



Borough of Gettysburg

Monday, May 9, 2022
7:00 PM

Borough Council
Business Meeting
AGENDA

Troxell Council Chambers
Gettysburg Municipal Building
59 East High Street
Gettysburg, PA 17325

MEMBERS

Rita C. Frealing
 Wesley K. Heyser
 Matthew Moon
 John Lawver
 Patricia Lawson
 Christopher Berger
 Judith Butterfield
 Chad-Alan Carr

(Mayor)
 (President)
 (Vice-President)

STAFF

Charles R. Gable, *MPA*
 Sara Stull
 Karen Meshner
 Kara Riethmaier
 Carly Marshall
 Debra English
 Robert Harbaugh
 Rebecca Fissel
 Robert Glenny, Jr.
 Peter Griffieon
 Dave Sanders
 Chad Clabaugh, *PE*
 Harold Eastman, Jr.

(Borough Manager/Treasurer)
 (Asst. Borough Manager/Borough Secretary)
 (Asst. Borough Secretary/Planning Assistant)
 (HR Coordinator)
 (Director of Planning, Zoning & Code Enforcement)
 (Director of Historic & Environmental Preservation)
 (Public Works Director)
 (Parking Manager)
 (Chief of Police)
 (Code Compliance Officer)
 (EMS Coordinator)
 (Borough Engineer)
 (Borough Solicitor)

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|---|-------------------------|
| I. Council - Call to Order | President Heyser |
| II. Moment of Silence and Pledge of Allegiance | President Heyser |
| III. Welcome and Opening Remarks | President Heyser |
| IV. Announcements | President Heyser |

An executive session of the Borough Council of the Borough of Gettysburg was conducted immediately following the adjournment of its April 25, 2022 monthly work session meeting consistent with section 708(a)(2) and section 708(a)(5) of the Sunshine Act.

An executive session of the Borough Council will be conducted immediately following the adjournment of this evening's monthly general business meeting consistent with section 708(a)(1), section 708(a)(2) 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 evaluation of performance of current Borough employees; (2) to provide informational updates and to discuss strategy related to the negotiations of new collective bargaining agreements with the International Brotherhood of the Teamsters Local No. 776, Gettysburg Borough Police Employees Labor Organization and with the Gettysburg Borough Nonuniformed Employees Labor Organization; and (3) 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.

V. Approval of Agenda and Minutes - Council

A motion to approve the May 9 2022 agenda as presented.

A motion to approve minutes of the Council Meeting of April 11, 2022 and the Council Work Session on April 25, 2022 as presented.

VI. Special Presentation

VII. Public Comment (Restricted to Items on the Agenda)

VIII. Current and Old Business

A. Department of Planning /Zoning/Code Enforcement

- 1. Departmental Report**

Carly Marshall

B. Department of Historic & Environmental Preservation

- 1. Departmental Report**
2. Motions Needing Council Action

Debra English

A motion to accept the recommendation of the Borough of Gettysburg Historic Architectural Review Board (HARB) following its review on April 20, 2022 and grant Certificates of Appropriateness for the following applications as presented: COA 22-

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0038 MAJOR PROJECT: 326 Baltimore Street – Troy Dean to approve the replacement of the rear decking that is consistent with both the *Secretary of the Interior Guidelines* and the *Gettysburg Design Guide* as presented to the Board in the application dated February 11, 2022; COA 22-0040 MAJOR PROJECT: 163 York Street – Twin Bridges Farms LLC, Jay Mackie to approve the emergency removal of the failing brick portico that is consistent with both the *Secretary of the Interior Guidelines* and the *Gettysburg Design Guide* as presented to the Board in the application dated March 8, 2022; COA 22-0041 MAJOR PROJECT: 123 W. High Street – John Buchheister to approve the modification of a three-bay garage to include the conversion of the left bay from a garage bay into a one bedroom apartment that is consistent with both the *Secretary of the Interior Guidelines* and the *Gettysburg Design Guide* as presented to the Board in the application dated February 28, 2022; and COA 22-0034 MAJOR PROJECT: 226 N. Stratton Street – Wesley K. Heyser to approve the proposed alterations and new construction consistent with both the *Secretary of the Interior Guidelines* and the *Gettysburg Design Guide* as presented to the Board in the application dated March 27, 2022.

C. Parking Department

1. Departmental Report Becka Fissel

D. Public Works Department

1. Departmental Report Robert Harbaugh

E. Borough Engineer

1. Engineer Report Chad Clabaugh
2. Motions Needing Council Action

A motion to approve contract change order #1 in connection with the South Street CDBG Curb and Sidewalk Improvements contract with Mathews Construction Services, LLC which amends the contract to use updated Davis Bacon Wage Rates but has no effect on the price or date of substantial completion of the contract.

A motion to approve the application for payment #1 in the amount of \$138,082.50 to Mathews Construction Services, LLC in connection with its improvements contract for the South Street CDBG Curb and Sidewalk Improvements project.

F. Police Department

1. Departmental Report Chief Rob Glenny

G. Office of the Manager/Treasurer

1. Borough Secretary's Report Sara L. Stull
2. Borough Manager's Report Charles R. Gable
3. Motions Needing Council Action

A motion to approve all bills and payrolls for the month as presented.

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A motion to award a contract to _____ as the lowest qualified responsible and responsive bidder for the rental of heavy construction vehicles and equipment as set forth in the Borough’s specifications and instruction to bidders.

A motion to adopt a Resolution for the purpose of adopting and implementing an eight (8) month pilot testing program to allow possession and consumption of alcoholic beverages from open containers within certain designated public areas within the Borough of Gettysburg.

A motion to appoint Thomas Demko as a member of the Board of the Gettysburg Area Recreation Authority for a five (5) year term, expiring in May 2027.

A motion to appoint James Phelps as a member of the Board of the Gettysburg Area Recreation Authority for a five (5) year term, expiring in May 2027.

A motion to appoint Andrew Keyser as a member of the Civil Service Commission of the Borough of Gettysburg for a term of six (6) years, expiring in May 2028.

IX. Reports

A. Liaison Reports

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|-----|--|--------------------|
| 1. | MSG | Jill Sellers |
| 2. | GARA | Chad Carr |
| 3. | GMA | Christopher Berger |
| 4. | Steinwehr Avenue Heart of Gettysburg Battlefield
(SAHGB) | Judith Butterfield |
| 5. | Adams County Boroughs Association (ACBA) | Mayor Frealing |
| 6. | Adams County Council of Governments (COG) | Judith Butterfield |
| 7. | Adams County Transportation Planning Organization
(ACTPO) | Judith Butterfield |
| 8. | Overdose Awareness Task Force | Matt Moon |
| 9. | Trail Feasibility Study | Christopher Berger |
| 10. | Healthy Adams Bicycle Pedestrian Inc. (HABPI) | Patricia Lawson |

B. Other Reports

1. Recycling Report

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X. Elected Official's Comments

- A. Mayor Rita Frealing**
- B. Wesley Heyser**
- C. Patricia Lawson**
- D. Judith Butterfield**
- E. Christopher Berger**
- F. John Lawver**
- G. Matthew Moon**
- H. Chad Carr**

XI. Public Comment

XII. Adjournment

XIII. Executive Session

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RESOLUTION 120808

RULES AND REGULATIONS OF THE BOROUGH COUNCIL OF THE BOROUGH OF GETTYSBURG REGARDING CONDUCT OF ALL MEETINGS OPEN TO THE PUBLIC AND THE MAINTENANCE OF ORDER AT SUCH MEETINGS OF THE BOROUGH OF GETTYSBURG, ADAMS COUNTY, PENNSYLVANIA.

WHEREAS, pursuant to the laws governing open meetings, 65 Pa.C.S. § 701 et seq. (hereinafter the "Sunshine Act"), an agency may establish reasonable rules and regulations for the conduct of its meetings and the maintenance of order at such meetings; and

WHEREAS, the Borough of Gettysburg, Adams County, Pennsylvania (hereinafter the "Borough") is an "agency" of the Commonwealth of Pennsylvania as defined by the Sunshine Act; and

WHEREAS, on December 8, 2008 at a duly advertised general monthly business meeting of the Borough Council of the Borough of Gettysburg, Adams County, Pennsylvania (hereinafter the "Borough Council"), the Borough Council adopted by Resolution No. 120808 rules and regulations for the conduct of public meetings of the Borough Council including guidelines for public comment, conduct and protocol and use of recording devices at such public meetings. Said Rules and Regulations became effective on January 1, 2009 and have remained in full force and effect since that date; and

WHEREAS, on February 8, 2016, the Borough Council subsequently adopted as its new official rules of order for the conduct of its meetings The Modern Rules of Order: A Guide for Conducting Business Meetings, Fourth Edition, PBI Press (hereinafter the "Modern Rules") to be used as a general guide for the conduct of meetings; and

WHEREAS, the purpose of this document is to update, amend, revise, restate and further set forth the rules and regulations regarding the conduct of public meetings of the Borough Council and the maintenance of order at such public meetings, including guidelines for public comment, conduct and protocol and the use of recording devices at such meetings.

NOW, THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Gettysburg, Adams County, Pennsylvania, and it is hereby adopted by the authority of the same as follows:

1. **SCOPE OF PUBLIC COMMENT:** The scope of public comment, as defined in the Sunshine Act, shall be limited to matters of concern, official action or deliberations which are or may come before the Borough Council prior to its taking official action. These matters are defined by the Borough Code which sets forth the powers and responsibilities and delineates the corporate and specific powers of the Borough Council. Public comment is not intended for the purpose of solely reciting or reading legislation, ordinances or other such documents.

2. **PROCEDURES FOR ACCEPTING PUBLIC COMMENT:**

a. **REGULAR OR SPECIAL MEETINGS OF BOROUGH COUNCIL**

(1) Resident or Taxpayer: The Borough Council shall provide a reasonable opportunity for public participation of residents or taxpayers of the Borough at or near the beginning of each regular or special meeting in order to comment on all matters listed for official action and to comment on any other matters of concern or deliberation which are or may come before the Borough Council. In the course of each regular or special meeting, residents or taxpayers of the Borough may also be recognized at the discretion of the Borough Council president, vice president or president pro tempore (hereinafter the "presiding officer"), whoever is presiding over the meeting on behalf of the Borough Council, in order to provide comments or information which may be helpful to the Borough Council in its deliberations on matters before the Borough Council and particularly on matters which have been added to the meeting agenda following the commencement of the meeting. The Borough Council shall also provide a reasonable opportunity for public participation of residents or taxpayers of the Borough at or near the end of each regular monthly business meeting or each special meeting in order to comment on all matters listed for official action and to comment on any other matters of concern

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or which are or may subsequently come before the Borough Council.

- (2) **Non-Resident or Non-Taxpayer:** Extending the courtesy of public comment to nonresident or non-taxpayer individuals is discretionary on the part of the Borough Council and its presiding officer. If a nonresident or non-taxpayer wishes to address the Borough Council on a matter for official action or a matter of concern, the Borough Council may extend the courtesy of public comment and may want to provide for such comment, especially if the individual has information that may be helpful or which is in the best interests of the Borough for the Borough Council to receive and consider.
- (3) **Time Limits:** The purpose of a time limit is to assure that all wishing to speak have the opportunity to do so, that all shall have generally an equal opportunity to speak, that Borough Council shall receive all comments on matters for official action prior to voting on such matters, and that the Borough Council shall be able to conduct the required business of the meeting agenda.

Generally, each person to address the Borough Council shall be provided a maximum of five (5) minutes.

If a time limit of fewer than five (5) minutes is to be utilized for each person to provide public comment to the Borough Council at an open meeting, it shall be indicated at the beginning of the public comment portion of the meeting. In no case shall a time limit of fewer than two (2) minutes be designated for each resident or taxpayer of the Borough to provide public comment.

If a strict time limit on public comment is to be utilized, the presiding officer shall designate a timekeeper. The speaker will be told when one (1) minute remains on his or her time to provide public comment.

If after one-half (1/2) hour public comment has not been completed, the presiding officer may ask by show of hands those persons desiring to speak to agenda items, and those desiring to speak to other matters of concern. The presiding officer may, within his or her discretion, defer public comment on the other matters of concern until the designated public participation period near the end of the meeting or to the next regular monthly business meeting of Borough Council or to a special meeting occurring in advance of the next regular monthly business meeting.

- (4) **Agenda:** A resident or taxpayer of the Borough may request to be placed on the agenda for the public participation period of a regular meeting, special meeting or work session meeting of the Borough Council. Such request must be made directly to the Borough through the Borough Secretary a minimum of three (3) business days prior to the date of the open meeting.
- (5) **Sign-in Form:** When it becomes known, either in advance of a meeting or upon arrival to a meeting, that there may be many persons wishing to comment, the Borough Secretary may have a sign-in-form available and require that all those present who desire to make public comment sign up to speak. This form will provide name, address, and indicate whether the matter is an agenda item for action or other matter of concern.

After review of the sign-in form, the presiding officer shall determine if a time limit of less than five (5) minutes for public comment of each speaker is required.

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b. WORK SESSIONS/COMMITTEE MEETINGS:

Work sessions and committee meetings are non-voting meetings held to gather information, work on items to get ready for consideration of placement on the agenda of a subsequent regular or special meeting, and to prepare the agenda of items for official action at a subsequent regular or special meeting of the Borough Council. It shall be the policy of the Borough Council to provide for a period of public participation and comment on matters of concern within the allowed scope at the beginning of each work session or committee meeting. The Borough Council shall also provide a reasonable opportunity for public participation and comment of residents or taxpayers of the Borough at or near the end of each work session or committee meeting. Given the topic or topics of the work session or of the committee meeting, the required participation of other professionals or consultants, the presiding officer or committee chair, as appropriate, may set a time limit on the period for public participation and comment or may defer public participation and comment to the end of the work session or committee meeting.

3. CONDUCT AND PROTOCOL:

- a. All public comment shall be directed to the presiding officer, who may, at his or her discretion, provide response as appropriate. This shall include comment related to any presentation made to Borough Council. In those instances, the presenter, when asked to make responses, shall do so by and through the presiding officer.
- b. If a member of Borough Council has information which he or she wishes to offer, the member may request to be recognized and then provide the information to the presiding officer. The presiding officer may also, at his or her discretion, request or offer a member of Borough Council the opportunity to respond to a comment.
- c. The public and the members of Borough Council are at all times to demonstrate mutual respect and decorum. The members of the Borough Council are not to engage members of the public in argument, nor are members of the public to speak out from their seat nor engage members of Borough Council in discussion or argument. Any Borough Council members or members of the public engaging in any such conduct shall be called out of order by the presiding officer.
- d. Comments that make statements of personal attacks or statements that could be construed as being libelous, slanderous, or that defame the character of any elected or appointed Borough official or any member of the public shall not be permitted.
- e. Comments of a partisan political nature to speak either in favor of or in opposition to any political candidate shall not be permitted.
- f. On those occasions when a topic or issue is brought forward during a public participation and comment period that a member of Borough Council would like an opportunity to discuss, the member may request that Borough Council take up this item under the appropriate category of the agenda for discussion or for future action.
- g. The Modern Rules shall be used as a guide for public meetings. However, any actions by the Borough Council, which may not be in strict accordance with the Modern Rules or these Rules and Regulations, shall not be deemed invalid or illegal unless and except any federal or state law is violated.

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4. USE OF RECORDING DEVICES:

- a. Recording devices, including tape recorders, video cameras, television cameras, microphones, cameras, wireless or cellular telephones, and other similar mechanical, electric or electronic devices shall generally be permitted in public meetings. However, no recording devices which produce sound which is distracting to the audience or to meeting participants shall be permitted. No recording devices shall be permitted prior to the commencement of a public meeting, following the adjournment of a public meeting, during a recess of a public meeting, during a conference held pursuant to § 707(b) of the Sunshine Act, or during an executive session of the Borough Council held pursuant to § 708 of the Sunshine Act.
- b. Recording devices shall be operated from the area set aside for the general public so as not to interfere in any way with the activities of the Borough Council or the ability of other members of the general public to observe the Borough Council.
- c. Recording devices shall be positioned only in certain locations designated by the Borough Council or by the Borough Manager, which designation shall provide reasonable access to record the proceedings without distraction or blocking the view of the audience and without being affixed to or occupying spaces on furniture, walls or fixtures in the meeting room.
- d. Only available light shall be used for recording devices unless prior approval for additional lighting is granted by the Borough Manager in consultation with either the president or the vice president (if the president is unavailable) of Borough Council.
- e. Movement about the room while a meeting is in progress may be distracting and bothersome to the audience and to meeting participants. Persons operating recording devices shall remain in a single, designated location during the meeting and shall not be permitted to move about in order to record while the meeting is in progress.
- f. No recording device may be operated prior to a meeting being called to order, while a meeting is in recess, or after a meeting is adjourned.
- g. No recording device may be used to record private conversations between audience/ members, elected or appointed Borough officials or others whose comments or questions are made privately and not intended for public circulation or disclosure.
- h. Operators of recording devices, who violate these Rules and Regulations and who do not immediately remedy the violation at the request of Borough Council, shall not be permitted to continue recording during the meeting.

5. PRIOR RULES AND REGULATIONS SUPERSEDED:

Following the adoption and the taking of effect of these Rules and Regulations, the same shall supersede and supplant the prior Rules and Regulations adopted by Resolution No. 12808 on December 8, 2008.

6. AMENDMENTS:

The Borough Council may adopt amendments to these Rules and Regulations from time to time in order to comply with the Sunshine Act or as it deems necessary to further ensure order in the conduct of meetings which are open to the public.

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7. **POSTING:**

A copy of these Rules and Regulations shall be conspicuously posted at the Borough offices at 59 East High Street, Gettysburg, Pennsylvania 17325.

8. **EFFECTIVE DATE:**

These Rules and Regulations shall take effect upon adoption and shall be used in the conduct of subsequent regular and special meetings, work sessions and committee meetings of the Borough Council of the Borough of Gettysburg.

9. **ADOPTED** on this 13th day of June, 2016, at a duly at a duly advertised general monthly business meeting of the Borough Council of the Borough of Gettysburg, Adams County, Pennsylvania.