

**West Vincent Township  
Board of Supervisors  
Workshop Meeting**

**October 3, 2022 7:00 PM**

Attendance: Bernie Couris, Chair; Sara Shick, Vice Chair; Dana Alan, Member; John Granger, Township Manager; Christina Casey, Township Assistant Secretary; Mark Thompson, Absent

Chair Couris called the Meeting to order at 7:04 PM

Mr. Couris commented that this is a Workshop allowing the members of the Human Relations Committee ("HRC") to discuss concerns that the HRC has on the proposed change to the ordinance, so no formal business will be conducted, and no decisions will be made.

**Old Business:**

**Human Relations Ordinance** - Julie Foster, from the HRC, began the discussion. Ms. Foster started by saying there are two "proposals". The first would have the Township repeal the enforcement provision of the Human Relations Ordinance. The HRC is against this repeal and has also been working on:

- Section 2A (Definitions): Clarifying pieces of the Ordinance to make the declaration of policy match the provisions of the statement of purpose
- Section 6B2 (Filing a complaint): Creating the ability to have complaints be filed online for ADA compliance which would mimic the Phoenixville Ordinance
- Section 6B3 (Filing a complaint): Shortening the delivery time of the complaint from the Township Office to the HRC
- Section 6B4 (Filing a complaint): Consultation by the HRC to the Township on the complaint forms
- Section B2 and B3 (Notification and answer): Shortening the time from 30 days to 7 days for the HRC to acknowledge receipt of complaint and from 10 days to 5 days for the Township's receipt of answer to the complaint
- Section C (Mediation): Correction to this section. This is a working draft to change Mediation to Fact Finding Conference.
- Section 6-6G (Expanded Procedures: Investigation): Addition of investigators furnishing a status report to the HRC every 30 days.
- Section 6-6L (Expanded Procedures: Finding of no discrimination): Allowing Complainant to withdraw complaint prior to setting a hearing date at no penalty.

Ms. Foster stated that the HRC is looking to include these above amendments to the ordinance.

Hans Buitendijk (906 Saint Matthews Road) noted at this time that he was unable to find the red-lined document from the HRC that Ms. Foster was referencing but was able to find the proposed red-line changes submitted at the earlier BOS meeting. Mr. Buitendijk was furnished with a copy of the red-lined document from the HRC. Mr. Granger noted that this meeting was about the

HRC making statements to the BOS and not about the documents. Mr. Couris also noted that for the issue of transparency, Ms. Foster should address the issues to those in attendance. Ms. Shick noted that the BOS was having this meeting at the request of the HRC to hear their positions. Ms. Alan clarified that the existing ordinance is online.

Megan Emery (1506 Sheeder Mill Road) posed a question to the Board asking why the ordinance was being revised. Mr. Couris noted that this was a meeting to gather information on proposed amendments and was not a session to answer specific questions when no decision has been made yet.

Ms. Foster stated confusion over not having answers to four questions the HRC had regarding the proposed repeal of the enforcement provisions presented at the previous BOS meeting. Mr. Couris repeated that this meeting was the HRC's opportunity to express to the BOS their position on the proposed ordinance changes.

Ms. Foster noted that by repealing the enforcement provisions, the HRC would struggle to have the outcomes of mediation implemented. Mediation is a free method of resolution to the complainants, many of which do not have the resources available to pursue more costly methods of relief.

Ms. Alan stated that this is an opportunity for the HRC to present \*why\* they have concerns over a possible repeal of parts of the Human Relations Ordinance.

Mr. Granger spoke on his position. He expressed concern over the Township opening itself to future costly litigation by parties who were dissatisfied with the results decided upon by the HRC. He is supportive of the HRC offering mediation but feels that if mediation cannot be successfully attained that the parties should opt to move their issue(s) into another venue such as a court of law to adjudicate the matter. If the Township opened itself to potential litigation, the costs could be significant. Mediation can be done at relatively little expense to the township. If the parties are unsatisfied with the mediation, they can choose to move to another venue and the Township is removed from the process. His position supports risk aversion.

Ms. Foster disagrees that these residents have other avenues to address their issues. She feels this ordinance is the only place to take many of these types of complaints.

George Dulchinos (1415 Hollow Road) asked about the types of costs that could be associated with a lawsuit. Mr. Granger mentioned costs for attorneys, expert witnesses and the like which could run into the six-figures, and the costs for damages would be unknown.

Mr. Buitendijk inquired why the HRC feels a need to align with other township's wording for this ordinance. He wondered why the ordinance was not referencing items to the state/federal level. He was interested in attending a future meeting where he could ask more questions on the ordinance. The BOS recommended that he attend the Human Relations Committee's public meetings which happen on the fourth Monday of every month.

Jennifer Munson (1974 Beaver Hill Road) recollected a personal story that might fall under the provisions of this ordinance. She used her experiences on the OJR school board to empathize with the concern over potential costly litigation, however she also countered that the Township should be able to get insurance to cover the costs associated with litigative matters.

Robin Austin (2735 Conestoga Road) is a member of the HRC. He spoke of an intangible cost especially as it relates to the LGBT-community. Relating to personal experience, he understands the concerns being raised about the potential cost of future litigation, but Mr. Austin also acknowledged the courage and vision displayed by the township in originally enacting this legislation when less than 100 municipalities of over 2,000 municipalities in the state have done so.

Barry DiLibero (1012 Pottstown Pike) was moved to speak because he felt discriminated against by Mr. Austin's comments. Mr. DiLibero was of the understanding that the ordinance was to also protect heterosexuals such as himself. He repeated what he said two years ago which is that the HRC is a waste of time but it is already here. Mr. DiLibero offered various analogies based on his experience with managing 50 properties to explain his views that circle back to the theme of why a person would want to live were they were unwelcome. He sees good people in this room expending great effort for an infinitesimal fraction-of-a-fraction of an incident even happening. He expressed his opinion that the HRC lacks value since there have been no instances that he is aware in this township of needing the HRC. Ms. Shick confirmed that there have been no complaints filed with the HRC since its inception 2 years prior. He could see the need for the HRC if there were identifiable problems, but his concern is that this ordinance costs the taxpayers a lot of money for something that is not a real problem. He reiterated that if someone didn't want him somewhere, he would no longer go there.

Ms. Foster addressed a few of the issues that Mr. Buitendijk mentioned. She said that state/federal levels do not define many of the classes this ordinance is there to protect, so HRC needs to do so. Nor are there laws at the state/federal level to offer protections to these classes against discrimination. Ms. Foster also equated the Township's role like that of a first forum similar to small claims court for these complainants. She also mentioned that these classes of complainants typically don't have the funds available to pursue more costly options. Ms. Foster also does not believe that the Township would ever be pulled into litigation for matters handled by HRC because she feels there would never be a cause that would include the Township.

Julia Braendel (2472 Flowing Springs Rd) clarified that both employment and housing are the main topics. Ms. Braendel noted the Fair Housing Act on the federal level plus the fact that many townships have codes that date back many years ago regarding housing.

Wendy Buitendijk (906 Saint Matthews Road) gave her statement and expressed a concern over putting too much power into small groups' hands.

Ms. Emery spoke of her experiences in her job where clear steps were laid out in the event of discrimination which allowed her employer to resolve these issues internally.

### **Public Comment**

George Dulchinos, 1415 Hollow Road stated that the Township's recording capabilities need improvement.

Barry DiLibero, 1012 Pottstown Pike asked Mr. Granger if he had identified why there was negative interest on the last Treasurer's Report. Mr. Granger said it would be addressed in the next Treasurer's Report at the next Board Meeting.

Hans Buitendijk, 9068 Saint Matthews Road stated that he is disappointed in the new Opalanie Park sign. Mr. Buitendijk feels it looks too industrial and does not fit the countryside aesthetic.

Julia Braendel, 2472 Flowing Springs Road agreed with Mr. Dulchino's concerns over the current video/audio capabilities.

Bernie Couris, BOS Chair said that this issue would discuss this again until after the first of the new year due to a hectic time of year with budgeting and holidays.

Meeting adjourned at 8:24pm

Respectfully Submitted,  
Christina Casey  
Township Assistant Secretary