

Cheltenham Township, believing that public input is appropriate on any items coming before the Commissioners, will recognize any citizen wishing to address a specific item prior to the vote on that issue. In order to be recognized, please raise your hand.

PUBLIC AFFAIRS COMMITTEE

Charles D. McKeown - Chairman
J. Andrew Sharkey – Vice Chairman
Kathy A. Hampton – Member
Art Haywood – Member
Morton J. Simon, Jr. - Member
Michael J. Swavola – Member
Harvey Portner – Ex-Officio Member


Wednesday, December 7, 2011

7:30 p.m.

Curtis Hall

AGENDA

1. Receipt of the Report of the Property Supervisor for the month of November, 2011 (see attached).
2. Receipt of the Report of the Public Information and Complaint Officer for the month of November, 2011 (see attached).
3. Receipt of the Staff Meeting Minutes dated October 25 and November 21, 2011.
4. Receipt of the Twinning Committee Meeting Minutes dated November 2, 2011.
5. Receipt of the Historical Commission Meeting Minutes dated November 10, 2011.
6. Receipt of the Economic Development Task Force Meeting Minutes dated November 15, 2011.
7. Receipt of the Substance Abuse and Mental Health Committee Meeting Minutes dated November 17, 2011.
8. Review of a draft anti-discrimination Ordinance (see attached).
9. Mr. Ilan Rosenberg will discuss concerns regarding enforcement of pool regulations (see attached).
10. Discussion of 2012 Operating Budget.
11. Old Business.
12. New Business.
13. Citizens' Forum.
14. Adjournment.


David G. Krzywik
Township Manager

Township of Cheltenham

Montgomery County, Pennsylvania

Board of Commissioners
Harvey Portner, President
Art Haywood, Vice President
Kathy A. Hampton
Charles D. McKeown
J. Andrew Sharkey
Morton J. Simon, Jr.
Michael J. Swavola

Township Manager
David G. Kraynik



Administration Building
8230 Old York Road
Elkins Park, PA 19027-1589

Phone: 215 887-1000
FAX: 215 887-1561
Website: cheltenhamtownship.org

MEMORANDUM

DATE: November 30, 2011
TO: Public Affairs Committee
FROM: Joseph Dunleavy, Property Supervisor
SUBJECT: Report of Property Department – November 2011

The following is an outline of work performed during the month of November 2011.

- A. Professional Contractors
 - 1. Administration Building
 - All Weld Steel Co. repaired the fire escape.
 - 2. Brookdale Pump Station
 - E. T. Electric Co. serviced CPU unit for emergency pumps.
- B. Richard Rone, my assistant, and I have accomplished the following:
 - 1. Administration Building
 - Posted outgoing mail.
 - Took mail to post office.
 - Recycled three times a week.
 - Kept copy paper stocked.
 - Took storage boxes to archive area from several departments.
 - Set boardroom up for several meetings.
 - Replaced light bulbs, as needed.
 - Cleaned front porch patio.
 - Cleaned roof drains.
 - Continued to scrutinize third floor tiles and glued loose ones.
 - Delivered agendas to Curtis Hall for various meetings.
 - Collected trash from all offices on Tuesdays and Thursdays.

- Cleaned restrooms on first and second floors on Tuesdays and Thursdays.
 - Supplied restrooms with paper goods on Tuesdays and Thursdays.
 - Sanded and painted fire escape.
 - Removed and discarded old flower pots.
 - Placed order for copy paper.
 - Repaired urinal in men's room on second floor.
 - Started basement light fixture upgrade.
 - Received and stored copy paper order.
 - Assisted with set-up of boardroom for Election Day (November 8, 2011).
2. Police Administration Building
- Recycled three times a week.
 - Replaced light bulbs, as needed.
 - Kept copy paper stocked.
 - Cleaned roof drains.
 - Collected trash on Tuesdays and Thursdays.
 - Cleaned cells and restrooms on first floor and basement.
 - Supplied restrooms with paper goods on Tuesdays and Thursdays.
3. District Justice Cerski's Office
- Recycled three times a week.
 - Replaced light bulbs, as needed.
 - Cleaned roof drains.
 - Emptied outside trash can.
 - Collected trash on Tuesdays and Thursdays.
 - Cleaned restrooms on Tuesdays and Thursdays.
 - Supplied restrooms with paper goods on Tuesdays and Thursdays.
 - Painted the outside facade of the building.
 - Painted the courtroom, lobby and meeting room.
4. Public Works Facility Building/Emergency Operations Center
- Recycled.
 - Kept copy paper stocked.
 - Replaced light bulbs, as needed.
 - Cleaned roof drains.
 - Restarted hot water heater several times.
5. Rowland Community Center
- Delivered copy paper.
 - Cleaned roof drains.
 - Installed a tarp over blueprints stored on the third floor classroom to prevent possible future water damage from roof leak.

- Delivered fuel for lawn equipment.
6. Richard Wall House Museum & Wall Park
- Repaired toilet in third floor work area.
 - Delivered storage boxes to the Carriage House.
 - Repaired toilet in women's restroom in Wall Park.
- C. Miscellaneous
- Continued monitoring and recording rain gauge measurements.
 - Called for pricing and generated purchase orders, as needed.
 - Generated purchase orders for emergency repairs throughout all my buildings.
 - Picked up light fixtures from I&O Solutions for basement light upgrade.
 - Met with Ms. Fries from Rowland Community Center at Cheltenham Elemental School to pull six heater units out of some of the classrooms.
 - Continued monitoring the janitorial services contract being performed by Emerga Support Services LLC. on Mondays, Wednesdays and Fridays in the Township Administration, Police Administration, District Court and Public Services Facility Buildings.

JJD:mr

xc: David G. Kraynik, Township Manager
Bryan T. Havir, Assistant Township Manager

Township of Cheltenham

Montgomery County, Pennsylvania

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Township Manager

David G. Kraynik

December 1, 2011

Memo to: Board of Commissioners
Public Affairs Committee

Attn: David G. Kraynik, Township Manager
Bryan T. Havir, Asst. Township Manager

RE: November 2011 Monthly Report

1. PUBLICITY PROJECTS

Electronic Billboard.....Clean Water Tip #7
Release/Website/Channel 42/E-BlastFree Parking Black Friday and Saturday
Release/Website/Channel 42/E-BlastTwinning Lottery Gifts
Release/Website/Channel 42/E-BlastThanksgiving Closings in Cheltenham
Release/Website/Channel 42/E-BlastCampaign Sign Recycling
Release/Website/Channel 42/E-BlastDecember Meetings in Cheltenham
Photo and Caption/Website.....Bonfire & Hayride at Curtis
Electronic Billboard.....WinterFest
Release/Website/Channel 42/E-BlastSanitary Sewer Meeting
Release/Website/Channel 42/E-BlastWinterFest 2011
Photo and Caption/Website.....Josh Fattal Resolution
Release/Website/Channel 42/E-BlastSingle Stream Recycling Begins in January
Website/Channel 42/E-Blast.....Wall House Closed Dec. 25 & Jan. 1

2. PRINTING PROJECTS

- A. *Proclamation:* Josh Fattal
- B. *EMS Subscription Program:* The mailing was delivered to residents in mid November.
- C. *MS4 Mini Posters:* The MS4 mini poster was delivered with the EMS mailing in mid November.

- D. *MS4 Ads:* In November I submitted two ads promoting clean water for publication in the *Times Chronicle* in early December to meet MS4 requirements.
- E. *Employee Newsletter:* I began work on the annual publication for employees and retirees.

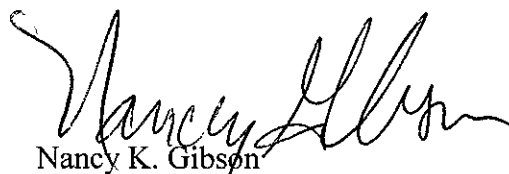
3. WEBSITE

I added press releases, Elkins Park West Commercial District Streetscape Enhancement Plan, President's 2012 Budget Message, the 2012 budget summary, Fire Department news and the Elkins Park West Community Meeting agenda. I updated the business directory. I responded to eight concerns reported via the website.

4. COMMUNITY PROJECTS/INFORMATION REQUESTS

- A. I attended the November 2, 2011, meeting of the Twinning Committee as Township staff liaison.
- B. I attended the November 16, 2011, Board of Commissioners meeting as Township photographer.
- C. I attended the November 17, 2011, meeting of the Substance Abuse and Mental Health Committee as Township staff liaison.
- D. I prepared 30 new resident packages, which were given to EMS for delivery.
- E. I received and/or responded to six Right-to-Know Law requests, as appropriate.
- F. For the Cheltenham-only service, TransNet reported 287 trips in October resulting in a charge of \$1,036.38 to the Township. The total charges to date for 2011 are \$11,122.81.
- G. Nine requests for Township information or services were received directly by this office. Responses were made to all requests, as appropriate.

Respectfully submitted,



Nancy K. Gibson
Public Information Officer

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF CHELTENHAM, ADDING CHAPTER 47, TO PROVIDE FOR THE CREATION OF THE CHELTENHAM TOWNSHIP HUMAN RELATIONS COMMISSION, AND TO PROHIBIT DISCRIMINATION IN HOUSING, COMMERCIAL PROPERTY, EMPLOYMENT AND PUBLIC ACCOMMODATIONS ON THE BASIS OF ACTUAL OR PERCEIVED RACE, COLOR, RELIGIOUS CREED, ANCESTRY, SEX, NATIONAL ORIGIN, HANDICAP OR DISABILITY, USE OF GUIDE OR SUPPORT ANIMALS BECAUSE OF THE 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; PROVIDING DEFINITIONS; AND PROVIDING PENALTIES

WHEREAS, the public policy of the United States of America, and the Commonwealth of Pennsylvania is grounded in the concept that all individuals are entitled to equality and equal protection under law, United States Constitution, Amendment 14; Constitution of the Commonwealth of Pennsylvania, Article I, §§ 26, 28; and

WHEREAS, the Board of Commissioners of Cheltenham Township finds that the population of the Township is reflective of the general population of the United States, in that it consists of a diverse array of persons representing different characteristics based upon actual or perceived race, color, religious creed, ancestry, sex, national origin, handicap, disability 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.

WHEREAS, the Township prides itself on the diversity of its citizens and residents, and the harmonious relations which have been fostered in the Township by a widely practiced and recognized attitude of respect among all citizens of Cheltenham Township; and

WHEREAS, the Board of Commissioners finds that the direct and secondary negative effects of discrimination and discriminatory practices involving the personal characteristics described above in matters of employment, housing, commercial property and public accommodation are well known and have been extensively studied, documented and demonstrated; and

WHEREAS, the practice or policy of engaging in discrimination or discriminatory practices against any individual or group, because of actual or perceived race, color, religious creed, ancestry, sex, national origin, handicap, disability 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 is a matter of highest public concern, and constitutes a paramount

threat to the rights, privileges, peace and good order of the citizens of Cheltenham Township and to visitors of Cheltenham Township, that undermines the basic tenants of our freedom as citizens of the United States, and is utterly without place in this Township, which has a storied tradition of fiercely defending the individual rights of its citizens; and

WHEREAS, the Board of Commissioners desires to establish and adopt an official policy of non-discrimination in Cheltenham Township, in all matters involving employment, housing and commercial property, and public accommodation;

NOW THEREFORE, BE IT ORDAINED AND ENACTED, by the Board of Commissioners of the Township of Cheltenham as follows:

SECTION I Short Title.

This Ordinance shall be known as the "Cheltenham Township Human Relations Ordinance. "

SECTION II Purpose and Declaration of Policy.

A. Cheltenham Township finds that it is vital to adopt appropriate legislation to insure that all persons, regardless of actual or perceived race, color, religious creed, ancestry, sex, national origin, handicap, disability, or use of guide or support animals because of blindness, deafness or physical handicap of the user or the user is a handler or trainer of support or guide animals, or sexual orientation, gender identity or gender expression enjoy the full benefits of citizenship and are afforded equal opportunities for employment, housing and public accommodation and in publicly offered commercial property transactions.

B. The Board of Commissioners of Cheltenham Township hereby declares it to be the public 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 affecting employment, housing and commercial property and public accommodation, 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.

C. Nothing in this Ordinance shall be construed as supporting, endorsing or advocating any particular doctrine, point of view; or religious belief. On the contrary, it is the express purpose and intent of this Ordinance that all persons be treated fairly and equally, and that all persons in Cheltenham Township shall be guaranteed fair and equal treatment under law.

D. This Ordinance shall be deemed an exercise of the police power of the Township of Cheltenham, as provided for under the Pennsylvania First Class Township Code and the Cheltenham Township Home Rule Charter and the Pennsylvania Human Relations Act, for the protection of the public welfare, prosperity, health and peace of the community of Cheltenham Township.

SECTION III Definitions.

The following words and phrases, when appearing in this Chapter, shall have the meanings given to them under this Section.

1. **BOARD OF COMMISSIONERS:** The Board of Commissioners of Cheltenham Township, Montgomery County.

2. **COMMERCIAL PROPERTY OR HOUSING:** The opportunity for an individual to obtain any commercial property or housing accommodation for which he or she is qualified.

3. **DISCRIMINATION:** Any discriminatory act(s) taken by any person, employer, entity, employment agency, or labor organization, with respect to or involving a transaction related to employment, public accommodations, on the basis of a person's actual or perceived race, color, religious creed, ancestry, sex, national origin, handicap, disability 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.

4. **DISCRIMINATORY ACT(S):** 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, disability 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 actual or perceived sexual orientation, gender identity or gender expression.

5. **EMPLOYEE:** Does not include any individuals who, as a part of their employment, reside in the personal residence of the employer.

6. **EMPLOYMENT:** The opportunity for an individual to obtain employment for which he is qualified.

7. **GENDER IDENTITY OR EXPRESSION:** Self-perception, or perception by others, as male or female, including an individual's appearance, behavior, or physical characteristics, that may be in accord with, or opposed to, one's physical anatomy, chromosomal sex, or assigned sex at birth, and shall include, but is not limited to, persons who are undergoing or who have completed sex reassignment, are transgender or gender variant.

8. **ORDINANCE:** This Ordinance, which shall be referred to as the "Cheltenham Township Human Relations Ordinance" or "this Chapter".

9. **PERSON:** One or more natural persons, fraternal, civic or other membership organizations, corporations, general or limited partnerships, proprietorships, limited liability entities, or similar business organizations, including the Township, its departments, boards and commissions, and any other for-profit and nonprofit organization.

10. **PUBLIC ACCOMMODATION:** The opportunity for an individual to access food, beverages or lodging, resort or amusement which is open to, accepts or solicits the patronage of the general public, but shall not include any accommodations which are in their nature distinctly private.

The above rights are hereby recognized as and declared to be a civil right which shall be enforceable as set forth in Section 4 of the Pennsylvania Human Relations Act.

11. **SEXUAL ORIENTATION:** Actual or perceived homosexuality, heterosexuality and/or bisexuality.

12. **TOWNSHIP:** The Township of Cheltenham, Montgomery County, Pennsylvania.

13. Any terms of this Chapter not expressly defined herein shall be construed in a manner consistent with the Pennsylvania Human Relations Act.

SECTION IV Unlawful Practices.

1. Discrimination in employment, housing accommodations, publicly-offered commercial property transactions or any public accommodation is prohibited under this Chapter.

2. Retaliation against any individual because such person has opposed any practice prohibited by this Chapter, or because such person has made a charge, testified, or assisted in any manner in any investigation or proceeding under this Chapter is prohibited under this Chapter.

3. Aiding, abetting, inciting, compelling or coercing the doing of any act declared by this Chapter to be an unlawful practice, or obstructing or preventing any person from complying with the provisions of this Chapter is prohibited under this Chapter.

SECTION V Exceptions.

[Springfield Township Version]

1. Notwithstanding any other provision of this Chapter, it shall not be an unlawful practice for a religious corporation or association to commit any of the acts as defined in Section IV of this Chapter.

[Pa. Human Relations Act Version]

Nothing in this Chapter shall bar any religious or denominational institution or organization or any charitable or educational organization which is operated, supervised or controlled by or in connection with a religious organization or any bona fide private or fraternal organization from giving preference to persons of the same religion or denomination or to members of such private or fraternal organization or from making such selection as is calculated by such organization to promote the religious principles or the aims, purposes or fraternal principles for which it is established or maintained.

[Lower Merion Twp. Version]

Notwithstanding any other provision of this Chapter, it shall not be an unlawful practice for a **religious corporation, organization or association**, not supported in whole or in part by governmental appropriations, to refuse to hire, employ, house or otherwise accommodate an individual on the basis of actual or perceived sexual orientation, gender identity or gender expression, nor shall an employer be prevented from enforcing a dress code which is reasonably related to the business or profession being conducted.

ALTERNATIVE VERSION

[Any of the above versions with the addition of..."nor shall an employer be prevented from enforcing a dress code which is reasonably related to the business or profession being conducted"]

SECTION VI Establishment of Human Relations Commission

1. Pursuant to the authority set forth under §12.1 of the Pennsylvania Human Relations Act, 43 P.S. § 962.1, there is hereby established a Human Relations Commission in and for the Township of Cheltenham, which shall be known as the "Cheltenham Township Human Relations Commission."

2. The Cheltenham Township Human Relations Commission shall consist of five (5) members, who shall be appointed to terms of three (3) years by the Board of Commissioners. The terms of the members of the Commission shall be staggered, such that the term of at least one member of the Commission shall expire each year. All members of the Commission shall be residents and registered voters of the Township of Cheltenham and shall serve without compensation.

3. The Commission shall have jurisdiction over Discriminatory Acts and Discrimination committed within the Township.

4. The Commission shall, annually, designate one member to serve as Chairperson of the Commission. The Chairperson shall be responsible for coordinating the activities, meetings, and operations of the Commission, as set forth under this Chapter. The Chairperson shall also report, from time to time, to a standing committee of the Board of Commissioners regarding the activities of the Commission.

5. The Chairperson of the Commission will designate one member as needed to receive the complaint and conduct an intake meeting with the complainants. The member charged with this duty shall not participate in any mediations involving parties to the complaint for which they handled the intake nor shall this member vote on complaints brought before the Commission.

6. Members of the Commission shall, as soon after their appointment as practical, attend such training and education seminars or sessions as deemed necessary to acquaint themselves with the functioning of the Cheltenham Township Human Relations Commission under this Ordinance, as well as the terms, conditions and provisions of the Pennsylvania Human Relations Act, and the operation of the Pennsylvania Human Relations Commission. Such

training and education shall be as directed by the Chairperson, and shall be performed in conjunction with the Pennsylvania Human Relations Commission.

7. The Cheltenham Township Human Relations Commission shall have all of those powers necessary to execute the duties set forth under this Chapter, provided that such powers shall not exceed those exercised by the Pennsylvania Human Relations Commission under the Pennsylvania Human Relations Act.

8. The Cheltenham Township Human Relations Commission shall operate within the scope of funds which may be allocated, on an annual basis, by the Board of Commissioners and shall not exceed the annual allocation in any year, except upon prior approval by the Board of Commissioners. In adopting this Ordinance, the Board of Commissioners hereby expresses its intention that the operation of the Cheltenham Township Human Relations Commission under this Ordinance shall be supported by volunteers, unpaid staff, and volunteer efforts and shall be as close to "zero cost" to the Township as reasonably feasible.

9. The Board of Commissioners hereby grants to the Commission, with respect to Discriminatory Acts and Discrimination as defined herein, all of the powers necessary for the execution of its duties as set forth herein.

10. The Commission shall be empowered to promulgate such additional procedures to those set forth herein as it determines to be necessary or desirable to implement the intent of this chapter subject to the review and approval of the Board of Commissioners.

SECTION VII Complaint and Procedures for filing Complaints.

1. Complaints

A. Any person claiming to be aggrieved by a practice which is made unlawful under this Chapter may make, sign and file a verified complaint, as provided under paragraph B of this Section, alleging violations of this Ordinance. Such complaint shall, at a minimum, contain the following information:

- i. The name, telephone number, mailing address and email (if applicable) of the aggrieved person(s);
- ii. The name, telephone number, mailing address and email (if applicable) of the person(s) alleged to have committed the prohibited practice;
- iii. A concise statement of the facts, including pertinent dates, time, locations, people, and acts involved constituting the alleged discriminatory practice;
- iv. If applicable, the address and a description of any housing accommodation or commercial property which is involved; and
- v. Such other information as may be required by the Commission.

B. Complaints may be filed in person at the office of the Township Manager, or by mailing such complaints to the Township offices, to the attention of the Township Manager or to

the Chairperson of the Commission. All such complaints must be received by the Township within one hundred eighty (180) days of the occurrence of the last act giving rise to the complaint or such complaint shall be dismissed as untimely.

C. The Township Manager shall transmit all complaints received to the Chairperson of the Commission not later than ten (10) days after receipt of the complaint. The Township Manager shall conspicuously mark the face of the complaint with the date the document was first received in the Township offices.

D. The Commission may promulgate forms for use by persons wishing to file a complaint, however, complaints which are prepared without the use of an approved form shall be deemed acceptable under this Ordinance so long as the facts set forth under Paragraph A of this Section can be clearly determined from the document submitted as a complaint.

E. The Commission may provide for a process by which persons seeking to file a complaint may consult with a volunteer or other staff person affiliated with the Commission who is trained to assist the prospective complainant in discerning the facts relevant to the prospective complaint. Such process shall also include referral of additional information to the prospective complainant concerning the content of this Ordinance, the content of the Pennsylvania Human Relations Act, and the availability of the Pennsylvania Human Relations Commission as an additional venue within which the prospective complainant may seek redress when possible.

2. Notifications and Answer

A. Within thirty (30) days of receipt of a complaint, the Commission shall:

- i. Send a copy of the complaint to the person(s) charged with a discriminatory act or practice under this Ordinance (the "respondent"), together with a copy of this Ordinance.
- ii. Send a notice to the complainant, informing them that the complaint has been accepted and processed by the Commission. If the complaint alleges discrimination on a basis proscribed under Federal or state law, the Notice shall also inform the complainant of their right to file a complaint with the Pennsylvania Human Relations Commission or the Federal Equal Employment Opportunity Commission as well as the U.S. Department of Housing and Urban Development, where applicable.
- iii. The Commission shall notify the Pennsylvania Human Relations Commission of the filing of any complaint that may be deemed to be within the jurisdiction of that Commission, as required under the Human Relations Act.
- iv. The Commission shall also include a notice to both the complainant and the respondent(s) of their option to elect to proceed to voluntary mediation in order to resolve the matters giving rise to the complaint.

B. The respondent(s) shall file a written verified answer to the complaint within thirty (30) days of service of the complaint. An answer shall be filed in the same manner as a complaint. The answer shall be conveyed by the Township Manager to the Chairperson of the

Commission within ten (10) days of its receipt by the Township Manager. The Commission shall promptly send a copy of the answer to the complainant.

3. Mediation

[Springfield Version]

A. Within thirty (30) days of receipt of an answer to a complaint, or, where no answer is filed, within sixty (60) days of service of the complaint upon the respondent(s), the Commission shall proceed in accordance with the following options:

i. In the event that both parties have consented to mediation, under paragraph 2(A)(iv) of this Section, then the Commission shall refer the matter to a recognized alternative dispute resolution service, which same service may be provided through Montgomery County, the Montgomery County Bar Association, or any other professional mediation service provider, or may refer the matter to a licensed member of the Pennsylvania bar, who may be willing to perform service to the Commission as a volunteer mediator. Any costs or expenses which may be associated with the mediation shall be the responsibility of the parties. The parties shall jointly select the mediator, however, the Commission shall retain the authority to act as the mediator in the event the parties have agreed to mediation but cannot jointly agree on a mediator. Mediation sessions conducted by the Commission may proceed with a minimum of two eligible Commission Members. Mediation sessions shall remain private and not otherwise subject to public attendance.

B. When mediation has resulted in an amicable resolution of the complaint and the complaint is resolved, the Commission shall notify the parties that the complaint has been dismissed, and shall record the result of the mediation in the Notice of dismissal.

C. In the event the complaint has not been resolved through mediation the parties are entitled to proceed to the Court of Common Pleas in Montgomery County.

[End of Springfield Version]

[Lower Merion]

A. Mediation

i. After the answer has been received, the Commission shall, within 15 days, invite the parties to voluntarily participate in the mediation of their dispute. The parties shall respond to the invitation to mediate within 15 days of being invited to mediate. Mediation shall be conducted in accordance with procedures promulgated by the Commission and approved by the Board of Commissioners.

ii. If mediation is elected by the parties, the parties may jointly select a mediator, in which case they shall be jointly responsible for all financial costs and expenses associated with mediation and may allocate the costs of mediation as they agree. If the parties do not jointly select a mediator, or agree to allocation of costs

pursuant to approved procedures of the Commission, the Chairperson of the Commission shall select a mediator, who may be either a member of the Commission or a volunteer from the community.

- iii. The parties shall notify the Commission as to whether the mediation successfully resolved the complaint. Mediation proceedings shall otherwise be confidential. Neither the results thereof nor any record made in connection therewith shall be made public unless agreed to in writing by both parties to the dispute.
- iv. Dismissal of the Complaint Following Mediation.
 - (a) If the mediation has successfully resolved the complaint, the Commission shall promptly notify the parties that it has dismissed the complaint.
 - (b) If the mediation has not successfully resolved the complaint, and if the complaint alleges a violation of this Ordinance which is also proscribed under the Pennsylvania Human Relations Act, the Commission shall notify the parties that the complaint has been dismissed, and refer the complaint to the Pennsylvania Human Relations Commission for further proceedings.

B. If the mediation has not successfully resolved the complaint, and only if the complaint alleges a violation of this Chapter which is not otherwise proscribed under the Pennsylvania Human Relations Act and over which the Pennsylvania Human Relations Commission does not have jurisdiction, the Commission shall proceed as follows:

- i. Investigation. The Commission shall, in a timely fashion, investigate the allegations of an Unlawful Practice set forth in the complaint by designating an investigator, who may be a member of the Commission. The Commission may, in the conduct of such investigation and upon review, issue subpoenas to any person charged with an Unlawful Practice, commanding such person to furnish information, records or other documents, as necessary to assist in the Commission's investigation.
- ii. Finding of No Cause. If it shall be determined after the Commission's investigation that there is no probable cause for the allegations of the complaint, the Commission shall cause to be issued and served upon the parties written notice of such determination and dismissal of the complaint. This notice shall inform the person aggrieved that he/she has the right to pursue the matter in court.
- iii. Conciliation. If the Commission, after investigation, 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. If it determines that conciliation may be a useful approach, the Commission shall designate one of its members as a conciliator, who shall undertake conciliation following approved procedures of the Commission.

iv. Public Hearing.

- (a) If the Commission finds it is not possible to eliminate the Unlawful Practice by persuasion, conference and conciliation, the Commission, shall cause to be issued and served a written notice scheduling a public hearing before the Commission at a time and place to be specified in such notice.
- (b) The Commission may designate one or more of its members to preside at such a public hearing or it may, at its election, conduct such hearing *en banc*. Any Commission member who acted as a mediator, investigator or conciliator shall not participate in such public hearing except as a witness to present the results of the investigation.
- (c) At the public hearing, both the complainant and the respondent shall be given the opportunity to appear, with or without counsel, to provide testimony and submit evidence. Formal rules of evidence shall not apply, but irrelevant or unduly repetitious evidence may be excluded by the Commission in its discretion. In addition, both the complainant and the respondent may introduce the testimony of additional witnesses and may submit documentary evidence.
- (d) [Commission representation by Township Solicitor deleted; included in Lower Merion Twp. Version.] A court reporter shall make a formal record of the proceedings.

v. Findings and Award. If upon all the evidence at the hearing the Commission shall find that a respondent has engaged in or is engaging in any Unlawful Practice as defined in this Chapter, the Commission shall state its findings of fact and shall issue and cause to be served on such respondent an order requiring such respondent to cease and desist from such Unlawful Practice and to take such affirmative action, including, but not limited to: hiring, reinstatement or upgrading of employees, admission or restoration to membership in any respondent labor organization, the making of reasonable accommodations, and/or selling or leasing specified Housing Accommodations or publicly offered commercial property upon such equal terms and conditions as was available to other persons at the time of the Unlawful Practice.

[Recovery of back pay, compensation for loss of work,
out-of-pocket expenses and back pay deleted; included in
Lower Merion Twp. Version .]

[Recovery of civil penalties and attorneys' fees deleted; included in
Lower Merion Twp. Version .]

vi. Finding of No Discrimination. If upon all the evidence the Commission shall find that a respondent has not engaged in any unlawful Discriminatory Act, the Commission shall state its findings of fact and shall issue and cause to be served on the parties an order dismissing the complaint as to such respondent.

- vii. Appeal. Any order of the Commission may be appealed to the Court of Common Pleas of Montgomery County within 60 days of its date as provided by law.
- viii. Enforcement. When the Commission has heard and decided any complaint brought before it, enforcement of its order shall be initiated by the filing of a petition in court, together with a transcript of the record of the hearing before the Commission, and issuance and service of a copy of said petition as in proceedings in equity.

[Private Right of Action deleted; included in Lower Merion Twp.
Version .]

[End of Lower Merion Version]

SECTION VIII Nothing in this Ordinance shall be construed to affect any suit or proceedings in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the Township's Code of Ordinances prior to the adoption of this amendment.

SECTION IX The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any court of competent jurisdiction, such decision shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board of Commissioners that this Ordinance would have been adopted if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

SECTION X This Ordinance shall take effect and be in force from and after its approval date as required by law.

SECTION XI Non-limitation of Remedies.

Nothing contained in this Ordinance shall be deemed to limit the right of an aggrieved person to recover under any other applicable law or legal theory.

SECTION XII Multiple Filings.

This Ordinance shall have no jurisdiction over matters which are the subject of pending or prior filings made by an aggrieved person before any state or federal court or agency of competent jurisdiction.

SECTION XIII Penalties; Miscellaneous.

[Springfield Version]

1. Any person who shall violate any provision of Section IV of this Ordinance may be subject by the Montgomery County Court of Common Pleas or any court of competent jurisdiction to the penalties enumerated in Section 9(f)(1&2), Sections 9.2, 9.3, and Sections 10 & 11 of the Pennsylvania Human Relations Act. The penalties contained in this ordinance shall

automatically incorporate any and all future changes and amendments to the Pennsylvania Human Relations Act as adopted by the General Assembly and approved by the Governor.

2. This ordinance extends the protections of the Pennsylvania Human Relations Act to include actual or perceived sexual orientation, gender identity or gender expression.

3. All penalties included in the Pennsylvania Human Relations Act shall be extended to include all protected classes enumerated in the Cheltenham Township Human Relations Ordinance.

[End of Springfield Version]

SECTION XIV Repealer.

Any and all other Ordinances or parts of Ordinances in conflict with the terms, conditions and provisions of this Ordinance are hereby repealed to the extent of such irreconcilable conflict.

SECTION XV Effective Date.

This Ordinance shall be effective immediately.

ORDAINED and ENACTED this _____ day of _____, 2011.

**BY BOARD OF COMMISSIONERS OF
CHELTENHAM TOWNSHIP**

, President

ATTEST:

, Secretary

PRESS HARD — PLEASE PRINT — USE BALLPOINT PEN

Cheltenham Township
Administration Building
8230 Old York Road
Elkins Park, PA 19027
(215) 887-1000

SWIMMING POOL APPLICATION
CHELTENHAM TOWNSHIP RESIDENTS ONLY

2 PRESS HARD — PLEASE PRINT

CONKLIN POOL GLENSIDE POOL

Office Use	
M	_____
O	_____
20	_____

1 List Applicant's Name/s Below

	AGE	SCHOOL	D- Daily S- Seasonal	Office Use Tag #
1. _____	_____	_____	_____	_____
2. _____	_____	_____	_____	_____
3. _____	_____	_____	_____	_____
4. _____	_____	_____	_____	_____
5. _____	_____	_____	_____	_____
6. _____	_____	_____	_____	_____
7. _____	_____	_____	_____	_____

DAILY TAG @ \$ 25.00 # _____ = \$ _____

Office Use

SEASONAL YOUTH
(Ages 3-15) &

SEASONAL STUDENT
(Ages 16-23 FT Grad. Stds.) @ \$ 80.00 _____ = _____

3

SEASONAL ADULT @ \$105.00 _____ = _____

SEASONAL SENIOR @ \$ 40.00 _____ = _____

SEASONAL FAMILY @ \$210.00 _____ = _____

PLEASE MAKE CHECK PAYABLE
TO CHELTENHAM TOWNSHIP

CASH CHECK RENEWAL YES NO

TOTAL \$ _____

I/WE THE PARENT/S OR GUARDIAN/S OF THE CHILD/CHILDREN WHO ARE APPLICANTS FOR RECREATION ACTIVITIES SPONSORED BY THE TOWNSHIP OF CHELTENHAM, PARKS AND RECREATION DEPARTMENT, HEREBY GIVE MY/OUR APPROVAL FOR PARTICIPATION IN THESE ACTIVITIES FOR MYSELF AND/OR THEM.

I/WE ASSUME THE RISKS AND HAZARDS INCIDENTAL TO THE CONDUCT OF THE ACTIVITIES. IN CASE OF INJURY TO MYSELF OR MY CHILD/CHILDREN, I/WE DO FURTHER HEREBY RELEASE, ABSOLVE, INDEMNIFY AND HOLD HARMLESS THE TOWNSHIP OF CHELTENHAM, IT'S OFFICIALS AND/OR EMPLOYEES OF SAID TOWNSHIP.

I/WE THE PARENT/S OR GUARDIAN/S OF THE AFOREMENTIONED CHILD/CHILDREN AGREE THAT I/HE/THEY SHALL BE SUBJECT TO THE RULES AND REGULATIONS OF THE TOWNSHIP OF CHELTENHAM, PARKS AND RECREATION DEPARTMENT AND WILL PROVIDE A HEALTH CERTIFICATE OF THE AFOREMENTIONED APPLICANT/S UPON REQUEST OF THE TOWNSHIP.

LIKewise, I/WE GRANT THE RIGHT TO USE MY/OUR NAME, IMAGE, PHOTOGRAPH AND VIDEO, INCLUDING COMPOSITE OR MODIFICATION, REPRESENTATIONS IN PUBLICATIONS, WEBSITE AND ANY OTHER MATERIAL RELATING TO CHELTENHAM TOWNSHIP PARKS AND RECREATIONAL PROGRAMS, ACTIVITIES AND FACILITIES. I WAIVE THE RIGHT TO INSPECT OR APPROVE VERSIONS OF MY/OUR IMAGE USED FOR PUBLICATION OR THE WRITTEN COPY THAT MAY BE USED IN CONNECTION WITH THE IMAGE.

PARENT'S/INDIVIDUAL'S SIGNATURE

DATE: _____

Received By: _____
For the Parks and Recreation Department

4

STREET _____

TOWN _____ ZIP _____

TELEPHONE # _____

RETURN ALL COPIES

CHELTENHAM TOWNSHIP SWIMMING POOLS

RULES AND REGULATIONS

1. TAGS MUST BE SHOWN TO GAIN ADMISSION TO POOL.
2. ONLY CHELTENHAM TOWNSHIP RESIDENTS AND PERMITTED GUEST(S) ARE ALLOWED TO USE THE POOL.
3. POOL MEMBERS ARE RESPONSIBLE TO SEE THAT THEIR GUEST(S) FOLLOW THE POOL RULES AND REGULATIONS.
4. THE POOL MANAGER AND ASSIGNED STAFF ARE IN CHARGE OF THE POOL OPERATION AND ALL PATRONS ARE TO OBEY THEIR DIRECTIONS.
5. TALKING TO LIFEGUARDS ON DUTY IS STRICTLY PROHIBITED. PATRONS WHO HAVE ANY QUESTIONS CONCERNING THE POOL OPERATION MUST SEE THE POOL MANAGER ON DUTY OR CONTACT THE PARKS AND RECREATION OFFICE.
6. LOST OR STOLEN TAGS MUST BE REPORTED TO THE CASHIER IMMEDIATELY. A FEE WILL BE CHARGED FOR A NEW TAG. ALL NEW TAGS ARE AVAILABLE AT THE TOWNSHIP BUILDING ONLY.
7. MEMBERSHIP TAGS ARE NOT TRANSFERABLE. ALL MEMBERSHIP TAGS THAT ARE NOT IMMEDIATELY REPORTED LOST OR STOLEN, AND ARE USED BY OTHER PERSONS SHALL BE CONSIDERED AN UNAUTHORIZED USE. POOL PRIVILEGES FOR THE MEMBER AND/OR HIS ENTIRE FAMILY MAY BE REVOKED FOR THE ENTIRE SEASON AND/OR SUBSEQUENT SEASONS. NO REFUNDS WILL BE MADE TO THOSE WHO HAVE HAD THEIR PRIVILEGES REVOKED.
8. NO REFUNDS AFTER THE POOLS OPEN OR IN THE FALSIFICATION OF AN APPLICATION.
9. CHILDREN NINE (9) YEARS OF AGE AND UNDER MUST BE ACCOMPANIED BY A RESPONSIBLE ADULT (18 YEARS OF AGE OR OLDER) AT ALL TIMES. PARENTS ARE URGED TO HAVE THEIR CHILDREN USE THE RESTROOMS BEFORE ENTERING THE POOL.
10. PLASTIC PANTS ARE REQUIRED OVER DIAPERS IN THE POOL AT ALL TIMES.
11. DURING THE ADULT SWIM, CHILDREN UP TO 5 YEARS OF AGE MAY BE PERMITTED IN A DESIGNATED AREA OF THE POOL, IF ACCOMPANIED BY AN ADULT.
12. AFTER 6:00 P.M., CHILDREN UNDER 14 YEARS OF AGE MUST BE ACCOMPANIED AND SUPERVISED BY AN ADULT (18 YEARS OF AGE OR OLDER).
13. NO INFLATABLE WATER PARAPHERNALIA, TOYS, BALLS, INNER TUBES, SNORKLES, FACE MASKS, FINS, NOODLES , AND THE LIKE, SHALL BE ALLOWED WITHIN THE POOL AREA.
14. THE POOL MANAGER RESERVES THE RIGHT TO LIMIT ADMISSION TO THE POOL AT ANY TIME WITHOUT ADVANCE NOTICE FOR HEALTH AND SAFETY REASONS. PATRONS ARE REQUESTED TO SHOWER BEFORE ENTERING THE POOL.
15. DISRESPECT TOWARD THE STAFF, SUCH AS ABUSIVE LANGUAGE, GESTURES, ETC. BY PATRONS WILL NOT BE TOLERATED.
16. BATHING SUITS MUST BE WORN BY ALL BATHERS. CUT-OFF SHORTS ARE NOT PERMITTED.
17. RUNNING, PUSHING, PLAYING TAG, PETS, SNAPPING OF TOWELS, HORSEPLAY AND BALL PLAYING ARE PROHIBITED.
18. EATING, GUM CHEWING, SMOKING AND GLASS CONTAINERS ON THE DECK ARE PROHIBITED.
19. ANYONE VIOLATING THESE RULES AND REGULATIONS AND ANY SUBSEQUENT RULES AND REGULATIONS AS MAY BE ESTABLISHED BY THE COMMONWEALTH OF PENNSYLVANIA, CHELTENHAM TOWNSHIP BOARD OF COMMISSIONERS, OR BY ITS DIRECTOR OF PARKS AND RECREATION, WHO IS CHARGED WITH THE RESPONSIBILITY FOR OPERATING THE TOWNSHIP POOLS, IS SUBJECT TO HIS/HER LOSS OF POOL PRIVILEGES. NO REFUNDS WILL BE MADE TO THOSE WHO HAVE BEEN SUSPENDED OR WHO HAVE LOST THEIR POOL PRIVILEGES FOR ANY REASON.

CONKLIN POOL (215) 379-8727

GLENSIDE POOL (215) 885-1717