

**Borough of Carlisle Workshop  
Meeting Minutes  
February 6, 2019**

Present at the meeting: Councilors Crampsie, Flower-Webb, Fulham-Winston, Guido, Landis, Deputy Mayor Shultz and Mayor Scott. Also present were: Borough Manager Candland, Assistant Borough Manager Armstrong, Water Resource Director Malarich, Community Development Manager Skelly, Fire Chief Snyder, Human Resource Supervisor Hamilton, Public Information Coordinator Taylor and Borough Secretary Stone.

**I. Call to Order & Pledge of Allegiance**

The Workshop Meeting convened at 6:00 p.m.

**II. Public Comment:**

Ms. Wanda Hunter, 234 Walnut Bottom Road, Carlisle expressed concern regarding the recent literature distribution in Carlisle. Ms. Hunter's remarks are attached to these minutes.

Councilor Crampsie thanked Ms. Hunter. He noted that area churches are arranging meetings to discuss this issue and that racism should be called out.

Mayor Scott noted Hope Station is coordinating a Town Hall meeting and that this type of behavior, speech and thought should not be tolerated in the Borough of Carlisle.

Councilor Shultz remarked it is important as a community not to do something that is a temporary reaction and he hopes this will be used as an opportunity for a meaningful and long-term solution.

Ms. Tawanda Hunter-Stallworth, Swatara Township, Pennsylvania, noted it is important to stay in front of a situation and this event was a national campaign for hate. We should be looking at why the Borough was looked at for seeding this type of recruitment.

**III. Meeting Minutes:**

- A. Borough Council voted 7-0 to approve the January 2, 2019 Workshop Meeting Minutes. (Guido/Shultz)

**IV. Budget & Finance Committee:**

- A. County Services Parking Agreement

Parking Supervisor Stacey Hamilton advised Council of a proposal received from Cumberland County Court House Victim Services Division (VSD) of a one-year pilot program, to allow victims or witnesses coming to the courthouse the availability to park in the Borough Parking Garage. She noted the County is seeking funding from the state, which would cover the costs to park in the Borough parking garage. Ms. Hamilton will keep Council apprised as to the progress of the pilot program.

B. Joint Emergency Services Workgroup Update

Deputy Mayor Shultz and Councilor Fulham-Winston provided an update on a discussion that was held with local municipalities regarding the SR6 report and the need for a regionalization of local fire and EMS companies. He noted the decision was made to create a workgroup that will consist of two representatives from each local municipality to research this proposal. Deputy Mayor Shultz communicated that meeting has been scheduled for March 6, 2019 and the Borough needs to appoint two representatives for the work group. Consensus of was to appoint Deputy Mayor Shultz and Councilor Fulham-Winston as the Borough representatives to the work group.

V. **Community Planning/Smart Growth Committee:**

A. Rental Housing Inspection Ordinance Project:

Community Development Manager Skelly provided Council with a comparative summary of Carlisle Borough's current rental housing ordinance, which lists the effectiveness of each program in place. Councilor Landis inquired how the routine drive-by checks are presently being performed. Mr. Skelly stated staff responds to issues that are observed, but noted more staff time could be designated for a more systematic approach per Council's request. Assistant Borough Manager Armstrong explained a Codes Enforcement officer was designated to service the low to moderate-income neighborhoods through the use of Borough CDBG Program funds. The officer was to focus on educating the property owners and forming relationships. Mr. Heyser noted violators are taken to court, fines are assessed and paid, but there are times that the violation is not corrected and the legal process is repeated. Mike Heyser explained communication is more important than enforcement as he has found the property owner will often correct the violation after a phone call from the codes officer. Councilor Landis asked what could be changed to strengthen the ordinance. Mr. Heyser replied that a systematic exterior enforcement program could assist, but that would be time intensive. Councilor Fulham-Winston inquired what could be done to reduce the number of repeat violation offenders. Mr. Heyser replied enabling a nuisance ordinance would allow the Borough to address unsafe property issues. He spoke of unsafe conditions that resulted from irresponsible tenants and that the ordinance should address these circumstances to not penalize the landlord. There was a discussion in regard to determining the frequency between rental inspections and the consideration for rewarding good landlords with a longer cycle between inspections. Mr. Heyser recommended a period of three to four years for a property inspection rotation with the initial component of tenant turnover. He added that once a property has passed an inspection it could be placed on the inspection rotation, with no need to inspect with each new tenant. Mr. Heyser suggested there should be fairness to the landlords if the tenant is the one in violation and not to punish good landlords. Discussion ensued regarding a code violation point system for landlords that could result in the loss of rental license for repeat offenders. It was noted the town of Hagerstown has implemented this system. Mr. Heyser was directed to gather information on the Hagerstown rental ordinance. Deputy Mayor Shultz cautioned against penalizing good landlords that offer small rental units at low cost housing rates and there should be a balance in the ordinance for the minimal amount of penalty for good landlords. Councilor Fulham-Winston noted there are ordinances that reward good landlords for passing inspections by extending the frequency of their inspection cycle. However, she recognized that low cost house is needed, but also the expectation should be the low-income housing is up to code.

Mr. Joe Nunez, 7 Wellington Court, Carlisle, Pennsylvania read a prepared statement to Council regarding the rental ordinance. That statement is attached to these minutes.

Mr. David Lanza, 2132 Market Street Camp Hill, Pennsylvania, an attorney representing the Capital Area Rental Property Owners Association (CARPOA), inquired why the Borough needs to implement inspections for all landlords and not address the problem landlord or tenants. He suggested that a licensure program be considered and not a rental ordinance. This would allow the Borough to address the repeat property violators. He also spoke of properties in foreclosure that are abandoned in the Borough, a solution could be fine the bank and pursue foreclosure of the properties, which would bring attention to the foreclosing bank. He stated charging rental inspection fees to landlords, would then passed on fee to the tenants and would create an exodus of good tenants to neighboring municipalities that do not have a rental ordinance.

Mr. Anthony Evasia, with Patriach Management Company for Seven Gables, Carlisle, Pennsylvania stated they are opposed to the ordinance due to the concern of the implementation and the additional burden it will place on the Borough. He stated they are an active owner with regular inspections and have no violations. Mr. Evasia noted these fees would be passed on to the tenants, which will create a less competitive market for their rentals in comparison to other local municipalities such as Camp Hill and Mechanicsburg.

Ms. Rebecca Yearick, Downtown Services Manager for the Cumberland County Redevelopment Authority, 53 West South Street, Carlisle, Pennsylvania noted she has assisted communities in creating successful rental housing inspection programs and encourages rental ordinances to help with the safety and welfare of the tenants. She shared her experiences of showing properties to prospective buyers where the tenants found to be living without a kitchen or bathroom, as well as finding tenants squatting in a warehouse. Ms. Yearick suggested that rental inspections get rid of bad landlords and protect the properties and the people that reside there. In her experience with the Housing Authority, most inspections take 20 minutes. She applauded Carlisle Borough for taking the time to consider a rental ordinance.

Mr. Mike Adler, 337 Lincoln Street, Carlisle, Pennsylvania asked Council what has changed from 2012 when the rental ordinance was not approved. He felt the downtown is improving and did not understand why a rental ordinance is needed. Mr. Adler suggested that there are owner occupied houses that are not up to code and felt the landlords are being targeted.

Ms. Tawanda Stallworth Hunter suggested consulting the Human Relations Commission or a citizen advocacy group due to the costs for repairs being passed on to the tenant.

Mr. Robert Steel, Dillsburg, member of CARPOA asked Council to keep in mind that most homeowners have code violations.

Ms. Cathy Steel, Dillsburg, member of CARPOA state it is an invasion of privacy when homes are entered for an inspection.

Mr. Lanza asked for a quantification of repeat code violators and number of house foreclosures that delay the improvement process of a property.

Councilor Crampsie requested that staff compile additional data concerning what is working and what is needed to make improvements in order to discuss at the March Workshop meeting.

Deputy Mayor Shultz agreed that additional data is needed before revisions can be made. He noted the decision of the previous rental task force was not unanimous and the potential for a licensure program without implementing rental inspections could be a potential solution.

B. Wireless Communication/Small Cell Legislation Follow-up:

Discussion ensued among Council regarding the existing ordinance and revisions that could be applied per memoranda provided by Mr. Skelly. Those memoranda are attached to these minutes. There was a consensus of Council to revisit this discussion at a future workshop meeting.

**VI. Economic Development Committee:**

A. Open Container/Public Consumption Application Form for Special Events:

Assistant Borough Manager Armstrong explained that staff and the solicitor have worked together to create criteria for an application for approval to permit serving of alcohol to the public at special events in the Borough.

Councilor Flower-Webb suggested the following language be added to the application.

- Add language consistent with #3 on the acknowledge and agreements page regarding how the sponsor of event will check identification of any guest consuming alcohol.
- Add on page 2 of form after “additional information...” In parentheses add, will a security service will be used at the event.
- Add language to the effect if an event is a two-day event, alcohol must be secured.

There was a consensus among Council to add this language to the final document. It was noted that this application permits the serving of alcohol at a community event that is deemed beneficial by Council. Council asked for clarification if an additional insurance of liability is needed from “each” vendor at a sponsored event.

Borough Council voted 7-0 to approve an application form as amended and criteria for open container/public consumption requests for events deemed to be beneficial to the community. (Flower-Webb/Fulham-Winston)

B. Keystone Strategic Advocacy, LLC Contract Renewal:

Borough Council voted 7-0 to approve a contract with Keystone Strategic Advocacy, LLC (KSA) that shall provide the continuance of grant writing and lobbying services for Pennsylvania Commonwealth funding opportunities retroactive to January 1, 2019 through December 31, 2019, contingent upon the Borough Solicitor’s satisfactory review and approval. . (Flower-Webb/Fulham-Winston)

**VII. Employee Relations Citizen Participation Committee:**

A. Building Code Official Appointment:

Borough Council voted 7-0 to appoint Mr. Craig Doll as the Borough of Carlisle’s Senior Administrator/Building Code Official (BCO) retroactive to February 1, 2019. (Guido/Shultz)

**VIII. Parks and Recreation Committee:**

A. Lincoln Cemetery Project Update

The statement provided by Councilor Landis are attached to these minutes.

Councilor Guido noted, moving forward to be careful finding fault with the decisions of previous Councils because we were not part of those conversation.

There was an agreement of Council to recognizing prior mistakes of Council but respect the decisions that were made in a different era of time.

Ms. Tawanda Hunter-Stallworth explained her goal was never to impugn previous Council. She noted that she has respect for prior decisions of Council but has the image of the headstone being carried away from the cemetery and would like to learn the truth of the situation.

Borough Staff will continue to research past occurrences at the cemetery and return to Council with their findings.

## **IX. Public Safety Committee:**

### **A. Locust Avenue Speed Limit Request**

Water Resource Director Malarich noted Borough staff was approached regarding reducing the speed limit on Locust Avenue. He noted staff preformed a traffic study and the results warranted a reduction in the speed limit to 15mph.

Councilor Guido inquired if the process could be started to place 15 mph sign on every alley in the Borough. Mr. Malarich responded in order to be enforceable an engineering study would be necessary.

Ms. Wanda Hunter recommended making Locust Avenue a one-way street.

After discussion of Council, staff was tasked to review the request to change the speed limit in all Borough alleys to 15mph.

Borough Council voted 7-0 to authorize the Borough Solicitor to draft and advertise an ordinance amending the Code of the Borough of Carlisle with respect to Chapter 244, Vehicles and Traffic, to establish a 15 miles per hour speed limit for the entire length of Locust Avenue. (Scott/Guido)

### **B. Fire Department E-One Ladder Tower Bid**

Borough Council voted 7-0 to reject the sole bid received for the selling of the 1998 E-One Ladder Tower.  
(Scott/Guido)

### **C. Special Events Approval:**

On a motion by Scott and seconded by Guido, Borough Council considered a request by the Downtown Carlisle Association to reserve two parking spaces on the eastern corner of South Hanover and West Church Avenue for "Downtown Horse and Carriage Rides" on dates/times reflected in the Special Events Application. After the following discussion, Borough Council voted 7-0 to approve a request by the Downtown Carlisle Association to reserve two parking spaces on the eastern corner of South Hanover and West Church Avenue for "Downtown Horse and Carriage Rides" for only the February dates/times listed in the special event application. (Note: All other dates/times will be considered at a later date when DCA has provided details for each request).[Approval was contingent upon receipt of a valid Certificate of Liability Insurance Form

naming the Borough of Carlisle as an additional insured for said event.] (Scott/Guido)

A discussion ensued among Council and staff regarding the approval of the complete list of requested dates for use of two essential parking spaces on Hanover Street. There was concern in approving the entire list of requested 2019 dates and the broad length of time requested for. There was consensus among Council to review the remaining dates requested before further approval could be granted.

The motion was made by Deputy Mayor Shultz and seconded by Councilor Guido to amend the motion to reflect the approval of only the February dates listed on the Special Events Application.

Council recessed at 8:30 p.m. and reconvened at 8:39 p.m.

## **X. Public Works Committee:**

### **A. South Spring Garden Street Sewer Replacement Project:**

Water Resource Director Malarich briefed Council on three current projects that are occurring in the Borough.

- LeTort Interceptor Rehabilitation Program would be completed at the end of 2019.
- South Garden Street Sewer Rehabilitation- request to award a contract to the bid winner. He noted the project will begin in the spring of 2019 and be completed in the summer of 2019.
- A request would be presented to Council at the February Council meeting to continue the contract with HRG to provide oversight services for the Spring Garden Street Sanitary Sewer System Replacement Project.

### **B. 2019 Water Main Replacement Project:**

Water Resource Director Malarich advised Council a request would be presented at the February Council meeting to enter into an agreement with an engineering service for the Borough's 2019 Water Distribution System Rehabilitation Program.

Councilor Guido inquired when the bridge replacement on High Street would begin. Mr. Malarich stated the project will begin in the summer 2019 and be completed the following summer. During the project, there will be two lane restrictions for traffic.

## **I. Adjournment**

There being no further business or public comments, the meeting adjourned at 8:44 p.m.

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Timothy A. Scott Mayor

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Joyce E. Stone Borough Secretary

## Remarks from Wanda Hunter

Good evening, my name is Wanda Kay Hunter. I reside at 234 Walnut Bottom Road in the Borough of Carlisle. I am the granddaughter of Fleta Mae Jordan who stood by herself in the 70s to fight for something dear to her heart (her heritage). My late husband (Dan Hunter) was a prominent black business owner in Carlisle for over 50 years. Everyone respected him and called him Mr. Dan. He was a mentor to all in the community.

I stand here this evening on their shoulders and cannot remain silent regarding the news of the literature that was distributed recently in the borough. I was very shocked and disturbed when I heard the news release on the local television evening news. It shocked me to my core when I heard one of the police officers from the Borough state “unfortunately there is freedom of speech.....” I would like to emphasize that I recognize we all have “freedom of speech.” My concern is the nature of the flyers were very offensive and they were from a hate group and all we can say is “unfortunately there is freedom of speech.”

Looking from the standpoint of all my brothers and sisters of color and minorities in all aspects within the community of Carlisle – we felt degraded and literally “spit upon” to give someone their “freedom of speech” their rights? Do my rights mean nothing in this situation?

Where is the sensitivity to those of us who were harmed by this action? Are we just to brush it off our shoulders and pretend that it has not happened? What can be done to help the hurt I feel right now. I have a deep concern that this type of action could and I emphasize could develop into something bigger if we just brush it under the rug.

Unless you have walked in my shoes you don’t know the mindset of me and all my brothers and sisters of color. Let us talk about these issues and stop hiding behind our brothers and sisters who do not look like me.

I sincerely believe there is a real need for sensitivity training – within the borough; our schools; our businesses; our community as a whole.

I have children, grandchildren and great grandchildren. My concern is that my heirs do not have to encounter this type of behavior in the future. It has got to stop.

If I don’t speak up --- I am not helping the situation. Each one of us must show compassion and understanding and listen to your brothers and sister who are not like you. Come on Carlisle – help me to help us.

COL (Ret.) Joseph R. Núñez, Ph.D.  
7 Wellington Court  
Carlisle, PA 17012-4717

February 6, 2019

Carlisle Borough Council  
53 W. South Street  
Carlisle, PA 17013

Subject: Borough of Carlisle Rental Housing Ordinance (CRHO)

Dear Borough Council,

Having attended the January workshop that discussed the Carlisle Rental Housing Ordinance, I would start by saying that we currently have a solution in search of a problem. The most cogent comments on the subject from public officials came from Robin Guido, who focused on the current policy and questioned potential changes that were discussed. Much of the discussion centered on housing ordinances implemented in other municipalities within the state.

When I was a graduate student studying public administration years ago, one of the most practical courses I took was on policy analysis. We were taught that it is important to first carefully study the problem to be addressed by public policy, marshalling facts and figures to better understand the nature and scope of the problem. The second step is to review any existing policies and hold them up against the facts that have been established. The third step is to establish evaluation criteria. The fourth step is to draft several policy options and then evaluate which is the best one for the municipality's needs based upon the merits and shortcomings of each option. Once it is implemented, the policy is periodically reviewed to see how it is faring, good and bad, and adjustments are made as needed.

Suffice it to say, Carlisle desperately needs policy analysis for rental housing policy. That said, the analysis needs to be done by government officials and the community, not farmed out to a contractor for a fee. A working group composed of representatives from the Public Works Department (Codes Section), Police Department, Fire Department, Borough Manager's Office, and Borough Council should be included. Additional representatives can also come from the community, including real estate firms, property management associations, citizen advocacy organizations, and neighborhood associations.

The rush to consider and adopt rental housing ordinances in other municipalities should be strongly resisted for several reasons. First, communities like Mount Holly Springs and West Chester bear little resemblance to Carlisle. Mount Holly Springs has a small fraction of Carlisle's population and the socio-economic dynamics are very different. While Carlisle and West Chester are similar in population, they are very different college towns. West Chester University has over 17,500 students – undergraduate and graduate – while Dickinson College has less than 2,400 students. It is also important to note that a small number of Dickinson students live in privately owned rental housing, while a large percentage of West Chester University students live in privately owned off campus housing. Second, Carlisle first needs to carefully assess the rental housing problem and then think about possible solutions; do not put the cart before the horse for a quick and dirty policy shortcut. Finally, just because other communities make stringent rental housing ordinance changes, that does not mean that it would be beneficial for Carlisle to do the same.

Returning to the current CRHO, it may well be that the issue is more a matter of reporting and follow-up on violators of the ordinance. Recognizing that police, fire, and EMT officials are a major source of reporting in addition to

tenants and others, it would be important to know how many rental code violations were reported in 2016, 2017, and 2018. Who reported violations? What was done about the violations by the Codes Section? Are code violations increasing or decreasing? If we mapped the violations, where are the high density areas? How many property owners received multiple violations and what was done about this? Are any property owners banned from renting to residents because of numerous and severe violations?

It has been argued many times that tenants are afraid to report violations by property owners who operate as slumlords because they may be harassed or evicted. Documentation of the extent to which this true has not been determined or assessed, but let's assume that the issue is significant. If there was an anonymous reporting process (or a guarantee that all reporters were kept confidential), it would improve reporting and enforcement. It should be noted that many code violations coexist in an environment where criminal activity occurs, safety and health issues abound, and other problems exist – litter, broken sidewalks, drug overdoses, etc. These problems are more likely to be found in multi-unit apartment complexes than in rented single family houses. Given this, the Police Department should be targeting problem areas to send a strong message to violators and reduce the slumlord population, and the Fire Department can assist their law enforcement partners in this matter.

It should thus be apparent that an effective and efficient approach to solving a number of problems, from rental housing issues to frequent criminal activity, is to finally implement the community policing program that has been frequently discussed and proven to work well in other towns and cities. There is no better deterrent to crime or improving trust with citizens that yields more reporting, such as on suspicious activity or on a property owner who is not maintaining his or her property to basic habitation standards. The Police Department does not currently have sufficient staffing to patrol all of the neighborhoods in the Borough on foot or bicycle, but they could prioritize those downtown areas that have high crime rates and numerous housing code violations.

The Borough of Carlisle should guard against developing a strongly punitive rental housing ordinance that uses inspections, fees, and fines to lump all property owners as potential slumlords who must be sanctioned by the government within an adversarial relationship. It should be noted that in the last workshop there was general agreement that slumlords are the source of most violations, these properties are clustered in a few areas where criminal activity abounds, and that these property owners are but a very small percentage of those who own rental property. If Carlisle sends the wrong message to the many responsible property owners, it will have a negative impact on real estate sales and values, and will ultimately reduce property tax receipts to the Borough. As it is, business owner representation on the Borough Council is at an all time low, which raises perception issues.

Finally, there is a vast difference between single family houses and multi-unit apartment buildings. Many families coming to the Army War College – students, staff, and faculty – still depend on houses being available to rent in the community, despite what I was told by a Borough Council member last summer. The new housing on Carlisle Barracks was built to replace old housing that was torn down. Also, the size of the student class has increased over the last decade. The privately owned housing available to incoming personnel is of good quality and well maintained. Property owners understand that if they are not responsive to tenant requests for repair, maintenance, and improvement, the Carlisle Barracks Housing Office will prohibit them from renting to government personnel. There is an important lesson here in how to approach problem property owners that is full of common sense.

Sincerely,

Joseph R. Núñez, Ph.D.  
Colonel, U.S. Army - Retired

**Carlisle Borough  
Inter-office Memorandum**

**To:** Borough Council  
M. Malarich, PE, Director of Public Works  
M. Candland, Borough Manager

**From:** M. Skelly, Manager, Planning, Zoning & Codes

**RE:** **Wireless Communication Facilities / Small Cells**

**Date:** 10/3/18

This Memo was requested by the Mayor to:

- advise Council of recent changes concerning wireless cell towers promulgated by the Federal Communications Commission (FCC);
- initiate discussion on the possible need to review / strengthen Borough land-use policies for regulating small cell location.

For the purposes of this Memo, “Small Cells” (SC), Micro-cells, or Distributed Antenna Systems (DAS) shall be regarded as the same matter of discussion / wireless technology.

On 9/26/18, the FCC announced changes to how SC may be regulated by municipalities. Some of the key changes include<sup>1</sup>:

- charging of municipal fees;
- set new permit processing deadlines (60 days for collocation on preexisting structures; 90 days for new builds);
- codify the 90 day (co-locations) and 150 day (new facilities) deadline for wireless facility approval, *which do not qualify as SC*.

On 4/9/15, Borough Council adopted Ordinance #2220, which amended the Zoning Ordinance by including an entirely new Section 255-199.A.50 – Wireless Communication Facilities. The purpose of the ZOA was to provide updated standards for the design, location, siting, permitting, and maintenance of wireless facilities based on the growing concern and demand for SC locating within the Borough’s right-of-ways (ROW) / collocating on public infrastructure. In May 2015, the Borough appears to have retained the services of the Cohen Law Group to negotiate future wireless lease agreements with companies, and to assist in the review of related zoning applications and permits.

Municipalities are receiving more requests to have these private cellular facilities and services attached to, co-located (light poles, traffic signals, other utilities), and placed within the public ROW. The demand for DAS is especially strong in larger, populated / denser urban areas as people request more data at faster speeds – towards 5G[eneration] Service.<sup>2</sup> The wireless industry has responded by moving away from taller, monopoles and towards smaller, more dispersed antennas that have better coverage. Unfortunately, SC are being located within the public ROW. Typical municipal concerns over DAS include<sup>2,3</sup>:

1. Perceived limits on zoning preemption / use of certificate of public convenience & necessity by federal / state law;
2. Physical interference / obstruction for above-ground utilities;
3. Physical damage to municipal utilities;
4. Potential obstruction for maintaining safe stopping distances / clear sight triangle, minimizing general visual blight / road clutter;

5. Maintaining visual – especially historic character of certain residential neighborhood.

Health and safety issue regulation, level of radio frequency, as well as an outright ban of DAS is preempted by federal and state law.

In reviewing S. 255-199.A.50 of the Borough's Zoning Ordinance, which was revised in 2015, and then again in May 2017 (Ord. # 2271 – dealing with retention of experts / escrow), staff believes that there is ample land-use protection. The 2015, version is a hybrid of a template prepared by County Planning, and the Cohen Law Group, and includes many key provisions relating to use of antenna / facility, but with camouflage / stealth design.

It appears that the recent FCC changes to deadlines / *"Shot Clock"* are already addressed in our Ordinance by virtue of the "Review Timeframe" section specifying that: *"or the most recent timeframe established by the FCC...."* If Council desires to revise the Ordinance, staff would recommend such options such as:

- Emphasis on underground vaults for equipment hardware, especially at locations not subject to flooding, near historic properties, and at cluttered / unsafe street intersections;
- Emphasis on using decorative banners, bus stops, play apparatus, as per stealth technology.

\* \* \*

1. Panettieri, A., (9/26/18) "Five Takeaways for Cities from the FCC's Small Cell Preemption Order." The National League of Cities website.
2. Monroe, L.S., Hicks, J., (Nov. 2016) Regulating Wireless Facilities in Public Rights-of-Way, Zoning Practice, Issue No. 11, American Planning Assoc.
3. Cofsky, L., (2018) Municipal Action Guide: Small Cell Wireless Technology in Cities, National League of Cities.
4. Arfaa, C., HAWKE MCKEON & SNISCAK LLP, (4/19/16) Docket. No. M-2016-2517831; Review of Issues Relating to Commission Certification of Distributed Antennae System Providers in Pennsylvania; Docket No. M-2016-2517831; COMMENTS OF CTIA -THE WIRELESS ASSOCIATION; Filing with the Pennsylvania Public Utility Commission.

**Carlisle Borough  
Inter-office Memorandum**

**To:** Borough Council  
**From:** M. Skelly, Manager, Planning, Zoning & Codes  
**RE:** **Wireless Communication Facilities / Small Cells**  
**Date:** 1/2/19

This Memo was requested by the Mayor to update information presented by staff for the 10/30/18, Council WS Meeting. Please refer to M.Skelly's 10/3, Memo for further background on this subject (attached).

At the 10/30 Council Meeting, Councilor Crampsie inquired if the Borough has provisions to prevent a small cell tower to be placed in the public ROW on a citizen's front yard. Skelly – said no. Crampsie inquired if the Borough could receive payment from several cell companies from a shared cell tower. Skelly said yes. There was no formal direction / resolution made aside from a general consensus to revisit this again in 2019. Aside from those recommendations made in staffs' earlier Memo, the following update is offered.

According to: <https://broadbandnow.com/report/5g-small-cell-deployment-state-laws/> PA State Rep. F. Farry (R) and 32 other legislators introduced HB 2564 in July 2018. This draft Bill would adopt the Small Wireless Facilities Deployment Act, which is intended to streamline the permitting process for small cell deployments and gives wireless providers access to public ROW. "The Bill also caps fees that local governments can charge for access to \$100 per new installation and \$25 per unit annually. It also sets limitations on how local governments can deny applications for small cell deployments. The bill, which was widely criticized by local governments across the state, is similar to bill HB 1620, introduced by Rep. N. Miccarelli (R) in July 2017, and for which Rep. Farry had been a co-sponsor. That bill would amend the state's 2012 Wireless Broadband Collocation Act in order to include wireless support structures needed for 5G. Neither bill made it out of committee. Rep. Farry has said he will take up the issue again in the 2019 session."

The PA Municipal League, which we belong to, is not supporting this Bill as it's viewed as:

- Preemption on municipal ROW rights / zoning authority;
- Loss to potential location – siting revenues. Apparently, some municipal fees for siting of these facilities may be \$1,000 / year for new poles. In 2018, the FCC reduced these fees to a maximum of \$270 / year for poles or antennas. HB 2564 may further reduce this limit.

## **Statement from Councilor Landis regarding Lincoln Cemetery**

I wanted to provide an update on the work of the Lincoln Cemetery Committee. This committee was initially convened after the 2019 Class of the Army War College offered a kind gift to Lincoln Cemetery. The committee is made up of residents Tawanda Stallworth, Wanda Hunter, Safronia Perry, Lt. Col. Fran LeMarks from the War College and Borough staff Andrea, Susan, Matt, and myself. The gift has taken on the form of an Arch, similar to that of the Dickinson College entryways, with the name Lincoln Cemetery above. This arch will be installed at the entryway between Memorial Park and the cemetery, near the basketball courts to help guide park goers into the cemetery. The plans are to close off the other entry points from N. Pitt and W. Penn to prevent people from using the cemetery as a short cut to the park (but allow a gate for use by borough staff for maintenance).

The arch is being created and will be installed hopefully by late April or Early May. The plan is to have a recommitment ceremony on Memorial Day coordinated with the Haines -Stackfield VFW who normally lead this ceremony. That recommitment ceremony will not only be a time to thank the Class of 2019 for their gift but a time to remember the people who are buried at Lincoln Cemetery including the United States Colored Troops from the Civil War. It will also offer an opportunity to pass the baton to the borough as we will continue this work and as well as a time where we can openly acknowledge, and try to heal, the wounds that were opened when the headstones were removed and lost. Although the Borough led an effort to enhance the cemetery during a renovation of Memorial Park in 2004, memories fade and the acknowledgement given by Councilor Rankin at the time has largely been forgotten. The plaques in the cemetery outlining the history do discuss the removal of the stones but there is no written statement from the Borough stating that this is not something we would agree to today and that it is a part of our history we are not proud of. We can and should embrace this recommitment ceremony and take the opportunity to try to further heal these open wounds through words, action, and investment.

At the same time we are working on this, the Cumberland County Historical Society is researching the cemetery and has some documentation that could put the number of people interred there up to 500. They are hopeful to have much of this work completed by Spring 2020 for a digital exhibition. The borough has started doing our own research using documents not accessible to the Historical Society from our archives to supplement their work and fill in gaps. We anticipate being able to find primary documents that provides a better timeline of the history. It is important to work on collecting the full history and making decisions about future investments with the help of this comprehensive history.

Earth Science Professor Jordan Hayes from Dickinson College worked with the Historical Society to create Ground Penetrating Radar scans of the previously forgotten Mt. Tabor African American Cemetery in Mt. Holly Springs. She has offered to do the same work at Lincoln Cemetery. Although the scan cannot definitively show burial plots, it can give guidance to where remains may be located by showing disruptions in the soil.

Professor Steven Burg from Shippensburg University is working on a digital database of African American Cemeteries across PA to help make hidden and neglected histories accessible again. It is unfortunate that previous leaders in Carlisle removed the headstones from Lincoln Cemetery but it is more unfortunate that we are not the exception and that most other communities have not given African American Cemeteries the respect they deserve through either neglect, disrepair or removal. I am proud of this complicated and tough work we are taking on with the partnership of the committee, community, and Historical Society.

Part of this update is a first step in taking this conversation to the community for further engagement as well as asking council for any other ideas they may have on how we can support this work. The committee has discussed having a community engagement discussion, likely at Hope Station, although that date has not been set yet. Once we have community discussions and a clearer history of the cemetery, we will be tasked to look at ways we can make further invest in the cemetery to ensure it is continually cherished and respected as hallowed ground. To ensure the memories don't fade over time I am hopeful this investment would also include a plaque or other permanent installation on site that gives the full history including a statement from the Borough.

One first step to consider is not a financial decision but a zoning one. That would be to change the designation of Lincoln Cemetery from a park back to a cemetery just as the Old Cemetery is zoned. Currently, if someone books an event in the park, they are able to use any area and this area should not be accessible for these purposes.

I want to thank the folks who are on this committee, who show up at each meeting and devote time and energy to these tough conversations to further this important work. My ideal is to have Carlisle be able to be a leader in how to confront and work through these histories and be an example others look to when trying to find ways to heal their own communities.