive for individual property owners, so it would be good to see whether there are any funding sources that could help.

On the next few pages, I have made suggestions and asked questions about proposed revisions.



A minor way, whether or not legally dedicated, providing a secondary means of access to abutting properties, intended and used primarily for vehicular service access to the rear or side of properties which abut on a street, and not intended for the purpose of general vehicular traffic circulation.

### **BLOCK**

An area surrounded by Streets <sup>need</sup> Public Parks, railroad rights-of-way, watercourses, boundary lines of the Borough or any combination of the above.

**CARTWAY** - Portion of a street or highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder.

### **HIGHWAY**

Any State highway of the Commonwealth of Pennsylvania.

### **INFORMATION DISTRIBUTION BOXES**

Outdoor containers and/or structures used for the display and distribution of brochures, flyers, literature, real estate listings, news, and other related products.

### **LEADING EDGE**

The foremost edge or surface.

### **PEDESTRIAN CIRCULATION PATH**

A prepared exterior or interior surface provided for pedestrian travel in the public right-of-way.

### **PERSON**

Natural person, partnership, corporation, association, or any other legal entity.

### **PROTRUDING OBJECTS**

Any obstacle that reduces the clearance width and/or the clearance height within a pedestrian area

### **SIDEWALK**

Portion of a street between the curblines, or the lateral lines of a cartway, and the adjacent property lines, intended for use by pedestrians.

### **STREET**

My deed states that my property line is the face of the curb. I realize there is a right-of-way for the sidewalk, but that may not be the property line.

### § 21-207 Width of Sidewalks and vegetated strips.

1. Sidewalks shall never be replaced or installed with a clear width of less than 4 feet
2. Sidewalks less than 5 feet wide shall provide a minimum 5 foot by 5 foot passing space at intervals no more than 200 feet to assure compliance to guidelines established by the United States Access Board (USAB).
3. Sidewalks in areas with high pedestrian clear width of no less than 5 feet wide. limited to sidewalks along all state highways.
4. Sidewalks shall be installed or replaced in a manner that is consistent with the surrounding and neighboring sidewalks;
5. Vegetated strips, when required, shall be a minimum of 18 Inches.
6. When a sidewalk is to be replaced where a neighboring sidewalk includes a vegetated strip, or when 35% or more of the sidewalks on one side of the street within the subject block have vegetated strips, then the sidewalk being replaced must include a similar vegetated strip. Similarly, when a vegetated strip exists it shall not be eliminated. Approval must be obtained from the Borough to forgo a vegetative strip in these instances, and hardship must be proven by the applicant. Reasonable hardships include ADA compliance. Reasonable hardships do not include mowing or maintenance of the vegetated strip.
7. A minimum of one shade tree per 20 linear feet average of sidewalk shall be provided, unless
  - a. A minimum 4 foot by 4 foot, or preferably a four foot by six foot tree well cannot be provided without reducing the clear width of the walkway to less than 4 feet;
  - b. There is a conflict with underground utilities;
  - c. The only available location is in too close proximity to the building.

Do driveways, private sidewalks, etc. count as providing this space? It seems like this would pertain to larger projects since 200 feet is much larger than most lot widths.

### § 21-208 Sidewalk Finished Surface

1. Sidewalks shall be installed using a material that is consistent with the Borough's Standards and Material Specifications or as otherwise approved by the Borough Engineer or Works Director.
2. Any entity opening the sidewalk, for any reason, shall be responsible for restoring the sidewalk to a condition consistent with the requirements of this Chapter, in a condition equal to or better than its original condition, and shall not create an inconsistent patch in the sidewalk
3. When any sidewalk is being replaced it shall meet the requirements of the Borough Construction Materials Specifications, and resemble and be consistent with the neighboring sidewalk surface material unless approval is otherwise granted by the Borough. Preference shall be given for the use of brick in the Old Town District.

This seems inequitable - to require one property to plant trees because they have a wider strip than other owners. The cost, maintenance and liability would be theirs. What if they don't want trees in front/side of their property? Would this become a requirement for borough street projects, as well?

said premises, the property and necessity for said driveway to be determined in the first instance by the Borough Official before a permit therefor is issued.

**§ 21-218 Driveways Prohibited on Lincoln Square.**

It shall be unlawful in any event to construct, build or make a driveway over, on, across or through any curb line or sidewalk within 1 block of Lincoln Square in the Borough, or to issue a permit therefor.

**§ 21-219 Responsibility for Maintenance of Driveways.**

It shall be unlawful for any property owner to fail to maintain the driveways entering their premises in accordance with the provisions of this Part 2, and to fail to maintain them in a condition that will not endanger the safety of pedestrians, motorists and other users of the streets and sidewalks of the Borough.

**§ 21-220 Reserved.**

**C. Sidewalk Obstructions and Encroachments.**

**Legislative Intent:** It is the legislative intent of this section to:

1. Minimize obstructions to the public Right of Way;
2. Allow portions of the public sidewalks in front of retail establishments to be used for display of merchandise, subject strict compliance with all conditions set forth herein.

subject to

**§ 21-221 Conditions for Placing and Maintaining Elevated Protruding Objects Such as Flower Boxes over Sidewalk.**

Any person, partnership, firm or corporation, owning or leasing real estate in the Borough of Gettysburg, may place and maintain elevated protruding objects such as flower boxes upon or extending over the sidewalk abutting upon such real estate, so long as such flower boxes do not extend more than two feet from the wall of the building to which they are attached over the pedestrian circulation path. In addition, objects with leading edges more than 2.25 feet and not more than 6.7 feet above the finish surface shall protrude 4 inches maximum horizontally into pedestrian circulation paths, consistent with United States Access Board (USAB) requirements/standards.

Would also have to ensure that the required clearance width is not compromised by the flower box.

**§ 21-222 Standards for Maintenance of Flower Boxes over Sidewalk.**



## § 21-224 Obstruction of Sidewalks.

1. No person shall obstruct the free flow of water in any gutter.
2. No person shall obstruct any sidewalk except as permitted by subsections 224.3 and 224.4 of this Section or by other Sections of Chapter 21, Chapter 19, or Chapter 13 of the Code of Ordinances of the Borough of Gettysburg.
3. The following standards apply to any person, owner, operator, corporation or otherwise desiring to place merchandise, or merchandise display.

Yes! hard to walk, open car doors, when signs inhabit the sidewalk. Visual clutter.

  - A. Placement of merchandise and displays, including signs, are restricted to the innermost three (3) feet of the sidewalk directly adjacent to the building face of such business. Merchandise displays must not extend beyond the width of the area the business occupies within the building. Regardless of width of business and/or building, no merchandise or display shall occupy more than 50 linear feet of sidewalk;
  - B. Merchandise, displays, signage, and the like must be adjacent to the applicant's business or organization. No off-site placement shall be permitted.
  - C. All displays, goods, and signs must be removed from the sidewalk during nonbusiness hours, or at any time that staff is not physically present at the business;
  - D. Ensure that there is no obstruction in access to hydrants, streetlights, mailboxes, transit stops or any other public service facility;
  - E. Ensure that a clear unobstructed sidewalk width of at least 5 feet is maintained at all times between permitted objects or displays and any tree, tree well, parking meter, fire hydrant, street light, bike rack, trash can, or other obstacle,

What about coolers, drink machines, etc.? They take up space and are not visually compatible with the historic setting.

  - F. Merchandise displays shall not be motorized, electrified, battery powered, or illuminated. Any fixture or equipment required to display merchandise shall be minimal and of secondary nature in visibility to the merchandise itself.
4. Any person, owner, operator, corporation or otherwise desiring to place an information distribution box on the sidewalk right-of-way must first apply to the Borough for a Sidewalk Occupancy Permit.
  - A. Approval for a Sidewalk Occupancy Permit is at the discretion of the Borough. In granting said permit the Borough shall consider the need for such machine in the area, the extent to which it may interfere with pedestrian traffic, and whether or not it detracts from the appearance of the immediate neighborhood.
  - B. Applicants must demonstrate compliance with all applicable Borough Ordinances to be eligible for a Sidewalk Occupancy Permit.
  - C. Sidewalk Occupancy Permittees must:
    - (1) Restrict placement of information distribution boxes to the innermost three (3)

Good evening and thank you for the opportunity to speak.

I received the draft ordinance for the events venue, and I have a few concerns, specifically, Part 15 GENERAL AND SUPPLEMENT REGULATIONS, #5 Operational Requirement (C).

Over the past eleven months and multiple meetings we have discussed limiting the use of large outdoor tents on the property to twice a month; not all outdoor activities. This draft reads that I would be limited with ANY & ALL outdoor activities, to include any outdoor activities associated with indoor events, to twice a month. This is very unreasonable as I have a large side yard area that is associated with the main structure. There are many significant Gettysburg Academy milestones in history that I would like to share with the public.

If I have indoor events, it appears this regulation is stating my guests will NOT be allowed to experience and enjoy the outdoor grounds? Again, this is unreasonable, especially since this property is located within the Elm Street Overlay, mixed business use district, a zoning district that already allows day care centers, restaurants; other businesses that have associated outdoor activities.

As you know, this is a unique property within the Borough, as it is one of the very few parcels with a large outdoor space which is why I am making this request. The current language seems to specifically target and affect my property as very few other parcels have the option of outdoor activities, and the current ordinance draft restricts this use, and limits opportunities for the community and tourists to experience.

My plans include Licensed Town and Battlefield Guide presentations throughout the year that involve discussion of Battle events that took place outside of the building, on the property, including the Seminary, College, Battlefield hospital temporary burials, as well as the 150th Pennsylvania Regiment battle flag capture on the front porch.

My specific request would be to reword the DRAFT ordinance Section (5)(c):

OPTION 1): To hold outdoor large, tented events (weddings) limited to 24 events per year. These 24 events should be left to the discretion of the property owner. I will not be holding outdoor events during the winter months and need to focus my business opportunities during the summer tourist months. 24 events per year not limited to 2x per month.

or -

OPTION 2): Re-instate the initial council draft text of limiting the outdoor large TENTED events to twice per month not all outdoor activity.

or

OPTION 3): Limit outdoor activities with a combination of alcohol and music to twice a month



Limiting the use of all outdoor activities to two times per month would create an insurmountable financial hardship to me as a business owner. The purpose of my ordinance request is to promote outdoor activities and increase tourism which is a benefit to all. Limiting all outdoor activities does not allow me to sustain my business, creating a financial hardship, as other permitted business are not limited as such.

Thank you for all that you do for the Borough of Gettysburg.

Scott English

9-26-22