DOVER TOWNSHIP
BOARD OF SUPERVISORS MEETING
Work Session Minutes
July 25, 2011

The Dover Township Board of Supervisors held a work session on Monday, July 25, 2011, which began at 6:05 PM in the Meeting Room of the Dover Township Municipal Building. Dover Township Supervisors present were Chairperson Madelyn Shermeyer, Monica Love, Michael Husson, Duane Hull, and Curtis Kann. Laurel Wilson, Township Manager; Atty. Charles Rausch, Township Solicitor; and Dawn Slegel, Recording Secretary were also present.

The purpose of the work session was to review the proposed parade and public assembly ordinance.

BACKGROUND - Atty. Rausch was requested by the Board to investigate and prepare a draft parade and public assembly ordinance which was based on Springettsbury Township's Ordinance regarding their lawsuit with the American Civil Liberties Union (ACLU) on their prior adopted ordinance. This ordinance resulted from the negotiations between the ACLU and Springettsbury Township to eliminate the lawsuit. The contents of the ordinance should meet constitutional standards and/or satisfy the ACLU. It details what can and cannot be done when gathered on or along Township roads and on sidewalks.

Atty. Rausch explained that a gathering of a group of 25 people or more will require going through a permitting process. The ACLU wanted protection of spontaneous demonstrations. It was believed a group of individuals up to 24 people would be controllable. The whole concept revolves around the right to freedom of speech and the right to assemble. A permit fee needs to be established through a resolution. Should the applicant be unable to pay the fee due to indigence, a waiver procedure has been prepared.

Penalties were discussed concerning trash collection and additional police protection.

Atty. Rausch related that removal of any debris created by the parade or public assembly can be charged for the cleanup through an invoice or a lien on their property if located within the Township. They could also be fined. Additional police coverage may not be invoiced as associated with First Amendment Rights.

Manager Wilson stated that the Township has ten business days from the time of submission to approve or deny the request which does not seem like sufficient time.

In discussion on waiving the fee for non-profit organizations, Atty. Rausch advised that waivers should only be for indigence. Waiving of the fee for any other reason may be considered discriminatory. The reason for the fee is essentially to cover administrative costs for reviewing the application and consulting with police and fire departments to insure that their event has been adequately and safely planned. A Certificate of Liability is required naming Dover Township as an additional insurer. A permit cannot be denied if they cannot provide this certificate, therefore there is a risk of the Township becoming liable for a lawsuit by approving the application.

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Atty. Rausch advised that the Township would have immunity under the Tort Claims Act although the incident must be reported to the Township's insurance company.

Supervisor Hull explained that by having this application process, the Township becomes aware of the functions.

Manager Wilson noted that if the route involves a State road, PennDOT regulations have jurisdiction over the Township's.

A majority of the Board was in favor of advertising this ordinance as proposed.

Atty. Rausch recommended that the official action to authorize the proposed Parade and Public Assembly Ordinance for advertisement should be entertained at the regular meeting under the Solicitor's Report. A fee resolution and an application form must be prepared at the time of the adoption.

Manager Wilson or the Township Solicitor will contact the Township Manager at Springettsbury Township for their application form and fee.

Chair Shermeyer concluded the work session at 6:30 PM into an Executive Session on a potential litigation issue and union negotiations.

Respectfully submitted by: _____

Dawn D. Slegel, Secretary