

East Norriton Township – Regular Meeting
April 26, 2011

The Regular Meeting of the Board of Supervisors of East Norriton Township was called to order by the Chairwoman, Kandy Heckman at 7:02 p.m. on Tuesday, April 26, 2011, at the Township Municipal Building. Supervisors present were Karen “Kandy” Heckman, Donald J. Gracia, Harris A. Dainoff, James J. Serratore, III and John A. Zurzola.

Following roll call, Mr. Gracia offered a prayer and the Pledge of Allegiance was then recited by all in attendance.

Chairwoman Heckman asked for a moment of silence in memory of Elected Auditor, John J. Serratore who passed away April 5, 2011.

Chairwoman Heckman called on Police Chief, Karyl Kates who read a brief biography of Brandon Pasquale. Assistant Township Manager, Larry Brown swore in Brandon Pasquale as Police Lieutenant.

The Chairwoman announced that the Billboard Curative Amendment Update was going to be moved up on the agenda at this time.

Township Solicitor, Christen Pionzio reviewed that the Township established a Curative amendment in February which blocks the Township from receiving any other challenges from any other billboard companies or the same billboard company from filing another challenge. Prior to February the Township received a challenge from MC Outdoors claiming that the Township’s ordinance is invalid because the Township does not provide for billboards and MC Outdoors has asked for specific relief on three properties which are not zoned for what the Township calls for in the ordinance as billboard locations. The Township ordinance permits billboards in the Industrial District which currently limits them to 16 square feet. The Township has until August to implement the curative amendment to the Zoning Code, which has to do with the sizing of billboards. At next month’s meeting the Board of Supervisors will be presented with a proposed ordinance change.

Mrs. Pionzio reviewed what the curative means to the applications that were filed before the Township took this step and what it means to move forward.

Mrs. Pionzio cautioned that since this is a matter of litigation, the Board of Supervisors may not be able to answer the questions so that our legal position is not compromised.

Ken Christovich of 2937 Tanglewood Lane asked the Township Solicitor to expand on what the consequences of a loss to an extended fight would be. Mrs. Pionzio reviewed that if MC Outdoors wins what they filed (they claim the Township prohibits billboards) they would get to pick where to place the billboards and the size that they asked for is 672 square feet on the three properties that they filed for.

Ken Christovich of 2937 Tanglewood Lane expressed he is opposed to this in the Township and encourages the Board of Supervisors to fight this.

Ed Duffy of 206 West Hartranft Blvd expressed his thoughts that billboards are very distracting and he can envision a “billboard forum” in front of the Norristown Farm Park and that can never happen.

Michael Price of 2918 Whitehall Road asked how many billboards are in the Township now. There are none. Mr. Price asked what properties were filed for the placement of these billboards. Township Manager, Donald Delamater reviewed one property is located on Route 202 across from McDonalds, another property is located next to Olympia Pizza where the credit union was once located, that end unit is a separate parcel and the third property is between Hassan’s garage and Dr. Check’s office.

Deb Knawby of 3100 North Wales Road thanked everyone for attending the meeting. Ms. Knawby asked for a description of what the Zoning Hearing Board is and how this item will be reviewed by them once it comes in front of them. Mrs. Pionzio stated that the Zoning Hearing Board is a separate body that is appointed by the Board of Supervisors. The Zoning Hearing Board hears two sides of a case and renders an opinion and the decision appealable to the Court of Common Pleas then to the Commonwealth Court and maybe even the Supreme Court in Pennsylvania. Ms. Knawby asked during a Zoning Hearing Board meeting what professionals or consultants will be present if there are questions or they require information or need the law clarified. Mrs. Pionzio stated the Zoning Hearing Board has a Solicitor who advises them, they review what is presented to them; they do not do their own research.

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Nick Viglianese of 3105 Whitehall Road expressed he is against billboards and is for the Township to fight this issue. Mr. Viglianese also expressed his disappointment with only 34 people being in attendance out of a Township of 13,000; Mr. Viglianese stated that the meeting was much publicized.

Michael Price of 2918 Whitehall Road asked what makes this case so powerful and secretive. Mrs. Pionzio stated that matters of litigation are handled privately and are not to be discussed in a public meeting.

Francis “Bud” Denner of 614 Barbara Drive has been a resident for 45 years and expressed the Township does not need the distraction.

Deb Knawby of 3100 North Wales Road stated that previously discussed a Bill was discussed regarding property blight, “billboards are blight!” Mrs. Knawby stated that if this is an issue with many municipalities at this time why all the municipalities can’t bond for this issue. Mrs. Pionzio reviewed every township is unique and has their own specific Zoning ordinance and Zoning map.

Mr. Dainoff stated that if the Township could prohibit the billboards the Board of Supervisors would do that but there is a constitutional issue. He continued to explain it has been decided that there is a protection for billboards which is the purpose of the challenge. All the Board members echoed this sentiment.

The Chairwoman introduced the next item on the agenda, Bids for various items.

Mr. Gracia asked if there were any additional bids. Mr. Gracia made a motion to close the bids for Emergency Equipment for Police Vehicles, Pavement Markings, Microsurfacing, Road Materials and Equipment Rental with Operators at Non-Prevailing Wages. After requesting any comments and there being none, the motion was seconded by Mr. Serratore and approved unanimously.

The bids for the Emergency Equipment for Police Vehicles were opened and read by the Township Manager as follows: Havis - \$11,789.65 and Safety 1st Products - \$9,085.20.

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The bids for Pavement Markings were opened and read by the Township Manager as follows: Guidemark, Inc. - paint - \$11,150.00, hot thermoplastic - \$7,170.00 total of \$18,320.00; Alpha Space Control Co. – paint - \$7,660.00, hot thermoplastic - \$6,800.00 total of \$14,460.00; and Interstate Road Management - paint - \$7,900.00, hot thermoplastic - \$6,750.00 total of \$14,650.00.

The bids for Microsurfacing were opened and read by the Township Manager as follows: E. J. Breneman, L.P. - single application - \$140,305.80, double application - \$181,027.80 and Asphalt Paving Systems Inc. – single application - \$72,189.00, double application - \$114,762.00.

The bids for Road Materials were opened and verified by the Township Manager as having the required paperwork as follows: Lane Enterprises, Inc., Highway Materials, Inc., Independence Construction Materials, J.D. M. Materials Co., Glasgow, Inc. and Gill Quarries Inc.

The bids for Equipment Rental with Operator at Non Prevailing Wages were opened and verified by the Township Manager as having the required paperwork as follows: T & T Contracting, Inc., P.K. Moyer & Sons, Inc., Reid Paving Contractor, Inc. and Ram Construction Enterprises, Inc.

Mr. Dainoff made a motion to defer all of the bids for review by Township staff and recommend for award at the May regular meeting. After requesting any comments and there being none, the motion was seconded by Mr. Serratore and approved unanimously.

The Chairwoman introduced the next item on the agenda, Authorization to Advertise Sale of Use Public Works Equipment.

1. 1991 Dodge RAM 350 Utility Body Truck w/Dur-A-Lift Bucket
2. 2002 Knight Pro Twin Slinger – Compost/Manure Spreader
3. 48” Snow Blower Attachment for John Deer 250 Skid Steer Loader
4. Hydraulic Plate Compactor Attachment for Case Backhoe

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Mr. Gracia made a motion to authorize the Public Works staff to dispose of the 1991 Dodge RAM 350 Utility Body Truck w/Dur-A-Lift Bucket for scrap and advertise the other items for sale. After requesting any comments and there being none, the motion was seconded by Mr. Serratore and approved unanimously.

The Chairwoman announced that the Board of Supervisors met on March 27, 2011 to interview the Police Lieutenant candidates and earlier this evening in Executive Session to discuss matters of litigation and personnel.

The Chairwoman introduced the next item on the agenda, Approval of Meeting Minutes. Mr. Serratore made a motion to approve the minutes of the Regular meeting of March 22, 2011. After requesting any comments and there being none, the motion was seconded by Mr. Dainoff and approved unanimously.

The Chairwoman introduced the next item on the agenda, Approval of the Financial Report for March 2011. Mr. Serratore made a motion to accept the Financial Report. After requesting any comments and there being none, the motion was seconded by Mr. Gracia and approved unanimously.

The Chairwoman introduced the next item on the agenda, Committee Reports for March, 2011. Mr. Serratore made a motion to accept the Committee Reports. After requesting any comments and there being none, the motion was seconded by Mr. Dainoff and approved unanimously.

The Chairwoman asked if there were any comments from the Board of Supervisors, to which there were none.

The Chairwoman then asked if there were any Citizens to be heard, to which there were none.

Mr. Serratore introduced the first item under “Old Business”, Resolution No. 2539 – Terminate Basement Pumping. Township Manager, Donald Delamater reviewed Resolution No. 2539. Mr. Serrator made a motion to approve Resolution No. 2539 –

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Terminate Basement Pumping. After requesting any comments and there being none, the motion was seconded by Mr. Dainoff and Resolution No. 2539 was approved unanimously.

Mr. Dainoff introduced the next item on the agenda, Germantown Pike Force Main Slip Lining Project – Right-of-Way Agreement. Staff Engineer, Doug Jones reviewed the Application for the Right-of-Way regarding the installation of the temporary force main with regards to the Germantown Pump Station Slip Ling Project. Mr. Gracia made a motion to authorize the execution of the Right-of-Way Agreement. After requesting any comments, the motion was seconded by Mr. Serratore and the execution of the agreement was approved unanimously. Deb Knawby of 3100 North Wales Road asked about the location of the Right-of-Way. Mr. Jones reviewed the area along the frontage of the Norristown Farm Park for the temporary above ground force main. Ms. Knawby asked about the distance of this project. Mr. Jones reviewed the temporary force main will run along the Norristown Farm Park property from the Norriton Fire Engine Station B to just past Rainbow Art & Crafts and the project is scheduled to occur this summer.

Mr. Serratore introduced the next item on the agenda, Barbara Drive proposed Address Change. Code Enforcement/Zoning Director, Bryan Bortnichak reviewed the subdivision of 552 Barbara Drive and proposed address changes that were discussed at last month's meeting. Chairwoman Heckman reported that she had spoken with two of the affected residents and they have since agreed to the address change and provided the Township with emails. Mr. Bortnichak reviewed the time frame of the proposed ordinance that would not go in to effect until August 1, 2011. Mr. Zurzola made a motion to authorize the advertisement of the proposed ordinance regarding the Barbara Drive address changes. After requesting any comments and there being none, the motion was seconded by Mr. Dainoff and approved unanimously.

Mr. Serratore introduced the next item on the agenda, Development & Construction updates. Code Enforcement/Zoning Director, Bryan Bortnichak reviewed the proposed widening work along Germantown Pike from Whitehall Road to North Wales Road.

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Francis “Bud” Denner of 614 Barbara Drive asked about the old farmhouse at the intersection of Germantown Pike and Whitehall Road. Mr. Bortnichak stated that it is proposed that the farmhouse will be demolished.

Michael Price of 2918 Whitehall Road asked about a new lane on Germantown Pike. Mr. Bortnichak reviewed the proposed plan and the proposed start date of June, 2011.

Deb Knawby of 3100 North Wales Road commented that traffic control will be needed with North Wales Road.

Nick Viglianese of 3105 Whitehall Road commented that Township Line Road is scheduled to be repaved from Valley Forge Road to Butler Pike and what was the timing of this project. Mr. Viglianese also questioned the entrances to Einstein. Mr. Delamater advised that the Township is aware of the Township Line Road paving project and is coordinating with PennDOT. Mr. Bortnichak reviewed that the second driveway to Einstein is still proposed.

Rob Schottmiller of 547 Barbara Drive asked if the patch in front of Walgreen’s is going to be cut down to make a right on Whitehall Road. Mr. Bortnichak reviewed that radius will be pulled back for larger vehicles to make the turn.

Sue McLaughlin 2926 North Whitehall Road expressed concerns with the dirt and dust from the Einstein project and a concrete slab that was to be installed. Mr. Bortnichak stated he would look into.

Mr. Dainoff introduced the next item on the agenda, Storm Drainage Issues/Projects. Staff Engineer, Doug Jones reviewed that the Meadowbrook Road culvert replacement project and the Hannah Avenue and Kory Lane storm drainage project are part of the bid opening that occurred earlier this evening and the projects are in the planning phase and are moving forward.

Mr. Serratore introduced the next item on the agenda, Traffic Issues. Staff Engineer, Doug Jones reviewed: 1. Montgomery County Signals Upgrade Project - the contractor is expected to be completed by mid May; 2. PennDOT’s Markley Street Improvement Project - is on schedule; and 3. Whitehall Road Bridge Rehabilitation - is

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proposed to begin the Spring of 2012. Mr. Jones also noted that several months ago the Township applied for a grant to interconnect the traffic signals along Germantown Pike through the Automated Enforcement Program and we were notified that the Township did not receive funding for that project.

Mr. Dainoff introduced the next item on the agenda, Sanitary Sewer Issues. Mr. Rosenthal of Gilmore and Associates, Inc. provided an update regarding the Stony Creek Bank Stabilization project - a General Permit 11 has been prepared for DEP for the maintenance of stream bank modifications to be submitted after additional information is received from Township staff. Mr. Rosenthal reviewed the Germantown Force Main project the contractor, Spiniello Company has submitted an agreement and everything is in order and awaiting signature from the Township Manager. In addition the Commonwealth Finance Authority met on April 7, 2011 and deferred any action on the grant applications; the next meeting is May 5, 2011.

Mr. Serratore introduced the next item on the agenda, Financial Update. Finance Director, Eric Traub provided an update of the Township's financial condition.

Mr. Gracia introduced the first item under "New Business", Resolution No. 2540 – Proclamation – Shirley Jording Retirement. Township Manager, Donald Delamater reviewed Resolution No. 2540 that was presented to Mrs. Jording at her retirement luncheon. Mr. Zurzola made a motion to affirm Resolution No. 2540. After requesting any comments and there being none, the motion was seconded by Mr. Serratore and Resolution No. 2540 was approved unanimously.

Mr. Zurzola introduced the next item on the agenda, Appointment to fill Elected Auditor Vacancy. Due to the passing of John J. Serratore a vacancy now exists with the Elected Auditors. This vacancy must be filled until the next municipal election in November, 2011. Mr. Gracia made a motion to appoint Nancy D. Kolenda to fill the vacancy until December 31, 2011. After requesting any comments and there being none, the motion was seconded by Mr. Serratore and was approved unanimously.

Mr. Gracia introduced the next item, 1st Quarter Budget Adjustments. Finance

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Director, Eric Traub reviewed the 1st quarter budget adjustments. Mr. Dainoff made a motion to approve the 1st quarter budget adjustments. After requesting any comments and there being none, the motion was seconded by Mr. Gracia and was approved unanimously.

Mr. Zurzola introduced the next item on the agenda, Einstein Indemnity Agreement. Township Manager, Donald Delamater reviewed the agreement regarding the Germantown Pike Force Main Slip Lining project and permission to use a portion of the open area of the property located at 535 Germantown Pike as a staging area to temporarily locate and store equipment and materials. Mr. Zurzola made a motion to authorize execution of the agreement. After requesting any comments and there being none, the motion was seconded by Mr. Gracia and was approved unanimously.

Mr. Gracia introduced the next item on the agenda, Wendy's Easement Agreement. Township Solicitor, Christen Pionzio reviewed the easement agreement. Mr. Serratore made a motion to authorize execution of the agreement. After requesting any comments and there being none, the motion was seconded by Mr. Zurzola and was approved unanimously.

Mr. Zurzola introduced the next item on the agenda, Business Tax Penalty and Interest Waiver Request. Township Manager, Donald Delamater reviewed a letter from Rolling Green Apartments requesting waiver from penalty and interest received from Berkheimer Associates. Mr. Gracia made a motion to approve the request. There was no second and the motion failed.

Mr. Gracia introduced the next item on the agenda, Countywide Public Safety Radio Upgrade. Police Chief, Karyl Kates and Township Manager, Donald Delamater reviewed this informational item.

Mr. Zurzola introduced the next item on the agenda, Expenditure Authorization: A. Central Montco Technical School – ½ page ad - \$80.00; B. 2011 Police Department Vehicles - \$44,852.04; C. State of the Township Report Printing - \$1,545.00; and D. PSATS Convention Expenses – D. Delamater - \$502.76, K. Heckman - \$647.06, H. Dainoff - \$418.40 and D. Gracia - \$635.78 and E. 2011 Fire Marshal/Emergency

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Management Vehicle - \$27,532.61. Mr. Zurzola made a motion to approve items A. through E. After requesting any comments and there being none, the motion was seconded by Mr. Gracia and was approved unanimously.

Mr. Gracia introduced the next item on the agenda, Attendance Authorization: A. Norristown Area Education Foundation Golf Outing - May 16, 2011.
No one is attending.

Mr. Zurzola read the Supervisors Schedule of Meetings from April 28, 2011 thru June 16, 2011.

Chairwoman Heckman asked Township Manager, Donald Delamater to review any pending or enacted legislation. Mr. Delamater reviewed Bidding Limits (SB283) that would amend the Township Code to raise the minimum purchase of that requires the advertisement of bids from \$10,000.00 to \$25,000.00 and the minimum purchase amount that requires telephone quotes from \$4,000.00 to \$7,000.00. Mr. Delamater also reviewed State Police fine money (SB237) that would stipulate that only those municipalities that provide full time local police coverage, participate in a regional police department, or contract with another municipal or regional police department could receive revenue from State Police fines issued in their boundaries.

Chairwoman Heckman asked if there was any Other Business to which there was none.

There being no other business to come before the Board, the Chairwoman asked if there were any residents who wished to speak.

Michael Price of 2918 North Whitehall Road asked about synchronizing of the traffic lights on Germantown Pike. Staff Engineer, Doug Jones reviewed the project.

Deb Knawby of 3100 North Wales Road asked about the Business Tax pertaining to billboards; Stonehenge selling to Einstein; the Luk Oil closing at the corner of Swede and Germantown Pike and the proposed Sonic restaurant at the same intersection. Mr. Bortnichak addressed Ms. Knawby's questions.

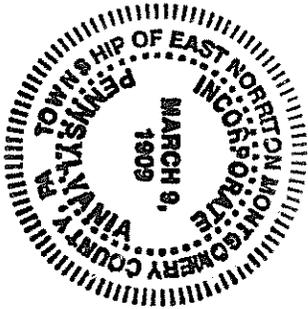
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Sue McLaughlin of 2926 North Whitehall Road commented on the Stonehenge property.

Richard Shirk of 419 Norriton Drive expressed concerns on various topics: the permit process, the condition of the fields for ENLL vs. ENGAA, and private property issues. The Board of Supervisors and Township staff addressed Mr. Shirk’s concerns.

Ron Faggioli of 2501 Swede Road expressed concerns about a project that he had done at this home. Mr. Bortnichak addressed Mr. Faggioli’s concern.

Mr. Gracia made a motion to adjourn the meeting at 9:30 p.m., the motion was seconded by Mr. Dainoff and approved unanimously.



A handwritten signature in cursive script, appearing to read "Donald D. Delamater".

Donald D. Delamater
Secretary