

MINUTES OF MEETING
BOARD OF COMMISSIONERS
SPRINGFIELD TOWNSHIP

The Board of Commissioners of Springfield Township met in regular monthly meeting on Wednesday evening, September 14, 2011, at 8:00 PM in the Springfield Township Building for the purpose of transacting the general business of the Township. All members of the Board were present, with the exception of Mr. Dailey. Mr. Harbison presided.

Mr. Harbison asked everyone to join the Board of Commissioners in a moment of silence honoring the service men and women who have placed themselves in harm's way in order to help preserve our safety.

Mr. Harbison led the Pledge of Allegiance.

Mr. Harbison announced that prior to the business meeting, the Board of Commissioners conducted an executive session related to the issue of billboards and associated litigation.

Motion (Gillies-Peirce) carried unanimously dispensing with the reading of the minutes of the previous meeting and approving same as written and recorded in the official minute book of the Township.

Maryanne Griffin, 38 West Mill Road, addressed the Board on activities related to the Black Horse Inn. Ms. Griffin provided a photograph of the newly refinished bar at the Black Horse Inn. She wished to thank Andrew Glendinning and Dick Meyer for their volunteer work to refinish the bar. Ms. Griffin also spoke of a fundraising dinner to be held at the Flourtown Country Club on September 30 to the benefit of the Black Horse Inn. The fundraiser is a dinner, silent auction, and a tour of the Black Horse Inn. Fliers on the event are available throughout the community, including in the Township Building, and on US History.org and the Springfield Township Historical Society website.

Jane Roberts, of Churchill Road, wished to commend all the people involved in the renovation work at the Black Horse Inn and the fundraising efforts.

Special Announcements

Mr. Harbison provided a summary of occurrences surrounding Hurricane Irene, August 27 and 28, and Tropical Storm Lee, September 8, 2011. Prior to Hurricane Irene the Township staff had an opportunity to plan for a response to the hurricane, as well as provide information on how individuals and their families might also prepare for the storm. The Township coordinated its efforts with Montgomery County, as well as the local volunteer emergency response personnel. Details related to the storm preparation and rain amounts were discussed for both storm events. It was noted that as a result of

heavy winds, 2,650 customers were without electric power. The costs associated with repairs for Hurricane Irene were approximately \$99,000, and for Tropical Storm Lee, \$60,300. Information was provided on FEMA disaster assistance for Hurricane Irene. Assistance related to Tropical Storm Lee had not yet been made available. The Board of Commissioners extended a special thanks to the Flourtown, Oreland and Wyndmoor Fire Companies, the Springfield Ambulance Association, and the Township Police and Public Works Departments.

John Hill, 44 Brookside Road, addressed the Board of Commissioners and suggested that he and his neighbors are threatened from high water in the creek to the rear of their properties, but actually sustain damage from excess water from Brookside Road. Mr. Berger responded to Mr. Hill by suggesting that the Board of Commissioners has been methodically working through improvements throughout the community and the Board has some thoughts on how to relieve some of the flooding on Brookside Road.

Nancy Parsons, 25 West Mill Road, stated her support for the gay, lesbian, bisexual and transgender ordinance. Ms. Parsons thanked the Board of Commissioners for taking the lead in creating the ordinance.

Shirley Valas, 7704 Queen Street, indicated that she has lived most of her life in Montgomery County, and now is a resident of Springfield Township. As a secret service officer she is proud to be a gay professional, although it is difficult at times. She has not experienced any discrimination within the Springfield community, but was pleased to receive the support from the Township. She opined that support in her local community may actually be better than a law from Harrisburg.

Rev. Linda Noonan, Co-Pastor of the Chestnut Hill United Church, indicated that her congregation consists of many gay members with whom she enjoys working. She noted the Christian tenet of love your neighbor as yourself, and believes that tenet and the human relations commission ordinance are good for the community.

Ted Martin, Executive Director of Equality of Pennsylvania, indicated that his organization represents the gay and lesbian population within Pennsylvania. Mr. Martin expressed his frustration with Harrisburg, which he referred to as the land of NO. He opined that the consideration of the human relations ordinance exhibited leadership by the Commissioners and the community.

Rev. Carol Ficken, 8548 Trumbauer Drive, expressed her support of the enactment of a human relations commission ordinance. As the pastor of Grace Lutheran Church, it is important to her to know that her community is supportive of all its residents. Rev. Ficken shared a parallel situation of affirming support of a group when her church modified its affiliation within the Lutheran Church. The affirmation included a statement welcoming everyone, including those of all sexual orientations.

Jordon Davis, of Philadelphia, indicated that she is a member of the transgender community and suggested that the transgender community tends to be the brunt of

discrimination within the gay, lesbian, bi-sexual and transgender communities. She appreciates that a community would stand accountable for the treatment of individuals within the LGBT community.

Doug Lieberman, 317 Poplar Road, stated that he was not in support of the human relations commission ordinance. He indicated that he was not in favor of creating a special class of individuals that would be protected under the law, and wondered what the next class of individuals to be protected might be. He suggested that he did not want the government to tell him who he must hire for his business, and noted that the exception for churches found in the ordinance provides a double standard within the community.

Richard Cox, later identified himself as a retired reverend of the United Methodist Church, indicated that a contingency of religious leaders within the Springfield community and nearby communities were represented at the meeting in support of the human relations commission ordinance. Rev. Cox read aloud the following religious leaders and their church or synagogue affiliation: Father Robert Betts, Episcopal Community Services; Russell Buchanan, St. Paul's Reformed Episcopal Church; Rev. Sarah Colwill, Flourtown Presbyterian Church; Very Rev. E. Clifford Cutler, Saint Paul's Episcopal Church; Rev. Kevin Derr, First Church of the Brethren (in absentia); Wilson Felter, Society of Friends; Rabbi Saul Grife, Beth Tikvah B'nair Jeshurun Synagogue; Rev. Florence Gelo, Unitarian Universalist Minister; Dr. Charles Maxfield, St. Paul's United Church of Christ; Rev. Linda Noonan, Chestnut Hill United Church; Rev. James Poinsett, Flourtown Presbyterian Church; Bokhyae Koh, Won Community Service Center of Glenside, representing Buddhist community (in absentia). In conclusion, Rev. Cox concluded by stating that we are all equals despite our differences, and that he was proud to live in a community that was supportive of all of its residents.

Jim Schneller, of the Philadelphia Metro Task Force, stated that he was ashamed that so many people gathered not supporting the moralities of the community, and suggested his belief that moralities are often removed during social movements or social trends. Mr. Schneller did not understand how communities can support this lack of morality.

Jane Roberts, 1106 Churchill Road, stated her appreciation for living in Springfield Township which consists of good and moral people, and that the consideration of the human relations commission ordinance speaks to that goodness. She noted that tolerance for individuals is moral.

Lela Betts, 7721 Queen Street, expressed her support for the human relations commission ordinance, and read into the record a letter from her husband, Robert Cope. The letter was actually portions of a posted blog from an individual who, at one time, worked against the gay and lesbian activities, but found over time, that the effort was hateful. Due to his activities in opposition to the gay and lesbian activities, he spent more time within that community and began to appreciate the individuals for who they were.

Tom Bell, Flourtown, stated his concern for those residents who suffered with stormwater damage and sanitary sewer damages as a result of the recent storms. He suggested that before any money is spent within Springfield Township, the issues related to sanitary sewer back-ups be addressed. Mr. Bell indicated that several residents had contacted him in this regard. Mr. Schaum asked that those residents contact the Township in order that the Township can understand the magnitude of their problem.

Beth Barol, 1420 Firethorne Lane, suggested that she was proud to live in a community that would support all members of its community.

Howard Supplee, 105 Orlemann Avenue, inquired how the human relations commission would be enforced. Mr. Supplee was told that there was no authority within the ordinance to enforce an alleged discrimination. Mr. Supplee asked why individuals would bring complaints to the Township if there is no enforcement. Mr. Harbison suggested that the Pennsylvania Human Relations Act provided a long list of protected classes, but not the LGBT community. The local ordinance would provide protection for that class of individuals in the areas of employment, public accommodation and housing. The local human relations commission ordinance provides for a voluntary mediation that both parties must agree to proceed through. Either party may take legal action in the Court of Common Pleas, and when doing so, the Pennsylvania State Human Relations Act would then apply to the alleged discrimination of the LGBT individual. Mr. Harbison did note that there was a religious exemption in the area of employment and accommodation. Mr. Gillies asked if the matter was referred to the County Court of Common Pleas, would the Court have the authority and be obligated to accept the case. Mr. Kilkeny indicated that the controlling case in Pennsylvania is currently the Hartman vs. City of Allentown, which is a 2005 Commonwealth Court case. The question before the Court was could the City provide protection for the LGBT community if the State law does not include the protection for the LGBT community. The subject Court case is interpreted to suggest that local communities can add classes beyond the specifically stated protected classes in the State law.

Roy Roberts, 1106 Churchill Road, suggested that some opposed to the local ordinance are opposed because there are no enforcement provisions or teeth to the application of the ordinance. They suggest the ordinance is only a symbol. Mr. Roberts suggested that symbols are an appropriate part of our society, pointing to the American Flag and religious crosses.

Mr. Harbison, Chairman of Internal Affairs and Environmental Resources Committees, reported:

Motion (Harbison-Schaum) carried unanimously to approve the August check reconciliation in the amount of \$843,865.59 and the September bill listing in the amount of \$989,646.38.

Mr. Harbison announced that during the month of August, Springfield Township residents recycled 247.2 tons of materials with a householder participation rate of 73.9%. The net cost for the month was \$1,773.25.

Motion (Harbison-Heller) to enact Ordinance No. 914, an ordinance establishing a Springfield Township Human Relations Commission and prohibiting discrimination in Springfield Township.

Mr. Gillies stated that Springfield Township is a great place to live and he knows the community is blind to differences. His concern is not related to the religious point of view, but is related to the constitutionality of such a local ordinance. Mr. Gillies made the following points: (1) he does not believe the Constitution provides authority for a local Human Relations Commission ordinance, (2) the Commonwealth has been working to broaden the protected classes for ten years, and has been unable to do so, (3) while he does not necessarily agree with Pennsylvania law, the Township Commissioners have no authority to change the law, (4) while the Pennsylvania Human Relations Commission statute permits the establishment of local human relations commissions, the local laws must follow state law. Mr. Gillies pointed to Section 6, paragraph F, where the local commission shall have the powers necessary to execute the ordinance provided that the powers do not exceed those exercised by the Pennsylvania Human Relations Act, (5) he does not believe that the local ordinance should do less than the Pennsylvania State law, and the draft township ordinance provides for a religious exemption, and Pennsylvania law does not, (6) Mr. Gillies expressed concern for costs incurred by the Township, and training costs and obligations associated with the Commission.

Mr. Standish stated that he was in favor of the human relations ordinance in order to help protect the rights of the gay, lesbian, bi-sexual and transgender community. He noted that those opposed provided numerous hair-splitting points to obscure the objective. He suggested there are times when you just do what is right in your heart.

Mr. Schaum remarked that discrimination is the farthest thing from his mind and he recognizes that the Commissioners cannot legislate what is in one's heart. He believes the draft legislation is bad because there should not be an exemption for anyone to be discriminated against. He believes the legislation should be at the State level, and if not workable at the State level, then Springfield could continue to work on the ordinance to make it better.

Motion (Schaum-Gillies) vote 2-4; Harbison, Heller, Peirce, Standish opposed, to table the enactment of the Human Relations Commission ordinance. The motion did not carry.

Mr. Heller stated that it was a proud night in Springfield Township with the enactment of the Human Relations Commission ordinance. He discussed the socially difficult times of his youth, which included riots, Vietnam War protests, and the insurgence of rock and roll music. He recalled that a professor indicated that homosexuality would be a future challenge of society. In conclusion he noted that Pennsylvania has a long history of acceptance, wherein William Penn was one of the first to accept Indians and Jews into the local communities.

Ms. Peirce stated that all fellow citizens should be afforded full rights of citizenship. If those rights are not provided by the State, then they should be provided locally. She too will be voting with her heart.

Mr. Harbison indicated that the Board of Commissioners had been considering an ordinance to ensure that members of the LGBT community were provided the same basic protection as the rest of Springfield Township. In the process, the Board listened to interested individuals and made adjustments. The current draft ordinance is a much simpler ordinance than those enacted by other municipalities. The ordinance does not provide adjudication, just voluntary mediation. This feature will enable people to be heard without a costly adversarial trial-like environment with the aggrieved person having an opportunity to bring an action in the Court of Common Pleas without the Township participating as a party. The Board heard concerns about conflict between religious views and the principles of equality. To that end, an exemption for religious institutions was included. The Board of Commissioners is not promoting a particular lifestyle, but is promoting the freedom to live the lifestyle of one's own values. Mr. Harbison remarked that he was stung by a letter that called into question his parenting skills for his support of tolerance. He reflected upon what message parents should send to their children, and he believes that children should be taught to love and respect everyone. With regard to the argument that expanding the State Human Relations Act is usurping authority from Harrisburg and is therefore preempted, the Commonwealth Court clearly rejected that argument in 2005. In fact the State Human Relations Act states that "nothing contained in this Act shall be deemed to repeal or supersede any of the provisions of existing or hereafter adopted municipal ordinances". In closing, Mr. Harbison found it ironic that the Commonwealth protects the right of billboards to exist over the rights of the LGBT community.

A vote on the original motion to enact ordinance No. 914 was 4-2; Gillies, Schaum opposed. The motion passed.

Motion (Harbison-Schaum) carried unanimously to adopt Resoultion No. 1259, a resolution pledging that the Board of Commissioners would make appropriations in the 2012 budget to cover the costs associated with funding the police, salaried and hourly employees pension plans for the year 2012.

Mr. Harbison announced the meeting schedule through the adoption of the 2012 Budget:

| <u>Purpose</u> | <u>Date</u> | <u>Time</u> |
|--|-------------|-------------|
| Meeting w/Support Agencies (fire cos.) | 9/21/11 | 7:00 PM |
| Budget Workshop | 10/19/11 | 7:00 PM |
| Budget Presentation | 11/9/11 | 8:00 PM |
| Budget Hearing | 12/14/11 | 8:00 PM |
| Budget Adoption | 12/21/11 | 8:00 PM |

All meetings will be held in the Springfield Township Building.

Motion (Harbison-Peirce) carried unanimously to accept the two engagement letters from the Township Auditor, Bee Bergvall and Company, for Bee Bergvall to audit the 2011 general fund financial reports of the Township and the 2011 pension plan financial reports. The general fund audit will cost \$16,750, and the pension fund audit will cost \$3,475.

Mr. Schaum, Chairman of Public Safety Committee, reported:

Motion (Schaum-Gillies) carried unanimously to adopt Resolution No. 1258, a resolution declaring a local disaster over the weekend of Saturday, August 27 through Sunday, August 28, 2011 as a result of Hurricane Irene, and Resolution No. 1261, a resolution declaring a local disaster on Thursday, September 8, 2011 as a result of the remnants of Tropical Storm Lee.

Motion (Schaum-Gillies) carried unanimously to acknowledge that the Flourtown Fire Company would be attending the Pennsylvania State Fire Convention in Lake Harmony, Pennsylvania, from September 21 through 24, 2011. In conjunction with the Fire Company attending the convention, the Fire Chief has indicated that he has made arrangements for adequate fire coverage during the absence of equipment and some membership from the fire company.

Mr. Gillies, Chairman of Library Committee, had no report.

Mr. Gillies wanted to confirm whether there was enough interest in considering a local services tax by the Board of Commissioners before advertising the enactment of such an ordinance. Mr. Harbison indicated that the Board decided not to advertise the ordinance. Mr. Gillies also asked that when the notices are sent to the neighbors of Veterans Park with regard to changes at the park, the notices include information regarding the removal of the existing street hockey rink.

Mr. Standish, Chairman of Public Works and Facilities Committee, reported:

Motion (Standish-Gillies) carried unanimously to create an ad hoc committee to be known as the municipal campus advisory committee. The committee will assist the Township through an analysis of the need for renovations to the municipal campus, provide advice on the selection of an architect, and provide other assistance during the renovation planning process.

In conjunction with the establishment of a committee, the Board of Commissioners met with residents interested in serving on the committee. The following residents were selected to serve on the committee: (1) Mary Holland, Oreland, (2) Mara Baird, Wyndmoor, (3) Len and Casey Arlen, Wyndmoor, (4) Lew Salotti, Northwoods, (5) Joy Bergey, Flourtown, (6) Dan Supplee, Oreland, (7) William Drayton, Flourtown, (8) Charles Rittenhouse, Oreland, and (9) Keith Fallon, Wyndmoor.

Motion (Standish-Schaum) carried unanimously to adopt Resolution No. 1260, a resolution authorizing the proper Township officials to execute a master casting agreement with PennDOT for the years 2011 through 2014.

Motion (Standish-Schaum) carried unanimously to authorize the sale of various vehicles and parts at a public auction sponsored by the Montgomery County Consortium of Communities to be held on November 12, 2011 at the Danella Construction Company in Conshohocken. The vehicles and equipment include: (1) a 2002 Chevy Tahoe, (2) various small parts or used pieces of equipment from old police vehicles.

Mr. Standish, on behalf of Mr. Dailey, Chairman of Zoning Committee, reported:

Mr. Standish announced that the Zoning Hearing Board will next meet on September 19, 2011 at 7:00 PM in the Springfield Township Building. Mr. Standish summarized the Zoning Hearing Board agenda.

Mr. Standish announced that on September 8, 2011 the Board of Commissioners hosted a public meeting for the Board and residents of the Township to receive a presentation on a zoning validity challenge that the Township is facing related to the installation of billboards in the Township. When the validity challenge was initially presented to the Board of Commissioners, the Board voted to defend the challenge and the Board of Commissioners will continue to maintain that position. The challenger, MC Outdoor LLC, has extended the time in which the Zoning Hearing Board must hold its first hearing on the validity challenge until the October 17, 2011 meeting of the Zoning Hearing Board. The Board of Commissioners intends to send the office of the Township Solicitor to the October 17 Zoning Hearing Board meeting. Residents interested in participating in the hearing should plan to attend the meeting.

Ms. Peirce, Chairwoman of Communications and Cultural Resources Committees, reported:

Ms. Peirce noted that last month the Board of Commissioners participated in a discussion regarding the use of the Wyndhill Park for active athletic programs. The discussion included area residents and representatives from the Springfield Soccer Club as well as the Girls Lacrosse Club. Subsequent to the August meeting of the Board of Commissioners, representatives from the Township, the neighborhood, and the athletic organizations met and decided to consider renovations to Veterans Park that may provide short term solutions to providing an additional athletic field for the clubs. In addition, the group discussed taking a look at the availability of space at St. Thomas' Church in Whitemarsh, School District property utilized by Antonelli Institute, and perhaps space at Carson Valley School. The Board of Commissioners thanks the neighbors and athletic organizations for their cooperation in working to a solution to the concerns raised by both groups.

Chris Gateman, of Mechanicsburg, PA, and a member of Equality of Pennsylvania, outlined his personal experiences of being assured equality during his life.

Jim Schneller, of the Philadelphia Metro Task Force, thanked the two commissioners who voted against the enactment of the human relations commission ordinance. Mr. Schaum stated that he did not agree with Mr. Schneller's positions, but his "no" was related to reasons he explained earlier in the meeting. Mr. Gillies explained his vote against the ordinance was an indication that the issue would be best addressed by the State of Pennsylvania.

There being no further business, the meeting was adjourned at 9:55 PM.

Respectfully submitted,

Donald E. Berger, Jr.
Secretary