

MINUTES OF SPECIAL MEETING  
BOARD OF COMMISSIONERS  
FEBRUARY 6, 2025

The Board of Commissioners of Springfield Township met in special meeting at the Springfield Township Administration Building on Thursday, February 6, 2025 at 5:30 PM to consider authoring a rehearing en banc in the matter of PA State Lodge Fraternal Order of Police, et. al. vs. Township of Springfield, et. al. The meeting was also offered in a live streaming feature. All members of the Board were present. Mr. Lee Presided.

Mr. Lee asked Mr. Taylor to summarize any public comments received prior to the meeting. Mr. Taylor reported that 5 comments were received remotely. Four of the comments were in favor of a rehearing, and one was in opposition to a rehearing.

Mr. Lee announced that the sole purpose of the special meeting was to consider whether or not to authorize the filing of a motion for a rehearing en banc with regard to the split decision of the three-judge panel of the US Court of Appeals for the Third Circuit, in the matter of PA State Lodge Fraternal Order of Police, et. al. vs. Township of Springfield, et. al., case no. 23-3165.

Mr. Lee led the pledge of allegiance.

Mr. Lee announced that the Board of Commissioners met in an executive session on Wednesday, January 29, 2025 to discuss one matter of litigation.

Mr. Lee asked Mr. Garrity to summarize the litigation.

Mr. Garrity explained that the township passed a resolution prohibiting the display of a flag known as the “Thin Blue Line American Flag”. He made it clear that the flag in question is not the thin blue line flag that many people are familiar with, which is an all-black flag with a very thin horizontal blue line. Instead, the flag in question is a black and white American flag with a single blue stripe.

After the resolution passed, the township was sued in federal court by the Pennsylvania FOP, the Township Police Benevolent Association, and three of our officers, alleging a violation of their First Amendment rights. When discovery closed in that case in Federal Court, the plaintiffs moved for what is called summary judgment. That motion was granted and an injunction against enforcement of the resolution was also granted on the motion and without any trial. The judge's decision was appealed by the Board of Commissioners to the Third Circuit Court of Appeals, which assigned a three-judge panel of that court to hear the appeal. That panel reached a 2 to 1 split decision with a dissenting opinion, which found that the township should be given a trial to defend themselves and explain the importance of the resolution. Because it was a split decision and didn't involve the full Third Circuit, the township now has the right to request what is called a motion for a re-argument en banc. Mr. Garrity explained that “en banc” is just a fancy Latin way of saying all members of the Third Circuit would listen to the hearing. Mr. Garrity reiterated

that the purpose of the special meeting is to vote to authorize the filing of a motion for a re-argument en banc.

Mr. Lee stated that to date the township has paid approximately \$64,000 to defend the case. Additionally, the Federal Judge awarded \$212,000 in plaintiff's attorney fees. Mr. Lee stated that from a financial standpoint, the best outcome for the township is to have the ruling reversed, which makes the plaintiff's fees go away as a cost to the township.

Mr. Lee opened the meeting to public comment.

Mr. Gillies, Woods Road, asked each commissioner to state their individual opinion in the matter.

Mr. Morris stated he was not a Board member when the original Resolution was adopted. However, for financial reasons, he is in favor of a rehearing.

Ms. Ratsavong stated she is in favor of a rehearing so that the Township is provided an opportunity to argue it's case and acknowledged that It would also be financially prudent to do so.

Mr. Wilson stated he understands both sides of the issue, but if any portion of the community is uncomfortable with the symbol, then it should not be allowed and therefore he will vote for the rehearing.

Mr. Lee stated he is in favor of the filing of a motion for a rehearing. It is a simple and inexpensive filing that could save the taxpayers a considerable amount of money. However, Mr. Lee stated that if the rehearing is not granted, he is not in favor of pursuing further appeals.

Mr. Cobb stated he is against filing for a rehearing. He commented that he was against the resolution from the onset because he felt it was antagonistic. He is of the opinion that the Board should accept the loss, mend its relationship with the police department and focus its efforts on bringing the community together

Mr. May stated that the resolution and initial lawsuit predated him as a member of the Board, but he has been following the matter all along. He opined that the Board deserves to have a rehearing where all the arguments can be addressed in front of the full Third Circuit Court of Appeals. He will be voting in favor of filing for a rehearing.

Ms. McNamara stated that the resolution and lawsuit also predates her time on the Board, however, she sees merit to both sides of the issue. She is appreciative of the fact that there is productive conversation between the Board and the police department. Ms. McNamara commented it would be a relatively inexpensive way to recover a considerable amount of money. She stated she did not have her mind made up before coming to the meeting and it is important for her to hear public comment before she makes a decision.

Mr. Lee opened the meeting to public comment.

Jane Thomas, Oreland, asked for a clarification on the litigation costs. She asked if the motion for the rehearing was denied, would the Township then have to pay the plaintiff's attorney's fees. Mr. Garrity responded affirmatively.

Jim Dailey, Flourtown, questioned the statement on the website in response to the recent ruling by the panel of the Third Circuit Court of Appeals. He asked if there was a consensus of the Board for the statement. Mr. Lee responded that there was a consensus. Mr. Dailey expressed his opposition to filing a motion for a rehearing.

Mary Ellen Reeves, Glenside, read into the record a prepared statement in response to the Board's statement on the website with regard to the recent ruling by the panel of the Third Circuit Court of Appeals. Ms. Reeves urged the Board to uphold the Constitution of the United States.

Eileen DiFranco, Flourtown, expressed her support for the police department. Ms. DiFranco opined that the flag in question hurts and harms members of the community, and therefore, it should not be allowed.

Bernie Kling, Glenside, stated his understanding that only about 3% of requests for en banc hearings are granted. He is not in favor of filing a motion for a rehearing en banc.

Brian Sokel, Erdenehim, supports the Board's efforts to move forward with filing the motion for a rehearing.

Leah Hartner, Flourtown, expressed her position in favor of the Board filing a motion for the rehearing.

Bob Gillies, Glenside, asked Mr. Garrity to explain what the next steps would be if a rehearing was granted, and what would happen if the rehearing was not granted. Mr. Garrity explained the several different scenarios, and the possible sequence of hearings or trials.

Joan Parsons, Oreland, engaged in a lengthy debate with the Board regarding legal costs to date. She urged the Board not to spend any more money on appeals. Ms. Parsons also requested more transparency in order for all residents to be informed on the matter.

John English, Oreland, asked about the origin of the initial complaint. He stated his belief that it was brought about by the Black Lives Matter organization. He was told that was not correct. He also thought the problem was with the blue lines on the police cars. He was advised that the symbol was never affixed to the Township's police cars.

Ed Trinkle, Flourtown, commented that the symbol is not a threat to anyone. Unfortunately, it became a political issue and it should not be. Mr. Trinkle is not in favor of filing for a rehearing.

Michelle Chesaitis, Oreland, expressed her strong opposition to the Board's position on the matter. She stated her belief that the Board has overreached their authority. She stated her disappointment in the divisiveness that the matter has caused and does not believe that divide can be fixed even if a rehearing is successful. Ms. Chesaitis accused the Board of calling the police department racists.

Mr. May strongly disagreed with Ms. Chesaitis' comment about the Board calling the Police Department racists.

Ms. Chesaitis engaged in a long debate with the Board about her perception that the Board is anti-police.

Neil DiFranco, Flourtown, opined that if the symbol is hurtful to anyone, then it should not be used. Mr. DiFranco noted that regardless of the outcome, there are no winners in this matter. Mr. DiFranco thanked the Board for their service.

Joan Parsons referred to the Board's statement on the website and expressed her dislike for the use of the term "white supremacy".

Angelina Banks, Wyndmoor, read into the record a prepared statement about government overreach. Ms. Banks urged the Board not to file a motion for a rehearing and encouraged those who were not on the Board at the time when the resolution was filed to abstain from voting.

Bob Gillies, Glenside, strongly urged the Board not to continue pursuing the matter. He noted that once something goes to litigation it is out of local control. He stated his belief that the case is not winnable and the matter will continue to increase in cost.

Mike McCann, Flourtown, expressed his concern for the financial aspect of the case. He cautioned the Board to be more diligent in future actions given the litigious society we live in.

Neil DiFranco, Flourtown, opined that the Police Benevolent Association should withdraw the lawsuit. It is the police department's mission to support and protect the Township, and by withdrawing the lawsuit it would be protecting the township as a whole.

Michelle Chesaitis, Oreland, asked for clarification on what the resolution would prohibit. Several members of the Board responded.

Bob Agans, Flourtown, asked what percentage of residents are offended by the subject symbol. Mr. Lee indicated that the exact number is unknown.

Joan Parsons, Oreland, suggested the police department chose the symbol because it means something to them, and they should not have been asked to change it. She

commented on disturbing flyers that were found posted to utility poles in her neighborhood.

Leah Hartner, Flourtown, asked for a clarification on municipal property vs. public property. Mr. Lee provided that clarification.

Mr. Lee emphatically stated the Board is not anti-police. Furthermore, he rejected the premise put forth tonight that the Board has not supported the police by offering examples of salary increases, technology and safety improvements, equipment and other needs that have been accommodated by the Board for all officers. Furthermore, he has never disparaged the police or called them racists.

Kevin Lawn, Erdenheim, commented that the case is not winnable, but the Board has chosen to pursue it anyway, thereby incurring unnecessary legal costs. He concluded by stating that the Board should be better stewards of their money.

Ms. Ratsavong disagreed with comments that former Commissioner Graham is the sole source of the issue. She stated that each member of the Board has the ability to make their own decisions regarding safety and protecting the public trust. She believes the issue is about protecting historically marginalized groups.

Mr. Morris wished to clarify how and when the government can restrict freedom of speech.

Bernie Kling, Glenside, suggested that by pursuing a rehearing the Board is not respecting the court's decision.

Mr. Morris engaged in a lengthy debate with members of the audience about the matter. Mr. Morris stated the argument is about the Township's ability to say when, where and how the symbol can be used.

Motion (May-Ratsavong) to authorize Special Counsel to prepare a Motion requesting a Rehearing En Banc in the matter of PA State Lodge Fraternal Order of Police, et al vs. Township of Springfield, et al, Case No. 23-3165.

Mr. McNamara stated that she believes in the merit of the original argument as it stands. She stated she is supportive of the police and understands their position, but she also supports the people who are offended by the symbol. However, she feels the financial risk is not in the best interest of the township. She hopes that dialog can continue in a positive way. In conclusion, she stated she will be voting against filing a motion for a rehearing.

Mr. Cobb reiterated his concern for the additional financial and emotional costs associated with the possible next step. He concurred with Mr. Lee that the Board has always supported the police department financially. Mr. Cobb expressed his concern that the matter has taken its toll on the morale in the police department and has affected its

reputation. He stated that continuing this matter will make the divisiveness in the community worse than it is today. He urged other members of the Board to consider the impacts of filing a motion for a rehearing.

Vote on the motion: 5-2; McNamara and Cobb opposed.

Motion (Ratsavong-May) carried unanimously to adjourn the meeting at 8:25.

Respectfully submitted

Michael Taylor  
Secretary/Manager