

East Norriton Township – Regular Meeting  
April 17, 2012

The Regular Meeting of the Board of Supervisors of East Norriton Township was called to order by the Chairman, John Zurzola at 7:00 p.m. on Tuesday, April 17, 2012, at the Township Municipal Building. Supervisors present were John A. Zurzola, Harris A. Dainoff, Donald J. Gracia, Tina Howell and Marc Alfarano.

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

The Chairman introduced the first item on the agenda, 2011 Annual Audit Presentation by Maillie, Falconiero & Company, LLP. Ed Furman of Maillie, Falconiero & Company, LLP reviewed the 2011 Annual Audit.

The Chairman introduced the next item on the agenda, Pavement Management System Presentation. Township Engineer, Chris Fazio of Remington, Vernick & Beach Engineers gave a presentation on a Pavement Management Program. Chairman Zurzola asked Staff Engineer, Doug Jones the difference between this program and the program the Township uses now. Doug Jones reviewed that the Township uses a more loosely based system and the program presented is more of a formalized program. Chairman Zurzola asked Mr. Fazio if the Township is required to purchase software for this program. Mr. Fazio reported digital files and paper reports can be integrated into the Townships current program to tabulate, evaluate roads and schedule repairs to roads. Mr. Gracia asked the estimated cost for this program. Mr. Fazio stated the cost is generally \$20,000.00 to \$30,000.00 based on the size of the Township.

The Chairman introduced the next item on the agenda, Open Bids – Barrington Parcel Improvements. Mr. Gracia asked if there were any additional bids. Mr. Gracia made a motion to close the bids for the Barrington Parcel Improvements. After requesting any comments and there being none, the motion was seconded by Mrs. Howell and approved unanimously. The bids for the Barrington Parcel Improvements were opened and read by the Township Manager as follows: Betta Construction Co, LLC - \$172,660.50; Ply Mar Construction Co. - \$194,400.00; and Lech Manik - \$228,177.35. Mr. Dainoff made a motion to defer the bids for review by Township staff and

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recommend for award at the May regular meeting. After requesting any comments and there being none, the motion was seconded by Mrs. Howell and approved unanimously.

The Chairman announced that the Board of Supervisors met earlier this evening in Executive Session to discuss matters of litigation and personnel.

The Chairman introduced the next item on the agenda, Approval of Meeting Minutes. Mr. Dainoff made a motion to approve the minutes of the Regular Meeting of March 27, 2012. After requesting any comments and there being none, the motion was seconded by Mr. Gracia and approved unanimously.

The Chairman introduced the next item on the agenda, Approval of the Financial Reports for March, 2012. Mr. Gracia made a motion to accept the Financial Reports. After requesting any comments and there being none, the motion was seconded by Mrs. Howell and approved unanimously.

The Chairman introduced the next item on the agenda, Committee Reports for March, 2012. Mr. Dainoff made a motion to accept the Committee Reports. After requesting any comments and there being none, the motion was seconded by Mr. Alfarano and approved unanimously.

The Chairman asked if there were any comments from the Board of Supervisors. Chairman Zurzola asked Township Solicitor, Sean Kilkenny for an update on the Zoning Hearing Board application, Second Chances. Mr. Kilkenny reviewed that there was a hearing approximately a month ago followed up by a second hearing on Tuesday, April 10, 2012 at which Mrs. Keashon who will be running the home testified. After arguments with her and her council in relations to the definition of family, the Township provided testimony from Zoning Officer, Bryan Bortnichak who spoke about why he denied the application and Chief of Police, Karyl Kates who testified about the negative effect this home if approved by the Zoning Hearing Board could put on the public health, welfare and safety of the community. Mr. Kilkenny reviewed the purpose of the Zoning

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Hearing Board. The Township and applicant were to submit briefs by the end of May and Zoning Hearing Board would render a decision on or before July 10, 2012.

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

Mr. Alfarano introduced the first item under “Old Business”, Resolution No. 2584 – Deed of Dedication – 317 West Germantown Pike. Code Enforcement/Zoning Director, Bryan Bortnichak reviewed Resolution No. 2584 accepting dedication of right of way from the property located at 317 West Germantown Pike. Township Manager, Donald Delamater read Resolution No. 2584 into record. Mr. Alfarano made a motion to approve Resolution No. 2584. After requesting any comments and there being none, the motion was seconded by Mr. Dainoff and approved unanimously.

Mr. Dainoff introduced the next item on the agenda, Resolution No. 2585 – Deed of Dedication - Heatherwood Development. Code Enforcement/Zoning Director, Bryan Bortnichak reviewed Resolution No. 2585 accepting dedication of right of way and sanitary sewer lines, manholes and appurtenances associated with the Heatherwood Estates Development. Township Manager, Donald Delamater read Resolution No. 2585 into record. Mr. Dainoff made a motion to approve Resolution No. 2585. After requesting any comments and there being none, the motion was seconded by Mrs. Howell and approved unanimously.

Mr. Alfarano introduced the next item on the agenda, Award Bids – Equipment Rental with Operators – Prevailing Wage. Staff Engineer/Public Works Director, Doug Jones reviewed his memo dated April 9, 2012 recommending that the Board of Supervisors award the 2012 Equipment Rental with Operator – Prevailing Wage contracts to P. K. Moyer & Sons, Inc. for Asphalt Paving Related Equipment and Labor and to T & T Contracting, Inc. for the Excavating and Earthwork Related Equipment and Labor. Mr. Alfarano made a motion to approve Mr. Jones’ recommendation dated April 9, 2012 awarding the bids for Equipment Rental with Operators – Prevailing Wage to P. K. Moyers & Sons, Inc. and T & T Contracting, Inc. After requesting any comments and there being none, the motion was seconded by Mrs. Howell and approved unanimously.

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Mr. Dainoff introduced the next item on the agenda, Award Bids – Microsurfacing. Staff Engineer/Public Works Director, Doug Jones reviewed his memo dated April 9, 2012 recommending that the Board of Supervisors award the 2012 Microsurfacing contract to the low bidder, Asphalt Paving Systems, Inc. in the amount of \$1.84/s.y. for single application and \$2.74/s.y. for double application and with a total contract amount of \$119,972.00. Mr. Dainoff made a motion to approve Mr. Jones' recommendation dated April 9, 2012 awarding the bid to Asphalt Paving Systems, Inc. After requesting any comments and there being none, the motion was seconded by Mrs. Howell and approved unanimously.

Mr. Alfarano introduced the next item on the agenda, Developments & Construction Updates. Code Enforcement/Zoning Director, Bryan Bortnichak reviewed that the Township has issued in the past three weeks twelve additional tenant fit out permits for various medical uses for the medical building that is being constructed behind the Einstein Hospital. Mr. Bortnichak stated that medical office building is one hundred percent leased. Mr. Alfarano asked if there was an open date. Mr. Bortnichak reported that the medical office building opening will commence with the hospital opening for September 29, 2012.

Mr. Dainoff introduced the next item on the agenda, Storm Drainage Issue/Projects. Staff Engineer, Doug Jones reported that the two projects that are in the budget are in the planning process.

Mr. Alfarano introduced the next item on the agenda, Traffic Issues. Staff Engineer, Doug Jones reported: A. Penn DOT's Markley Street Improvement Project – letting is scheduled for October, 2012; B. Whitehall Road Bridge Rehabilitation Whitehall Roadwork is progressing; and Mr. Jones reported that PADOT should provide a schedule by next month's meeting for the Township Line Road paving project. Township Manager, Donald Delamater reported that he attended a meeting last week on PADOT's North East Extension Traffic Management System project and two agreements that PADOT is working on; C. Mr. Jones reviewed photos of the Germantown Pike Widening Project. Mr. Delamater reviewed and read into record a letter dated April 9,

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2012 that he had sent to the Montgomery County Commissioners regarding Germantown Pike.

Mr. Dainoff introduced the next item on the agenda, Sanitary Sewer Issues. Staff Engineer, Doug Jones reported: A. Einstein Project - the construction of the pump station is just about completed and testing of the equipment is occurring; B. Germantown Pike Parallel Force Main - the preliminary design is being reviewed and in the process of submitting a Part 2 application to the DEP. The bid opening for the project is expected to be May 18<sup>th</sup>, 2012 with the Board of Supervisors to conditionally award the contract at the May 22<sup>nd</sup>, 2012 Board of Supervisors meeting; C. Nottingham Road Mr. Jones has nothing new to report other than he continues to work with Mr. Dyson to try and pinpoint the issues and resolve the matter. Township Manager, Donald Delamater reported on the Germantown Pike Parallel Force Main that the project is going to be funded with the remaining money out of the 2010 Bond Fund and in order to do this a resolution will have to be approved at next month's meeting.

Mr. Alfarano introduced the next item on the agenda, Financial Update and 1<sup>st</sup> Quarter Budget Adjustments. Finance Director, Eric Traub provided an update on the Township's financial condition and the proposed 1<sup>st</sup> quarter budget adjustments. Mr. Dainoff made a motion to approve the 1<sup>st</sup> quarter budget adjustments. After requesting any comments and there being none, the motion was seconded by Mrs. Howell and approved unanimously.

Mrs. Howell introduced the first item under "New Business", Human Relations Commission. The Board of Supervisors asked Township Solicitor, Sean Kilkenny to review any relevant case law regarding the authority of a local municipality to enact an ordinance extending the equal protection provisions to the Pennsylvania Human Relations Act (PHRA) to the LGBT community through the establishment of a local human relations commission. Mr. Kilkenny reviewed two possible options for a Human Rights Ordinance and to establish a Human Relations Commission: Option #1 would be similar to Lower Merion Township's ordinance which has more power and issues fines. Option #2 would establish a commission that would act as a mediator rather than a

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decider. Chairman Zurzola asked if senior citizens and the elderly are considered a protected class and how is that defined. Mr. Kilkenny stated yes they are and he believes it is over age 65. Mr. Gracia asked if Mr. Kilkenny has contacted PSATS for sample ordinances. Mr. Kilkenny stated he has not but he would contact PSATS to see if they have any sample ordinances related to Second Class Townships. Mr. Dainoff made a motion to authorize the Township Solicitor to draft an ordinance for review at a future meeting. After requesting any comments, the motion was seconded by Mrs. Howell and approved unanimously. Rob Schottmiller of 547 Barbara Drive asked who will make up the commission. Chairman Zurzola stated the commission would be made up of those appointed by the Board of Supervisors. Mr. Schottmiller asked at what cost the Township would incur. Mr. Kilkenny stated that there would be legal fees to draft the ordinance and the cost to the Township would be if the ordinance was adopted and ever challenged. Mr. Schottmiller asked if the commission would have a solicitor. Mr. Kilkenny stated that the commission would not include a solicitor since it only acts as a mediator. Mr. Schottmiller expressed his concerns with the Board of Supervisors going through with this type of commission.

Mr. Gracia introduced the next item on the agenda, Authorization to Apply for DEP Recycling 902 Grant. Township Manager, Donald Delamater reviewed that DEP has opened up another round of recycling grant applications. Mr. Gracia made a motion to authorize submission of a grant with the Compost Consortium for a Self Propelled Windrow Turner and a grant on behalf of East Norriton Township for a Truck Mounted Self Contained Leaf Collector. After requesting any comments and there being none, the motion was seconded by Mr. Alfarano and approved unanimously.

Mrs. Howell introduced the next item on the agenda, Expenditure Authorization: A. Central Montco Technical High School ad – ½ page - \$80.00; B. The Greater Norristown NAACP ad – ½ page - \$75.00; and C. State of the Township Report printing - \$1,545.00 Mrs. Howell made a motion to authorize items A. through C. After requesting any comments and there being none, the motion was seconded by Mr. Dainoff and approved unanimously.

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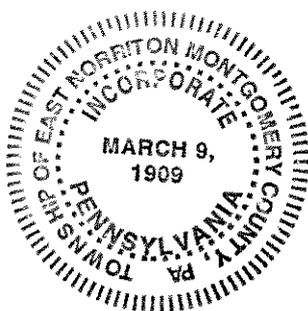
Mr. Gracia introduced the next item on the agenda, Attendance Authorization: A. Police Training Request – Street Survival – Officers Homan and Warner. Mr. Gracia made a motion to approve item A. After requesting any comments and there being none, the motion was seconded by Mrs. Howell and approved unanimously.

Mrs. Howell read the Supervisors Schedule of Meetings from April 18, 2012 thru May 28, 2012.

The Chairman asked Township Manager, Donald Delamater to review any recent or pending legislation. Township Manager, Mr. Delamater stated there was nothing new to report on.

There being no other business to come before the Board, the Chairman asked if there were any residents who wished to speak. There were none.

Mr. Dainoff made a motion to adjourn the meeting at 8:31 p.m., the motion was seconded by Mr. Alfarano and approved unanimously.



A handwritten signature in black ink, appearing to read "Donald D. Delamater".

Donald D. Delamater  
Secretary