

## **PUBLIC SAFETY COMMITTEE MINUTES**

March 16, 2015 @ 3:00 PM

**IN ATTENDANCE:** Committee members: Chairman Graham Weaver, Becky Brown, and Scot Pitzer; Mayor William Troxell; Manager Charles Gable; Planning Director Scott Dellett; Police Chief Joe Dougherty; Solicitor Harold A. Eastman, Jr; and Management Assistant Karen Mesher.

**OTHERS IN ATTENDANCE:** John Butterfield, Borough Council Member Third Ward; Susan Naugle, Borough Council Member Third Ward; John Eline, Director, Adams County Department of Emergency Services; Ryan Kizielewicz, Gettysburg College Student; and Jim Hale, representing the *Gettysburg Times*.

### **Approval of Minutes:**

The Committee approved the February 17, 2015 minutes.

### **PUBLIC COMMENTS:**

There was no public comment.

### **REPORTS:**

#### **Review of the School Resource Officer Memorandum of Understanding**

Solicitor Eastman said that the concept of the School Resource Officer (SRO) was first reported to the Public Safety Committee at their November 17, 2014 meeting, outlining the duties of the SRO while operating within the schools of the Gettysburg Area School District (GASD) that are located in various municipalities. He said that both GASD and Cumberland Township sought a cooperation agreement concerning the SRO position with those municipalities, and that a draft copy of the MOU was prepared by the GASD solicitor and circulated for review. Based upon their commentary, proposed changes to the working draft was presented to GASD and Cumberland Township Police Department (CTPD). The document was also reviewed and approved by the Adams County District Attorney's Office as an overarching agreement between GASD and CTPD, the SRO agreement. Council authorized the preparation of the ordinance for the authorization to enter into the agreement on December 8, 2014 and was awaiting the final changes. The final changes to the SRO agreement were made by GASD and CTPD on February 2 2015, and forwarded to the Borough Manager, Mayor and Chief of Police on February 23, 2015 for their review with the Solicitor. He wanted to review the changes made since November, 2014 as depicted in the red-line version of the draft.

- Cumberland Township changed the language of "Intermunicipal" to "Intergovernmental" Cooperation
- Changed the year from 2014 to 2015

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- Cumberland Township requested additional language from the Second Class Township Code thereby adding to the recitals, which begin with “whereas” and give additional background information
- Gives the complete date of the SRO and when it was finalized on February 2, 2015
- Reference the recitals citing a provision from the Borough Code, allowing the Borough to enter into agreements with other government entities
- States that the Borough desires to facilitate GASD’s request to have a Township police officer perform the duties of SRO
- Section 2 outlines the Township Responsibilities: the duties of the SRO in accordance with the SRO Agreement; CTPD Chief will provide to the GPD Chief any notification of substantial or material changes in the status or assignment regarding the SRO
- Defines the Power / Authority as Officer and that it clarifies the language that the Township provide “police services to the School District on School District property within the Borough, subject to the terms of the SRO Agreement, with the School District bearing full financial responsibility for the SRO’s services in accordance with the SRO Agreement”, basically authorizing police jurisdiction with GASD bearing full financial responsibility
- States that the SRO is an employee of the Township and under direct supervision of the Township. Mr. Weaver asked who would oversee an emergency situation. Chief Dougherty asked who would control the scene if the SRO requests assistance, and isn’t the primary function of an SRO education and not law enforcement. Solicitor Eastman said that CTPD entered into the agreement so that the SRO could also act as a law enforcement officer, and that exposure to liability falls upon the agency directing the SRO; but would be available to assist the Borough in their jurisdiction
- States that the Township and the Borough should cooperate with GASD formulating safety policies and procedures involving concurrent jurisdiction with the SRO in the Borough
- Part 7 clarifies indemnity. The Township will provide indemnity for their officer while operating in the jurisdiction of the Borough; but if the Borough is in control and the SRO is present, the Borough will provide indemnity for the SRO. In accordance with the Political Subdivision Tort Claims Act, there would be defenses in case of suit if liability is alleged
- States that the Township maintains the same liability coverage limits with regard to general police liability insurance. The Borough would get maximum liability as additional insured
- Part 10 outlines Command and Control, stating that “in those instances when the Borough Police respond to an incident in the Borough where the SRO is also dispatched to respond to the incident, the Borough Police shall have command and control of the police officers responding to the incident, unless otherwise provided by law, including the SRO, who shall work in conjunction with the Borough Police to provide any needed law enforcement services consistent with

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the terms and conditions of the SRO Agreement”. Mr. Pitzer said that the SRO Agreement is planning for a worst-case incident

- Part 11 states that the SRO has concurrent jurisdiction on any incidents on school district property and the Borough has primary jurisdiction throughout the Borough
- The Township requested three additional paragraphs to the SRO Agreement (parts 17-19), discussing Effective Date and Termination Date, Governing Law, and Interpretation. The Effective Date must be signed by both the Township and Borough. The Borough can terminate the agreement with 90 days advance notice, and if the Township terminates the agreement with GASD, then all agreements are terminated. Part 18 states that the governing law is the laws of Pennsylvania; and Part 19 states that all parties are represented by their own legal counsel

Mr. Weaver asked if the SRO Agreement is ready to go to Council. Solicitor Eastman said that there were two small changes and clarification of language, but that Mr. Wisner, Solicitor for Cumberland Township, would need to clarify with CTPD. Once the language is correct, advertisement of the ordinance would be authorized, pending changes to the ordinance. Mr. Eastman stated that the SRO Agreement was finalized in February. The School Resource Officer had been hired and working in the GASD since February 7<sup>th</sup>.

### **Adams County 2015 Hazard Mitigation Plan**

Mr. Eline gave a brief presentation (see attached handout) before the Committee defining Hazard Mitigation and what type of plan Adams County has in place. Hazard Mitigation is “any sustained action taken to reduce or eliminate long-term risk to life and property resulting from natural and human from natural and human-caused hazards. Municipalities as well as counties are required by law to submit a Hazard Mitigation Plan by signing on to the County plan or submitting their own plan. Adams County updates its plan every five years, and 2015 is the target year to update. Mr. Eline reported that all 34 municipalities in Adams County signed onto the County’s plan in 2010. He stated that FEMA was asked to assist and that funding was acquired to formulate this plan. Pennsylvania runs the process and the counties agree to it, by signing letters of intent from each of their municipalities. He said that the different hazards were assessed and data collected throughout the County in June, July, August and September of 2010, noting that most of these hazards were related to weather.

Mr. Weaver asked which municipal representative participated in the process from the Borough. Mr. Eline replied that person could be the Borough Manager, or someone who had participated since 2010. This person is required to attend meetings, provide valuable information, and actively participate in the planning process. Mr. Gable said that for low-level emergencies are coordinated by the Mayor and the Chief of Police, and that a municipal representative could be selected administratively. Mr. Eline said that he was seeking the Borough’s intent to sign onto the County plan with no cost to the Borough. Mr. Gable said that the Borough’s intent to sign on to the plan should be made by Council in the form of a resolution. Ms. Brown said that the Committee should place this on the agenda for the April Council meeting. Ms. Naugle asked if the document is on

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the County website. Mr. Eline said that the document is on the County website and a hard copy is sent to the Borough for its records.

### **Police Department Reports:**

#### **A. 53' Trailer Enforcement:**

Chief Dougherty replied yes, that this regulation is enforced. He said that the Borough had approached PennDOT 15 years ago seeking to erect signs to limit trucks with 104' trailer width; but signs were erected to limit trailers with 53' length width. If trucking companies seek a variance from PennDOT to travel on state roads through Gettysburg and they grant it, those trucks can travel through the Borough. He said that the police department had equipment and certified personnel to inspect trucks travelling through the Borough; but that equipment was sold in 2006 and training is no longer provided to do inspections. He said that police officers can still issue violations to those truck drivers who violate the permits, but that the Pennsylvania State Police must issue those violations regarding weight, height and length. If PennDOT routes long trucks through the Borough, then those permits are approved by them.

#### **B. Status of Body Camera Acquisition:**

Chief Dougherty stated that there was no update at this time, and that he is waiting for Council to decide if they can be used. Mr. Weaver had contacted the vendor, who indicated that the cameras must be replaced every three years. Chief Dougherty said that replacement costs would be amendable, but did not see any yearly update costs. He indicated that each officer would be responsible for their camera's upkeep and care, and would be responsible for the replacement costs of \$250. He noted that public misconduct drops rapidly when a camera is used, and that could limit law suits. Mr. Weaver asked about privacy concerns. Chief Dougherty said that he is waiting for an opinion from the District Attorney concerning their use, before writing departmental policy. Mr. Pitzer asked if the cameras were presently being used. Chief Dougherty said no, but one officer was evaluating its use. Ms. Brown asked about data storage. Chief Dougherty said that it would be the determination of each shift Sergeant as to what information to store; and that the data could be stored on a thumb drive if needed for evidentiary purposes and then maintained as visual evidence until the case is over. Mr. Pitzer asked if any neighboring municipalities used body cameras or vehicle cameras. Chief Dougherty said he is not aware of any departments using body cameras, but they are using vehicle cameras. Ms. Brown asked how the information would be stored and who would maintain it. Chief Dougherty said that the policy had not been written yet outlining its use, but that both the Pennsylvania State Police Chiefs Association and the International Order of Pennsylvania State Chiefs had several examples to follow. He said that he would use general orders that are field tested.

### **Seasonal Outdoor Dining Draft Regulations:**

Mr. Dellett asked for comments from the Committee regarding the draft copy of the Seasonal Outdoor Dining ordinance from January 20, 2015. He said Council would need to authorize advertisement of the ordinance in April and direct its adoption at their May meeting for it to be ready for this year's outdoor dining season. He said that Council would need to consider if they want to extend the regulations outside of the Lincoln Square area and apply to all business dining areas. He noted that some regulations are covered under the existing sidewalk ordinance. He discussed the general draft document (see attached document). He said that in Part B under the General Requirements, the seasonal outdoor dining area will not be permitted within 10 feet of any driveway or alley; Part C limits the seasonal dining area to within 10 feet of the property line or building line; and Part D discusses the use of temporary banners.

Mr. Dellett stated that in the draft document, all food establishments intending to provide seasonal outdoor dining table service is required to obtain a license with an application on file with the Borough. He noted that there is an indemnification clause requiring businesses to meet the state laws and local ordinances. Mr. Weaver asked if input from any businesses was received. Mr. Dellett said that he had made the attempt to acquire input from businesses in the Borough. Mr. Weaver asked if he was looking for a recommendation from the Committee to Council and to authorize its advertisement; and if revisions to the sidewalk ordinance were needed. Ms. Brown said that the ordinance should apply to all seasonal outdoor dining and not just the Square. Mr. Dellett said that Council must be sensitive to staff, giving them the time to process the applications when considering fees. He said that the issues that arose during the 150<sup>th</sup> Celebration would be addressed, which is a public safety issue that relates to pedestrian traffic. He hoped that the Committee and Council would be comfortable with the document, with a couple of tweaks to formulating language. Mr. Pitzer just wanted to ensure that the Borough keep business owners in the loop and welcome their input. Mr. Dellett said that he would make the effort to gather the consensus of all business owners, and that we need to act quickly to get an ordinance in place before the outdoor dining season commences.

Mr. Weaver said that the Committee will recommend to Council to authorize the advertisement of the ordinance at their April meeting. Mr. Pitzer asked if businesses are required to take in their outdoor furniture at night. Mr. Dellett said that businesses are required to so in the sidewalk section of the *Streets and Sidewalk Ordinance* (Chapter 21). Mr. Dellett said that they could replace that entire section, because of its practicality.

### **Unfinished Business:**

There was no unfinished business.

### **New Business:**

There was no new business.

With no further business the Committee adjourned the meeting at 4:15 PM.

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The next Public Safety Committee meeting will be held on Monday, April 20, 2015 at 3PM.

Approved by \_\_\_\_\_  
Graham Weaver, Chairman