

Borough of Carlisle  
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**BOROUGH OF CARLISLE  
COUNCIL MEETING MINUTES  
September 8, 2016**

Mayor Scott called the Council Meeting to order at 7:00 p.m. Councilor Bires led the Moment of Silence and Pledge of Allegiance.

After a roll call by the Borough Secretary, the following members of Council were present: Bires, Crampsie, Flower-Webb, Guido, Heath, Deputy Mayor Shultz and Mayor Scott. Also present were: Borough Manager Matthew Candland, Interim Chief Latshaw, Public Works Director Malarich, Planning/Zoning/Codes Manager Koziar, Finance Director Butts, Parks & Recreation Director Crouse, Fire Chief Snyder, Treatment Plants Director Selan, Human Resource Supervisor Hamilton, Solicitor Brenneman, Student Ambassador McLaughlin along with Borough Secretary Stone.

**OPPORTUNITY FOR CITIZENS AND VISITORS TO BE HEARD**

**A. Citizens and Visitors Who Have Been Scheduled To Be Heard**

1. Ms. Virginia Mauk with the Downtown Carlisle Association (DCA) provided an overview of her position as the DCA Retail Recruiter. She noted her focus is business recruitment for the C-1 District of Carlisle. Ms. Mauk recruits national, regional and independent businesses from outside Cumberland County, with the expectation that they relocate to Carlisle's downtown. Ms. Mauk also reaches out to Carlisle's existing businesses to keep them informed of DCA's services and benefits. Council was also informed of DCA's assistance provided to new businesses such as obtaining grants for building signs. Ms. Mauk reported she spoke with 23 (twenty-three) potential business owners regarding relocating to the Borough of Carlisle in 2016.
2. 2015 Historic Preservation Awards were presented by HARB member, Mr. Bill White, to Waveland Property for renovations at 100 West Pomfret Street and to Brad Bruce & Pat LaMarche for the renovations to the Line building at 21 Dickinson Avenue.

**B. All Other Citizens and Visitors:**

Mr. Charli Yana, 169 E. South Street, Carlisle, Pennsylvania spoke regarding the Anti-discrimination Ordinance. He requested Council place a referendum on the November ballot for the public to vote on this ordinance. Mr. Yana's complete statement from the Council meeting is attached to these minutes.

Mr. Lazlo Pasztor, 532 S. Hanover Street, Carlisle, Pennsylvania, requested an update on the Anti-discrimination Ordinance. Councilor Crampsie stated that the next opportunity for the topic to be discussed could likely be the regularly scheduled October Employee Relations Citizen Participation (ERCP) meeting.

Councilor Guido stated she has been working on information to submit to Council for recommended changes. When a completed document is prepared, it will be sent out to the public.

Ms. Pat LaMarche, 21 Dickinson Avenue, Carlisle, Pennsylvania, noted her excitement that the Borough is taking the initiative to make a difference in the Carlisle community by having an equal rights initiative.

Mr. Charli Yana, 169 E. South Street, Carlisle, Pennsylvania, emphasized that his previous statement should not be taken as a prejudice against anyone.

## **CONSENT AGENDA**

Councilor Heath made a motion, which was seconded by Councilor Guido, to approve the Consent Agenda. Council approved the Consent Agenda by a 7-0 vote, consisting of the following items.

### **A. Minutes:**

*Council Meeting 08/11/2016*

### **B. Approval of Bills and Investment Transactions: Expenditures as of August 31, 2016:**

<i>General Fund</i>	<i>\$ 768,932</i>
<i>Water Fund</i>	<i>\$ 203,585</i>
<i>Sewer Fund</i>	<i>\$ 604,339</i>
<i>Solid Waste Fund</i>	<i>\$ 34,363</i>
<i>Parking Fund</i>	<i>\$ 11,452</i>
<i>Highway Aid Fund</i>	<i>\$ 3,370</i>

### **C. Attendance Approvals:**

- 1. Mayor Scott attending the National League of Cities on November 16-19, 2016 in Pittsburgh, Pennsylvania.*

### **D. HARB:**

***Council approved the following requests for certificates of appropriateness:***

- 1. A request by St. John's Episcopal church for a Certificate of Appropriateness at 1A North Hanover Street. The applicant proposes to restore the CMU wall that was damaged as a result of a car accident. The exterior stucco on both the Hanover Street side and the High Street side will be repaired/replaced to match the existing stucco on the remainder of the building.*
- 2. A request by Megan Kuntz for a Certificate of Appropriateness at 149 South West Street. The applicant proposes to replace the five, 2/2, double hung wood windows on the front façade with 2/2 Jeld-Wen w-2500 double hung wood windows.*
- 3. A request by Hope Gregor for a Certificate of Appropriateness at 55 East South Street. The applicant proposes to take down the three chimneys, clean the brick and relay with appropriate mortar.*
- 4. A request by Madelyn Campbell for a Certificate of Appropriateness at 61 East Pomfret Street. The applicant proposes to replace the wooden four panel front door with a two or four panel smooth fiberglass door.*
- 5. A request by Eric and Kathleen Storms for a Certificate of Appropriateness at 133 South Hanover Street. The applicant proposes the following improvements:*

- *The concrete slab between the main house and the warehouse will be restored using forming and pouring a 4" slab over the existing slab*
  - *The opening between the main house and the warehouse with a traditional 6' or 7' wrought iron fence and a 36" gate*
  - *The boundary between 135 and 139 South Hanover Street will be fenced with a 7' or 8' wooden fence*
  - *The main house and warehouse will be repointed using appropriate mortar*
  - *The wood sash on one window will be restored by Coyle Lumber*
  - *The warehouse's courthouse door frame will be restored*
6. *A request by Jason Stutenroth for a Certificate of Appropriateness at 157/159 East South Street. The applicant proposes the following:*
- *Install Hardi Board siding over the existing plywood on the exterior walls on the front facade*
  - *Install 2/2, double hung wood windows on the front facade the same profile as the windows removed*
  - *Install two (¾ lite with two windows) wooden doors to replace the existing wooden doors on the front façade*
7. *A request by Dave Hamilton for a Certificate of Appropriateness at 19 North Hanover Street. The applicant proposes to convert the side picture window into a metal garage door for the access to the brewery. Also, a 35 SF wood wall sign will be placed on the front façade that will state "BURD'S NEST BREWING COMPANY EST – 2013". The sign will be located in the signboard area and be brown with silver metal lettering.*

**E. Mayors Report:**

1. *Borough Manager Candland or Assistant Borough Manager Armstrong were appointed as the Borough's voting delegate at the Pennsylvania Municipal League, 117<sup>th</sup> Annual Convention on October 4-6, 2016. It will be determined later, which of the two will be attending the convention.*

**F. Public Safety:**

1. *Borough Council authorized the closure of the 1300 block of N. Pitt Street from September 27, 2016 – October 1, 2016 between the hours of 7:00 a.m. -10:00 p.m. daily to facilitate the drop off and pick up of vehicles for Carlisle Events Auto Auction at the Carlisle Expo Center.*

*Carlisle Events would be responsible for 100% of the variable costs and 10% of the fixed costs incurred by the Borough and be required to provide a Certificate of Insurance naming the Borough of Carlisle as an additional insured.*

Note: Councilor Guido asked that Carlisle Events plan to keep a traffic lane open during the street closure of the 1300 block of N. Pitt Street, to allow emergency vehicles to travel in the case the need arises.

**REGULAR AGENDA**

**TABLED, CONTINUED, AND RECURRING ITEMS**

On August 11, 2016, Council tabled the agenda item proposing an ordinance to establish a code of accountability and ethics. Council requested at the September Council meeting to have the proposed ordinance remain as a tabled agenda time.

## **REPORTS FROM ELECTED OFFICIAL**

### **A. ERCPC:**

1. Borough Council voted 7-0 to appoint Ms. Jacqueline Joyce to a one year term as the Dickinson College Student Ambassador to Borough Council. (Crampsie/Shultz)
2. Borough Council voted 7-0 to appoint Mr. Drew McLaughlin to a one year term as the Penn State Dickinson School of Law Student Ambassador to Borough Council. (Crampsie/Shultz)
3. Borough Council voted 7-0 to appoint Mr. Eveyon Davis to fill the student liaison position on the Carlisle Borough Parks and Recreation Board. His term will become effective immediately and shall expire June 30, 2018. (Crampsie/Shultz)

### **B. Budget & Finance:**

1. Borough Council voted 7-0 to award the unit price Concrete Curb, Sidewalk, and Excavation Contract to Danny Raudabaugh for a not to exceed price of \$15,000 for the E. Louthier Street South Parking Lot Resurfacing Project. (Heath/Crampsie)
2. Borough Council voted 7-0 to award a contract to the low bidder, Kinsley Construction for the E. Louthier Street South Parking Lot Resurfacing (Milling and Paving) project at a cost of \$47,800.80. (Heath/Crampsie)
3. Borough Council voted 7-0 to approve the 2017 Minimum Municipal Obligation (MMO) budgets in the amount of \$540,173 using the 2016 actuarial study in order to fund the police, non-uniformed employees, and 401(a) pension plans for 2017 as required by Act 205 of the Commonwealth of Pennsylvania. (Heath/Crampsie)

### **C. Community Planning & Smart Growth Committee:**

1. Borough Council voted 7-0 to approve the granting of a waiver of the Preliminary Plan submission requirement for Madden Engineering on behalf of the CASD at 623 W. Penn Street (Ins-Institutional zoning district) for the purpose of constructing a weight room and locker rooms. (Shultz/Flower)

Furthermore, Borough Council voted 7-0 to approve the Final Land Development Plan submitted by Madden Engineering on behalf of the CASD at 623 W. Penn Street (Ins-Institutional zoning district) for the purpose of constructing a weight room and locker rooms. (Shultz/Flower)

2. Borough Council voted 7-0 to approve the granting of a waiver of the Preliminary Plan submission requirement for All Land, LLC, on behalf of Nathan & Allyson Horne at 263 F Street (R-2 Medium Density Residential District). (Shultz/Flower)

Furthermore, Borough Council voted 7-0 to approve the Final Subdivision Plan submitted by All Land, LLC, on behalf of Nathan & Allyson Horne at 263 F Street (R-2 Medium Density Residential District). (Shultz/Flower)

### **D. Economic Development Committee:**

1. Borough Council voted 7-0 to accept and approve the submitted Consolidated Annual Performance and Evaluation Report (CAPER) for the period covering July 1, 2015 through June 30, 2016. (Flower/Heath)

**E. Parks and Recreation Committee:**

1. Borough Council voted 7-0 to award a contract in the amount of \$14,540.00 to Mark Ludt Building Inc. for the installation of fiber cement siding at Shaffer Cabin. (Bires/Scott)

Furthermore, Borough Council voted 7-0 to award a contract in the amount of \$4,860.00 to Mark Ludt Building Inc. for materials and installation of sheathing at Shaffer Cabin. (Bires/Scott)

**F. Public Safety Committee:**

1. Borough Council voted 7-0 to adopt a resolution designating the Director of Finance as the Borough's authorized agent to execute all required forms and documents for the purpose of obtaining financial assistance from FEMA/PEMA in conjunction with snow removal expenses incurred during Snowstorm Jonas. (Scott/Guido)
2. Council voted 7-0 to approve the selling of the 2004 KME Fire Engine, VIN No. 1K9AF42894NO58766, for \$75,000.00. (Scott/Guido)

**G. Public Works Committee:**

1. Borough Council by a roll call vote of 7-0, adopted an ordinance providing for the execution of sewer easement agreements with the owners of property on which the Borough has sanitary sewer or storm sewer facilities requiring repairs as part of the 2016 Sanitary Sewer System Rehabilitation Project. (Guido/Bires)

Borough Council voted 7-0 to approve Change Order No.1 to the 2016 Sanitary Sewer Rehabilitation Contract to address water main break repair assistance provided by HRI, Inc., increasing the total contract price by \$22,411.55. (Guido/Bires)

2. Borough Council voted 6-0-1 with Councilor Shultz abstaining, to approve a contract with John W. Gleim Jr, Inc. in the amount of \$10,025 to completed needed repairs to the Borough's Sanitary Sewer System on North Hanover Street. (Guido/Bires)

Councilor Guido brought the aforementioned item to Council for approval. She explained that in the process of repairing the road surfaces in the Borough, hidden man holes and trolley tracks were unearthed. This discovery caused the need for an additional expense to repair.

**NEW BUSINESS –**

None

**REPORTS FROM COUNCIL MEMBERS & STAFF**

Student Ambassador Joyce thanked Council for appointing her to Council as the Dickinson College Student Ambassador. She noted the Dickinson Class of 2020 consists of 611, diverse students. Dickinson received a grant \$650,000 to be used for civic engagement. This grant will help the students and staff learn how they can be involved more effectively and active in the community.

Student Law School Ambassador McLaughlin thanked Council for their unanimous vote to appoint him to a second term as Student Ambassador for the Law School. He noted the new law school class will hold the annual "Wills for Heroes". This event is open to firefighters and police officers to offer free will and trust advice from practicing attorneys.

Councilor Bires stated she will attend the Patriots Day at the Carlisle Barracks.

Councilors Guido and Bires attended a Dickinson Community meeting that was directed for off campus senior students. She noted the intent of the meeting was to encourage dialogue between the community and students, and to become familiar with each other as neighbors. Councilor Guido mentioned two upcoming DCA events are the Christmas Parade in December and an Ice Festival in February.

Mayor Scott noted he addressed the Dickinson College freshmen class at convocation. He stated it was truly an honor to give the address.

Councilor Flower-Webb shared an Evening Sentinel newspaper dated November 15, 1957 that was found in an attic. The articles spoke of the appointment of three new police officers, a request for Council from Milton Flower to donate \$12,000 to the Bosler Library in order to keep it from closing, and a movement by Borough Council to change from a 15-member to a 7-member Council.

Councilor Crampsie reminded Council and residents that 34% of the State currently has anti-discrimination legislation. He noted the Borough is not reinventing the wheel with the formation of an anti-discrimination ordinance. Mr. Crampsie mentioned Carlisle would not be a trend setter in the State on this particular issue, it would just be joining others.

Interim Chief Latshaw noted interviews for new police officers will take place in the near future. He mentioned Carlisle police officers successfully revived a citizen after a heroin overdose.

Parks and Recreation Director Crouse encouraged all to take a look at the Heberlig-Palmer Park renovations that are nearly completed. The West Side Neighbors are planning a dedication for the park sometime in October. She noted Dickinson College will team up with the Borough to hold community workshops for the purpose of making decorative tiles for the garden areas of Heberlig-Palmer Park.

Fire Chief Snyder asked that everyone remember the 15<sup>th</sup> anniversary of September 11<sup>th</sup>. He noted the first attack was at 8:45 a.m. and that day 2,996 individuals lost their lives.

## **ADJOURNMENT**

There being no further business or public comment, the meeting adjourned at 8:15 p.m.

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Timothy A. Scott,  
Mayor

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Joyce E. Stone  
Borough Secretary

## LGBTQ Ordinance

As a lifelong resident of the Borough of Carlisle I would like to address certain wordings that exist in the proposed Ordinance to establish a Human Relations Commission. First though, I would like to thank those who began this conversation in such a public way, opening it up for discussion before coming to a vote on such a controversial and debatable topic.

**WHEREAS** (7) “, the Pennsylvania Human Relations Act, Act of October 27, 1955, P.L. 744, as amended, 43 P.S. % 951-963 (the “Act”), does not preclude the Borough from enacting and enforcing its own Anti-Discrimination Ordinance which prohibits additional categories of discrimination;”

By this paragraph in the proposed rule, the Borough has permission to enact and amend its own Ordinance as pertaining to discrimination but, if there exists no mandate for such an ordinance by the State, or the amendment of any existing law, and there are those who wish to implement one, shouldn't all of the citizenry of Carlisle have a say in it since it will affect everyone who resides within the Borough? Obviously, all the citizenry are not present, nor can be, but if the majority is for it, then the majority will be satisfied with it and vote it into law. If this is an agenda that would benefit the few at the expense of the many then having such an ordinance would go against any fairness this decree is supposed to represent. Therefore, a motion needs to be made that this issue be placed as a referendum for all of Carlisle to vote on in the upcoming or some future election, if indeed it is found to be necessary.

**Section I. C.** “Nothing in this Ordinance shall be as supporting or advocating any particular doctrine, position, point of view, or religious point of view.”

This ordinance, as is being proposed, **does** advocate a “particular... point of view”. It disregards the views of those opposed to it by penalizing moral convictions via threat as “deemed an exercise of the police power” (*Sect 1, C*). If a Christian baker, for instance, refuses to supply goods to an LGBTQ wedding because of a moral conviction to scriptural precedent (*Lev 18:22/Rom 1:26/1 Cor 6:9/2 Pet 2:6/Jude 7*) will they also “be treated fairly and equally” (*1, C*) as those who are “aggrieved” in such a case? Would the **Section IV Exception** apply to the individual as it does to “a religious corporation or association, not supported in whole or in part by governmental appropriations”? If said individual were to “file a verified complaint alleging violations of this ordinance” (**SECTION VI-if in fact he is covered by it in all fairness**) will he be treated in the **same** manner as “is reflective of the general population of the United States of America” (**WHEREAS 2**)? If not, would this not qualify under **SECTION III., B.** as “retaliation against any individual because such individual has opposed any practice forbidden by this Ordinance”, and would **that** be enforced by the “exercise of the police power”? The more laws any society has the less freedoms it has. If one law benefits one person to the detriment of another law that benefits another person, how would such not breed chaos?

**SECTION II. Definitions** The wording “...sex assigned at birth”

Referring to a nytimes.com article by Pam Belluck (*Aug 9, 2011*) titled “Test Can Tell Fetal Sex at 7 Weeks, Study Says”. Gender is not “assigned at birth” so, if this particular study has confirmed that, could it not also be understood that gender assignment occurs even sooner than in seven weeks? The gender, then, is not so much as **assigned** at birth, as it is ultimately **confirmed** at birth, since assignment took place at, or shortly after, conception.

**SECTION V. Establishment of Human Relations Commission** “Members shall be residents of the Borough”

Ted Martin of “a statewide LGBTQ advocacy organization” stated now that Carlisle is considering an ordinance, it will “send a bigger message to the state legislature” which “would solve the problem in many ways”. (*The Sentinel 8/8/16*)

If this is not “advocating any particular... point of view” by those outside the Borough who have an agenda then what is it? This is a borough issue in which outsiders are having an influence, which is why it should be a ballot issue for “residents of the Borough” only, if in fact members of the proposed commission are “in and for the Borough of Carlisle” (*Subsection A.*).

**SECTION VI. A. Procedures** “...three hundred (300) days of the alleged act to be considered timely.”

Upon the date this proposed ordinance becomes law, if approved, is the timeframe of 300 days to be considered from the date of the complaint forward or retroactive 300 days prior to establishing the decree?

- B. **Notification and Answer.** The wording “... Person(s) charged...” should read “Person(s) alleged to have committed” since ‘guilt’ would have yet to have been established via the process of determining so. Innocent until proven guilty?
- C. **Mediation.** “...voluntarily participate in the mediation of their dispute.” Under subsection D. **Dismissal of Complaint**, what established set of rules would prompt the opinion of the commission “to use expanded procedures”?
- I. **Expanded Procedures: Conciliation.** Once it “...determines that probable cause exists for the allegations of the complaint, the Commission shall immediately endeavor to eliminate the unlawful practice complained of by persuasion, conference and conciliation.” What defines “persuasion”? The “exercise of the police power”?
- J. **Expanded Procedures: Public Hearing.** “...in its discretion”. Who’s to say that the commission will be filled with members who show no bias one way or the other?

“The Commission and the parties shall not be bound by the strict rules of evidence at the hearing (“public hearing” under *Subsection J, first paragraph?*).” If to be proven guilty or innocent of the allegation, who determines the ‘strictness’ of the proof given in order to establish guilt or innocence? Why even show proof either way if there’s no basis for what is true or false? Isn’t that what proof determines?

**SECTION VII. Private Right of Action and Non-Limitation of Remedies**

- A. “Any Person(s) aggrieved by a violation of this Ordinance... may recover for each violation the following remedies:” If the “aggrieved” is to be remunerated for costs incurred by the accused, who pays “the Person(s) alleged to have committed the prohibited practice” if they are found innocent of discrimination for **their** “1) Back pay, front pay and other actual damages; 2) Emotional distress damages; (*who or what would determine that?*) 3) Exemplary Damages; 4) Reasonable attorney’s fees (*who or what determines this?*) and court costs; and 5) Such other relief, including injunctive relief, as the court may deem appropriate”?

I would humbly ask that this Ordinance not be hastily enacted until these questions/concerns be addressed satisfactorily since it is obvious that these, and possibly others, are on the minds of many of the residents of this Borough. Also, the views of the Founders of this great nation, who drafted the Constitution and Bill of Rights, need to be taken into consideration before employing those documents in support of this effort, since their views concerning this were recorded as being opposed to such (*visit the Library of Congress for more details*).

Respectfully submitted, Charli Yana (*Council Meeting- Town Hall 9/8/16*)