

MINUTES OF PUBLIC HEARING  
BOARD OF COMMISSIONERS  
SPRINGFIELD TOWNSHIP

The Board of Commissioners of Springfield Township met in public hearing on Wednesday evening, June 8, 2011 in the Springfield Township Building for the purpose of receiving public comment related to the proposed ordinance creating a Human Relations Commission and prohibiting discrimination in housing, commercial property, employment and public accommodations.

Mr. Harbison announced that unlike most public hearings, there is no legal obligation to conduct a public hearing to consider the enactment of the subject ordinance. However, a Notice of Public Hearing was published in the Springfield Sun issues of May 19 and 26, 2011. The Ordinance was advertised in the May 26, 2011 issue of the Springfield Sun, and posted in the Springfield Township Building and Library. The full text of the proposed ordinance was available in the offices of Montgomery Publishing and the office of the Township Manager

Mr. Harbison suggested that the Board of Commissioners was conducting the public hearing on the Human Relations Ordinance for the purpose of receiving public comment. Mr. Harbison further announced that no action would be taken at the public hearing, however, official action to enact the ordinance may occur at the business meeting of the Board of Commissioners on July 13, 2011, in the Springfield Township Building.

Mr. Harbison provided a summary of the ordinance which declares it to be the policy of the Township to foster equality and equal opportunity for all citizens, regardless of actual or perceived race, color, religious creed, ancestry, sex, national origin, handicap or use of guide or support animals because of blindness, deafness or physical handicap of the user or because the user is a handler or trainer of support or guide animals, or because of an individual's sexual orientation, gender identity or gender expression in all matters effecting employment, housing and commercial property and public accommodations, and to safeguard the right of all persons to remain free of discrimination or discriminatory practices in any of the foregoing aspects of their lives.

Words and phrases appearing in the ordinance have been defined, including discrimination and discriminatory acts to include all acts or actions defined in the Pennsylvania Human Relations Act as unlawful discriminatory practices as related to employment, public accommodations, publicly offered commercial property or housing accommodations, actual or perceived race, color, religious creed, ancestry, sex, national origin, handicap or use of guide or support animals because of blindness, deafness or physical handicap of the user or because the user is a handler or trainer of support or guide animals, or because of an individual's sexual orientation, gender identity or gender expression.

The ordinance provides an exception for religious corporations that may refuse to hire based upon religion or religious beliefs.

A Human Relations Commission shall be established with four members to be residents or business owners who will serve without compensation. The members will receive training and maintain powers expressed in the PA Human Relations Act. Alleged violations of the ordinance are to be submitted to the Township in a timely fashion, the Township shall process the complaint, and the respondent shall respond timely. A variety of mediation alternatives are offered to the parties, with unresolved cases being permitted to proceed to the Court of Common Pleas for resolution. Penalties for violating the ordinance shall mirror the PA Human Relations Act.

Mr. Harbison called on those persons in the audience who wished to express an opinion on the proposal.

Jude Brant, 8822 Patton Road, indicated that she and her partner live in Wyndmoor and favor the ordinance. She appreciates that the Township is considering taking a step to protect the interest of all residents.

Tom Bell, Flourtown, provided a hypothetical situation involving an employment selection that might be based upon the manner in which two candidates would present themselves, including their attire. Mr. Bell hoped he could choose to hire an individual who would best project the image of his company and not considered to be discriminatory because the image projected by a transgender individual may not be endearing to prospective clients. Mr. Harbison explained the process by which a complaint might be presented to the Township, and the mediation options available to the aggrieved party. The aggrieved party would also have an opportunity after mediation to proceed to the Court of Common Pleas. Mr. Bell is concerned with the ramifications if he were to make a decision based upon the individual's image without regard to their sexual preference. Mr. Bell suggested that the human relations issue should be addressed by the Commonwealth. Mr. Gillies noted that a fine within the Pennsylvania Human Relations Commission Act could be as much as \$10,000. Mr. Dailey requested and received clarification that the Township does not assess fines associated with the Human Relations Act. Mr. Bell asked what brought this need to the attention of the Township. Mr. Harbison indicated that the Township became aware of other communities considering similar legislation, and as a result Springfield began to consider same.

Dr. Donna Cavallaro, 7711 Gate Road, indicated that she, her partner and their son live in Wyndmoor and have not experienced discrimination in Springfield Township, but have been discriminated against in communities very close by. She commended the Commissioners for taking on the issue, and suggested that this action reflects well upon the community.

Kristi Hestler, Springfield Township, stated that she and her partner were harassed when purchasing their current home a few years ago. Ms. Hestler suggested that they may have utilized the mediation service available in the draft ordinance.

Joan Parsons, Oreland, indicated that she has a family member who is gay, but even so, she is afraid that the ordinance providing protection to the gay community may

cause divides within the Township. She also expressed concern for very costly fines. Mr. Harbison provided a brief history of the evolution of the various drafts of the ordinance and that the Township has moved away from the investigative and fact finding aspects of other similar ordinances. Ms. Parsons asked why the Township was moving forward with considering the ordinance when the State has not. She was also concerned with the allegations made by various parties and the costs of defending the allegations.

Nicole Grivus, of Springfield Township, hopes that this effort will permit children to grow up open to the differences in our community.

Jane Roberts, Churchill Road, stated that she enjoys the diversity within Springfield Township and generally the community accepts the diversity, but acceptance is not always the case. She believes that providing a mediation process for alleged cases of discrimination is a good idea.

Margaret Mary Burke, of Springfield Township, expressed her excitement for the community given the consideration of enacting the subject ordinance. She did not understand the reluctance of some to consider the ordinance, but believes it might be the fear of the unknown. She believes that local mediation with referral to the court is a good means to help resolve discriminatory issues. She agreed that it might be best that the State manages the issue, but in lieu of that, believes individual ordinances customized to the community are a good alternative. She also believed that it is naïve to think that discrimination does not occur within the Springfield community.

James Schneller, of Lancaster Avenue, representing American Family Services, indicated that he had previously appeared before the Board of Commissioners on this issue and believes the Board understands his position. He indicated that life is a gift of God, and wishes no ill will on anyone. He further believes that an individual's religious rights, as well as the Constitution, are in jeopardy with the individual ordinances being considered by several Philadelphia suburban communities. Mr. Schneller stated that morals are a principal foundation, and morals are not included in the proposed ordinance. In conclusion, he opined that the local anti-discrimination ordinances are chipping away at morality and that they will be costly to administer.

Florence Gallo, 1505 Firethorn Lane, is in support of the legislation. Ms. Gallo believes that the gay, lesbian, bi-sexual and transgender individuals are subject more than others to discriminatory acts. She would like to raise her family free of discrimination. With regard to State legislation, she agreed that Pennsylvania continues to study and consider legislation, but in the meantime, 21 states have passed legislation. If the Commissioners are to enact the ordinance, she believes it would send a message of worth and dignity of all individuals.

Marie Molitor, of Orlemann Avenue, stated her support of the ordinance and her belief that it is not appropriate to discriminate for any reason.

Rosie Nissley, 1107 Chestnut Lane, stated that on behalf of her partner and herself she wished to thank the Board of Commissioners for considering the ordinance. The ordinance may help individuals until the community is more accepting of everyone regardless of their personal preferences.

Rebecca Hepper, of Wyndmoor, inquired whether the Township had conducted a study that indicated the draft ordinance was warranted in the Township. Mr. Harbison responded that the Township had not studied the issue, and that in fact the issues might be difficult to track. Mr. Dailey stated that the preamble of the ordinance states that discrimination had been studied and that the discrimination was documented. Mr. Dailey asked what studies were available.

Richard Cox, 1511 Hawthorne Lane, and a retired minister, commented on the outstanding Township services. He also expressed his support of the draft anti-discrimination ordinance. He recounted personal experiences in southern United States and abroad where he experienced discrimination. He indicated that he believed it was a moral decision to enact the ordinance to provide protection against discrimination.

Andrea Konow, 517 Coursey Road, indicated that she and her partner appreciate that the Township is considering enactment of the anti-discrimination ordinance. She suggested that just because the State has not moved forward with enactment of a similar law, it is not a reason for the Township not to consider local legislation.

Ms. Peirce suggested that we all have diverse backgrounds and someone in our families has probably suffered from a form of discrimination. Most families would have benefitted if protection was in place. Not all of our fellow citizens are protected against discrimination, and the draft local ordinance ensures the same protection for all of us. She stated her support for the draft anti-discrimination ordinance.

Mr. Dailey thanked the residents for attending the public hearing and participating in the debate. Mr. Dailey suggested that the Pennsylvania Human Relations Act permits the creation of local ordinances but does not specifically include additional classes to be protected. He suggested that he was in favor of a human relations law that was consistent with the Pennsylvania Human Relations Act. Mr. Dailey discussed earlier drafts of the ordinance which included an obligation of prosecution and related costs that would be best not borne by the Township. He noted that the Township received a letter from a local pastor and co-signed by approximately 120 members of the congregation questioning the need for such an ordinance. Mr. Dailey also noted that the mere drafting of the ordinance was an expense to the Township given the number of drafts that have been considered. Mr. Dailey believed the definitions of bi-sexual and transgender individuals need improvement to better understand how an employer may be penalized for not hiring someone who is, or is perceived, to be bi-sexual or a transgender individual. The religious exceptions related to public accommodation may need further clarification as well. Mr. Dailey asked if the School Board had provided a position to the Township on the effects the draft ordinance may have on the School District. While the

School District's position has not been provided to the Township, Mr. Dailey would like the School Board to be extended further opportunities to do so.

Mr. Gillies refuted the thought that government does not like change or is fearful of the unknown, but did suggest that it is important that government take time to understand change before it moves forward with same. He stated that a first class township should not contradict the Pennsylvania Constitution and is concerned with how the local draft ordinance might be expanding upon the State law that enables the creation of a local Human Relations Commission. Mr. Gillies discussed the case of Hartman v. the City of Allentown wherein the City expanded the State Human Relations Commission authorities. Mr. Gillies expressed his concern with how that case will eventually be decided through appeal. He also expressed concern with the use of the word "perceived" with regard to its lack of clarity. He also discussed the "right of association", yet fraternal clubs such as the Boy Scouts are not exempt from the ordinance. Due to some conflicts within the ordinance, Mr. Gillies believes the Commissioners should take additional time to better understand the ordinance and its application. Mr. Harbison stated his belief that it is appropriate to leave reference to "perception" in the ordinance.

Mr. Heller believes it is important to tell the gay, lesbian, bi-sexual and transgender community that they are valued and will be protected.

Mr. Schaum stated that there should be no discrimination of anyone and believes that is the real goal of any anti-discrimination ordinance. He is not sure as to the need to focus on specifically identified classes of individuals to be protected. Mr. Harbison suggested that societal changes create the need to extend the specified protected classes.

Ms. Peirce asked for a clarification of whether the draft ordinance was indeed in contradiction to the State Constitution. Mr. Kilkenny indicated that the Pennsylvania Human Relations Act allows for local Human Relations Commissions to be established, and while the Allentown case has not yet been heard by the Pennsylvania Supreme Court, it has been heard by an appellate court.

Motion (Harbison-Schaum) carried unanimously to close the public hearing and to reopen the monthly business meeting.

Respectfully submitted,

Donald E. Berger, Jr.  
Secretary

DEB:cmt  
6/24/11