



Borough of Chambersburg

A full service municipality in Franklin County celebrating over 65 years of consumer owned natural gas service over 120 years of community electric and a regional wastewater, water, storm sewer and municipal solid waste utility

FOR IMMEDIATE RELEASE

CHAMBERSBURG COUNCIL APPROVES REPRIMAND

Chambersburg – On March 8, 2021, Chambersburg Council adopted sweeping new prohibitions on discrimination for Borough employees, elected officials, volunteers, vendors, contractors, grant recipients, and utility providers. These updated rules exceed Pennsylvania state protections and impact many community operations.

Representatives of the Borough shall not discriminate due to race, gender, religion, color, sex, sexual orientation, gender identity or expression, national origin, age, disability, marital status, citizenship, genetic information, or any other characteristic protected by the law and/or in violation of the Pennsylvania Human Relations Act (PHRA) and applicable federal laws. This is a self-imposed guideline of the Borough and does not create any independent board or agency to regulate these guidelines.

Any discriminatory action against any person in terms of access to services or public accommodations by an elected official in their official capacity is prohibited. According to the policy, the Town Council approved this self-policed policy as a statement of commitment to cultural diversity, social justice, and equality. A copy of the policy is available on the Borough website.

If a majority of Council determines an elected official is in violation of this self-imposed policy, Council must decide what, if any, consequences there may or may not be within the narrow confines of state law.

On April 14, 2021, staff received a discrimination complaint from local resident Dr. Rachel Day regarding email communication with Council Member Allen Coffman from his Borough email address. This complaint was submitted pursuant to the non-discrimination/non-harassment policy approved by Town Council on March 8, 2021. Mr. Coffman is an elected member of Town Council and not an employee. He is subject to the self-imposed guidelines adopted by Council.

The complaint was reviewed and discussed in two private executive sessions by his peers, rather than staff, as Mr. Coffman is a member of the governing body. Both Dr. Day and Mr. Coffman submitted additional written information, as requested by Council. As this is a self-imposed policy, there is no local law or rule governing the policy process or procedure.

At the Regular Meeting of Town Council on May 10, 2021, a majority of Town Council members in attendance voted in a public session that: "the complaint filed by Dr. Day on April 14, 2021, was with merit."

According to the Borough Secretary, "On a motion by Council Member Talhelm, seconded by Council Member Leedy, it was resolved by a vote of 5-4 (Council Members Beattie, Elia, Herbert, Leedy, and Talhelm in the affirmative, and Coffman, Bigler, Everly and Huber opposed, with Mr. Schmaltz absent)".

On Monday, May 17, 2021, Town Council approved a "Memorandum/Letter Regarding the Actions of a Member of Town Council Pursuant to the Borough Council Non Discrimination Policy Adopted March 8, 2021" (enclosed), which could be described as a "reprimand."

This determination does not constitute a quasi-judicial ruling, but rather the ordinary administration of municipal affairs or a statement of public policy (*Almy v. Borough of Wilkinsburg*, 416 A.2d 638, 53 Pa. Cmwlth. 46, at 50,1980).

According to the Borough Secretary, "On a motion by Council Member Beattie, seconded by Council Member Herbert, it was resolved by a vote of 6-4 (Council Members Beattie, Bigler, Elia, Herbert, Leedy, and Talhelm in the affirmative, and Coffman, Everly, Huber, and Schmaltz opposed)".



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May 17, 2021

To: Council Member Allen Coffman, First Ward

From: Chambersburg Borough Council

Dear Council Member Coffman:

Pursuant to the Borough of Chambersburg's anti-discrimination policy, approved March 8, 2021, we, the Chambersburg Borough Council, issue you a formal reprimand. The anti-discrimination policy applies to Borough elected and appointed officials, volunteers, members of boards/commissions/committees, and agents of the Borough. In a public vote at the Borough Council meeting of May 10, 2021, a majority of council members present voted that your written interaction with a constituent/business owner of Chambersburg's First Ward violated this policy. The vote followed extensive discussion, in executive session, of documentation provided by both you and the complainant.

As public officials, we have a responsibility to represent all of our constituents. In addition, all of our official communications should be treated as opportunities to affirm mutual respect and reinforce the dignity of our public office. More specifically, we cannot and should not tolerate written or verbal communications by council members that do not comport with our anti-discrimination policy. As part of this reprimand, Council suggests that you enter into conversations with the complainant, mediated by a neutral third party. Further, Council recommends all Council members participate in the Sensitivity training offered through Vivid Learning and the Common Ground Conference - Servant Leadership for Elected Officials offered through the Borough from 6-9pm on June 23 and 24. We expect that all Council members, in their role as elected officials ensure that written and verbal communications comply with our anti-discrimination policy.

Sincerely



Alice C. Elia
President of Council