



**West Norriton Township  
Work Session Agenda  
October 6, 2020  
7:00 PM**

- 1. Call To Order And Pledge Of Allegiance**
- 2. Presentation By Frank C. Parker Jr. & Son American Legion Post 901 Of Officer And Firefighter Of The Year**
- 3. Presentation Of MS-4 By Beth Uhler Of Cedarville Engineering**
- 4. Discussion/Update On Status**
  - A. Presentation Of Proposed 2021 Budgets**
  - B. Verizon Distributed Antennae Systems (DAS) Locations**
  - C. Assessment Appeal - Barbados Island**

Documents:

[STIPULATION AND ORDER OF SETTLEMENT - BARBADOS ISLAND.PDF](#)

**5. Manager's Items**

- A. Consider Adopting Ordinance No. 2020-743 Re: Deleting Unified Developments From I-Industry District**

Documents:

[ORDINANCE - DELETING UNIFIED DEVELOPMENTS FROM I - INDUSTRIAL DIST.DOC](#)

- B. Consider Adopting Ordinance No. 2020-744 Re: Adding Expiration Date For Conditional Use, Special Exceptions, Etc.unified Developments From I-Industry District**

Documents:

[ORDINANCE -EXPIRATION DATES FOR ZONING RELIEF.DOC](#)

- C. Consider Adopting Ordinance No. 2020-745 Re: Decriminalization Of Marijuana**

Documents:

[ORDINANCE - MARIJUANA DECRIMINALIZATION.DOC](#)

- D. Consider Approval Of Bid For Intersection Improvements At Whitehall**

## **& Sterigere - ARLE Grant**

### **6. Public Comment**

- a. Recognize individuals that are taxpayers or residents of West Norriton Township wishing to offer comment.
- b. Require the name and address of such persons wishing to comment.
- c. Permit each individual at minimum one (1) opportunity to speak. The President may require an individual who has already spoken to wait until all others wishing to speak have had the opportunity before permitting an additional opportunity to speak. Once all others have had the opportunity to speak, the President shall determine whether time would allow for additional comment from the individual wishing to speak. Such a determination shall be based solely on the factor of time and shall not be based on the content or viewpoint of the particular individual(s) seeking additional opportunity to speak.
- d. Provide for a five (5) minute maximum for each individual to offer public comment. There shall be no ceding or assigning of time. In no case shall a time limit of fewer than two (2) minutes be designated. It may be requested that a spokesperson from a group address the Board of Commissioners.
- e. Preserve order by prohibiting disruptive conduct including, but not limited to, speaking by any person who is not, at that time, taking part in public comment.

To submit written Public Comment to the Board, please [CLICK HERE](#)

### **7. Items For Future Meeting**

### **8. Meeting Dates**

- A. **Zoning Hearing Board - October 25th Re: Variance For Construction Of House On Undersized Lot At Parcel No. 63-00-07009-00-2 (W. Main Street)**

### **9. Adjournment**

[www.westnorritontwp.org](http://www.westnorritontwp.org)

**RUDOLPH CLARKE, LLC**  
BY: Michael L. Barbiero, Esquire  
Attorney I.D. No. 82933  
BY: Alexander M. Glassman, Esquire  
Attorney I.D. No. 314530  
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Attorneys for Intervenors,  
Norristown Area School District

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IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PA  
CIVIL ACTION - LAW

NORRISTOWN AREA SCHOOL DISTRICT : NO. 2018-24469  
: :  
VS. : REAL ESTATE  
: ASSESSMENT APPEAL  
BOARD OF ASSESSMENT APPEALS :  
OF THE COUNTY OF MONTGOMERY :  
and BARBADOS 83 LLC : PARCEL NO. 63-00-00235-00-8  
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**STIPULATION AND ORDER OF SETTLEMENT**

It is hereby **STIPULATED AND AGREED** by the NORRISTOWN AREA SCHOOL DISTRICT BOARD OF SCHOOL DIRECTORS, SAMANTHA A. MAGEE, ESQUIRE, Counsel for Board of Assessment, SEAN P. KILKENNY, ESQUIRE, Counsel for West Norriton Township, BRIAN PHILLIPS, ESQUIRE, Solicitor for Montgomery County, and DAVID A. SCHNEIDER, Attorney for the Property Owner, that the **Tax Assessment Appeal** filed with the Court at No. **2018-24469** is hereby **Settled, Discontinued and Ended** based on the following agreements:

1. That effective January 1, 2019, for West Norriton, Montgomery County and Montgomery County Community College taxes, and effective July 1, 2019 for Norristown Area School District taxes, the assessment of Parcel No. 63-00-00235-00-8, located in West Norriton, Montgomery County, Pennsylvania, shall be **increased** from three hundred five thousand four hundred dollars (\$305,400) to six hundred thousand dollars (\$600,000).

2. That effective January 1, 2020, for West Norriton, Montgomery County and Montgomery County Community College taxes, and effective July 1, 2020 for Norristown Area School District taxes, the assessment of Parcel No. 63-00-00235-00-8, located in West Norriton, Montgomery County, Pennsylvania, shall be **increased** from three hundred five thousand four hundred dollars (\$305,400) to five hundred thousand dollars (\$500,000).

3. That effective January 1, 2021, for West Norriton, Montgomery County and Montgomery County Community College taxes, and effective July 1, 2021 for Norristown Area School District taxes, the assessment of Parcel No. 63-00-00235-00-8, located in West Norriton, Montgomery County, Pennsylvania, shall be **decreased** from three hundred five thousand four hundred dollars (\$305,400) to two hundred eighty eight thousand dollars (\$288,000).

4. The parties acknowledge that this agreement does not limit the Montgomery County Board of Assessment Appeals' statutory authority to revise the assessment of the subject parcel as the result of a countywide reassessment, change in the subject property resulting in the issuance of an interim assessment, or otherwise provided by applicable law. If there is any such change in the assessment of the subject property, all parties shall have the right to appeal from that change as provided by law.

5. That based on the increase in assessments established by this Stipulation and Order of Settlement, all counsel agree that the Taxing Authorities are entitled to receive underpayments from the Taxpayer, if any.

**6. That upon Court approval of this Stipulation and Order of Settlement, the Taxing Authorities shall forward bills to the Taxpayer for the amount of underpayments as set forth and calculated pursuant to this Stipulation, if any.**

7. That all tax bills, if any, issued pursuant to this Stipulation and Order of Settlement shall provide for new discount, face, and penalty periods.

8. That the parties' agreement to settle is a compromise of all existing matters related to this tax assessment appeal.

**9. That each party shall bear its own costs and attorneys' fees.**

10. That each attorney signing this Stipulation has obtained the appropriate authority from his/her client.

11. This appeal will be marked **Settled, Discontinued, and Ended** upon Court approval of this Stipulation.

12. This Stipulation can be executed in counterparts.

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**DAVID A. SCHNEIDER**  
Attorney for the Property Owner

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**SHAE ASHE**  
President, Board of School Directors for  
Norristown Area School District

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**SAMANTHA A. MAGEE, ESQUIRE,**  
Attorney for Montgomery County  
Board of Assessment Appeals

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**SEAN P. KILKENNY, ESQUIRE**  
**DANIEL GRIESER, ESQUIRE**  
Attorney for West Norriton Township

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**BRIAN PHILLIPS, ESQUIRE**  
Attorney for Montgomery County

**APPROVED AND SO ORDERED:** \_\_\_\_\_

**Dated:** \_\_\_\_\_

**J.**

**WEST NORRITON  
MONTGOMERY COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 2020-743**

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**AN ORDINANCE OF WEST NORRITON TOWNSHIP, MONTGOMERY COUNTY PENNSYLVANIA, AMENDING THE CODE OF ORDINANCES OF WEST NORRITON TOWNSHIP, CHAPTER 27, PART 11, BY DELETING UNIFIED DEVELOPMENTS FROM THE I INDUSTRY DISTRICT; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE**

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WHEREAS, the Board of Commissioners of West Norriton Township desires to amend the Township Zoning Ordinance to amend Section 27-1101 “Use Regulations” of the I Industry District by deleting the “unified development” use; and

WHEREAS, the Township Planning Commission, pursuant to the applicable provisions of the Zoning Ordinance and the Pennsylvania Municipalities Planning Code, has reviewed this proposed amendment and issued a recommendation to the Board of Commissioners regarding the same.

**NOW, THEREFORE**, be it, and it is hereby **ORDAINED** by the West Norriton Township Board of Commissioners, and it is hereby **ENACTED** and **ORDAINED** by authority of same as follows:

**SECTION 1:** Chapter 27, entitled “Zoning” of the Code of Ordinances of West Norriton Township, Section 27-1101.F is hereby deleted entirely. As a result, Section 27-1101.G becomes Section 27-1101.F and 27-1101.H becomes 27-1101.G.

**SECTION 2:** Chapter 27, entitled “Zoning” of the Code of Ordinances of West Norriton Township, Section 27-1102 entitled “Area and Height Regulations” is hereby amended by deleting the words, “except that for unified developments the maximum height for all buildings and structures shall be as regulated by §§ 27-1001Q and 27-1008, Subsection 6”.

**SECTION 3: SEVERABILITY.**

The terms, conditions and provisions of this Ordinance are hereby declared to be severable, and, should any portion, part or provision of this Ordinance be found by a court of competent jurisdiction to be invalid, unenforceable or unconstitutional, West Norriton Township Board of Commissioners hereby declares its intent that the Ordinance shall have been enacted without regard to the invalid, unenforceable, or unconstitutional portion, part or provision of this Ordinance.

**SECTION 4: 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 5: EFFECTIVE DATE.**

This Ordinance and the amendment contained herein shall be effective five (5) days after enactment.

ORDAINED AND ENACTED, by the Board of Commissioners of West Norriton Township, Montgomery County, Pennsylvania, this 13th day of October, 2020

**ATTEST:**

**WEST NORRITON TOWNSHIP  
BOARD OF COMMISSIONERS:**

\_\_\_\_\_  
**Jason Bobst, Township Manager**

**By:** \_\_\_\_\_  
**Martin Miller, President**

**WEST NORRITON  
MONTGOMERY COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 2020-744**

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**AN ORDINANCE OF WEST NORRITON TOWNSHIP, MONTGOMERY COUNTY PENNSYLVANIA, AMENDING THE CODE OF ORDINANCES OF WEST NORRITON TOWNSHIP, CHAPTER 27, PART 17, BY ADDING SECTION 27-1709 ENTITLED EXPIRATION OF CONDITIONAL USES, SPECIAL EXCEPTIONS, AND VARIANCES; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE**

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**WHEREAS**, the Zoning Code of West Norriton Township currently does not set expiration dates for grants of zoning relief; and

**WHEREAS**, without an expiration date, grants of conditional use, special exceptions or variances could be valid for many years and become problematic for future Boards of Commissioners and Zoning Hearing Boards; and

**WHEREAS**, the Board of Commissioners of West Norriton Township desires to revise the Township Zoning Ordinance by amending Section 27, Part 17 “Administration,” to specify the time period grants of zoning relief are valid; and

**WHEREAS**, the Township Planning Commission, pursuant to the applicable provisions of the Zoning Ordinance and the Pennsylvania Municipalities Planning Code, has reviewed this proposed amendment and issued a recommendation to the Board of Commissioners regarding the same.

**NOW, THEREFORE**, be it, and it is hereby **ORDAINED** by the West Norriton Township Board of Commissioners, and it is hereby **ENACTED** and **ORDAINED** by authority of same as follows:

**SECTION 1: Chapter 27, entitled “Zoning” of the Code of Ordinances of West Norriton Township, Part 17 entitled “Administration” is hereby amended to add Section 27-1709, “Expiration of Conditional Uses, Special Exceptions and Variances” as follows:**

§ 27-1709 Expiration of Conditional Uses, Special Exceptions and Variances.

A conditional use, special exception, or variance shall expire if the applicant fails to obtain a Use Permit within twelve months of the date of the granting of the conditional use, special exception, or variance; provided, however, that:

1. If the subject matter of the use ultimately constitutes either a subdivision or land



development:

- a. the conditional use, special exception, or variance shall expire if the applicant fails to file the required subdivision or land development plan within twelve months of the granting of the conditional use, special exception, or variance; provided; however, that:
- b. the applicant shall have twelve months after the final plans of the subdivision or land development are approved and recorded to obtain a Use Permit.

2. The governing body may grant one extension of time if the landowner or his agent requests such an extension, and if good cause for the extension is shown; provided, however, that the extension shall be for no more than one year.

## **SECTION 2: SEVERABILITY.**

The terms, conditions and provisions of this Ordinance are hereby declared to be severable, and, should any portion, part or provision of this Ordinance be found by a court of competent jurisdiction to be invalid, unenforceable or unconstitutional, West Norriton Township Board of Commissioners hereby declares its intent that the Ordinance shall have been enacted without regard to the invalid, unenforceable, or unconstitutional portion, part or provision of this Ordinance.

## **SECTION 3: 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 4: EFFECTIVE DATE.**

This Ordinance and the amendment contained herein shall be effective five (5) days after enactment.

ORDAINED AND ENACTED, by the Board of Commissioners of West Norriton Township, Montgomery County, Pennsylvania, this 13<sup>th</sup> day of October, 2020

**ATTEST:**

**WEST NORRITON TOWNSHIP  
BOARD OF COMMISSIONERS:**

\_\_\_\_\_  
**Jason Bobst, Township Manager**

**By:** \_\_\_\_\_  
**Martin Miller, President**

**WEST NORRITON TOWNSHIP  
MONTGOMERY COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 2020-745**

**AN ORDINANCE OF WEST NORRITON TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA, AMENDING THE WEST NORRITON TOWNSHIP CODE OF ORDINANCES TO ADD A NEW PART 9 TO CHAPTER 10, “HEALTH AND SAFETY” ENTITLED “DRUGS AND DRUG PARAPHERNALIA” TO ESTABLISH A MECHANISM TO PROCESS THE MINOR NONVIOLENT OFFENSES OF PERSONAL POSSESSION OR PERSONAL USE OF A SMALL AMOUNT OF MARIJUANA AND PERSONAL POSSESSION OF MARIJUANA PARAPHERNALIA WITHIN THE LIMITS OF WEST NORRITON TOWNSHIP; PROVIDING A SEVERABILITY CLAUSE; REPEALING ALL INCONSISTENT ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, West Norriton Township (“Township”) is a duly organized Township operating in accordance with the Pennsylvania First Class Township (“Code”); and

**WHEREAS**, Section 1502 of the Pennsylvania First Class Township Code, 53 P.S. § 56102, vests the Township Board of Commissioners with the power to: “adopt resolutions and ordinances prescribing the manner in which powers of the township shall be carried out, and generally regulating the affairs of the township”; and

**WHEREAS**, numerous Pennsylvania municipalities including the Municipality of Norristown, the Borough of Folcroft, the City of Lancaster, the City of York, the City of Bethlehem and the City of Harrisburg, have exercised their power and authority by ordinance to address the processing and handling of minor nonviolent offenses for the personal possession or personal use of a small amount of marijuana, and the personal possession of marijuana paraphernalia within municipal limits; and

**WHEREAS**, in accordance with the powers and duties vested in the West Norriton Township Board of Commissioners under the Code and Pennsylvania law, including those inherent police powers for the enforcement and regulation of certain local offenses, the Board of Commissioners of West Norriton Township now desires to enact an ordinance addressing the processing and handling of minor nonviolent offenses for the personal possession or personal use of a small amount of marijuana and the personal possession of marijuana paraphernalia within the limits of West Norriton Township that the Board of Commissioners believes is for the benefit of the general safety and welfare of the residents of the Township.

**NOW, THEREFORE**, be it **ORDAINED** and **ENACTED** by the Board of Commissioners of West Norriton Township an ordinance as follows:

**SECTION I:** Adoption of a new Part 9, “Drugs and Drug Paraphernalia” to Chapter 10, “Health and Safety”

**Part 9 DRUGS AND DRUG PARAPHERNALIA**

**§ 10-901. Legislative findings and intent.**

The purpose and intent of this chapter is to promote the general safety and welfare of the public by establishing a mechanism to process the minor nonviolent offenses of personal possession or personal use of a small amount of marijuana and personal possession of marijuana paraphernalia within the limits of the West Norriton Township and is not to promote or condone the possession or use of marijuana or marijuana paraphernalia.

**§ 10-902. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**MARIJUANA**

All forms or varieties of the genus Cannabis, whether growing or not, as defined by Pennsylvania's Controlled Substance, Drug, Device, and Cosmetic Act, 35 P.S. § 780-101 et seq.

**MARIJUANA PARAPHERNALIA**

Any device, instrument, apparatus or object used, intended to be used, or designed to be used for introducing marijuana into the human body or for storing, containing, concealing or transporting marijuana.

**PERSONAL POSSESSION**

Actual physical custody of or the ability to exercise control over or have access to, for the sole purpose of one's own personal use. The term "personal possession" does not include possession with intent to deliver, distribute, transfer or sell.

**PERSONAL USE**

Introducing marijuana into one's own body, which includes smoking, inhaling, exhaling, vaporizing, or burning any lighted cigar, cigarette, pipe or other such device which contains marijuana or marijuana extracts.

**SMALL AMOUNT**

Thirty (30) grams or less of marijuana or eight (8) grams or less of hashish as set forth in Pennsylvania's Controlled Substance, Drug, Device, and Cosmetic Act, 35 P.S. § 780-113(a)(31).

**§ 10-903. Personal possession or personal use of a small amount of marijuana.**

- A. So long as marijuana shall be listed as a controlled substance in the Controlled Substance, Drug, Device, and Cosmetic Act, 1972, April 14, P.L.233, No. 64, § 1 et seq., 35 P.S. § 780-101 *et seq.*, no person shall be in possession of a small amount of marijuana as defined in said Act.

- B. The following shall be violations of this section of this chapter:
- (1) Personal possession of a small amount of marijuana; or
  - (2) Personal use of a small amount of marijuana.
- C. Any person who is found in violation of this section of this chapter shall be issued a nontraffic summary citation by the Township police or other authorized law enforcement officer or, alternatively, the officer can obtain the subject's name and address and later send the citation by first-class mail, all to be in accordance with the Pennsylvania Rules of Criminal Procedure.
- D. Any police officer or other authorized law enforcement officer who observes a violation of this section of this article by a person under 18 years of age shall:
- (1) Temporarily detain the minor and follow all existing procedures for the handling of summary offenses committed by a minor;
  - (2) Advise the parent or guardian that the minor was found in personal possession of a small amount of marijuana or to have been engaging in personal use of a small amount of marijuana;
  - (3) Issue a copy of the citation to the parent or guardian advising that he or she is responsible for the payment of the violation fine; and
  - (4) Provide the parents or guardian with contact information for a local agency where substance abuse educational and treatment programs are available.

**§ 10-904. Personal possession of marijuana paraphernalia.**

- A. So long as drug paraphernalia includes objects used in connection with marijuana possession or use in the Controlled Substance, Drug, Device, and Cosmetic Act, 1972, April 14, P.L. 233, No. 64, § 1 *et seq.*, 35 P.S. § 780-101 *et seq.*, no person shall be in possession of marijuana paraphernalia.
- B. It shall be a violation of this section of this chapter to be in personal possession of marijuana paraphernalia.
- C. Any person who is found in violation of this section of this article shall be issued a nontraffic summary citation by the Township police officer or other authorized law enforcement officer or, alternatively, the officer can obtain the subject's name and address and later send the citation by first-class mail, all to be in accordance with the Pennsylvania Rules of Criminal Procedure.

- D. Any law enforcement officer who observes a violation of this section by a person under 18 years of age shall:
- (1) Temporarily detain the minor and follow all existing procedures for the handling of summary offenses committed by a minor;
  - (2) Advise the parent or guardian that the minor was found in personal possession of a small amount of marijuana or to have been engaging in personal use of a small amount of marijuana;
  - (3) Issue a copy of the citation to the parent or guardian advising that he or she is responsible for the payment of the violation fine; and
  - (4) Provide the parents or guardian with contact information for a local agency where substance abuse educational and treatment programs are available.

**§ 10-905. Penalties.**

- A. The penalty for first violation, and all subsequent violations, of § 290-3 of this article relating to personal possession of a small amount of marijuana shall be a fine of \$40.00.
- B. The penalty for first violation, and all subsequent violations, of § 290-3 of this article relating to personal use of a small amount of marijuana shall be a fine of \$40.00.
- C. The penalty for first violation, and all subsequent violations, of § 290-4 of this article relating to personal possession of marijuana paraphernalia shall be a fine of \$40.00.
- D. The court may, in its discretion, suspend the fine imposed under this section if the person found guilty agrees to and does, in fact, perform such community service as the court deems appropriate, of as much as twenty-five (25) hours for a determination of guilt for possession of a small amount of marijuana or personal possession of marijuana paraphernalia and twenty-five (25) hours for personal use of a small amount of marijuana.

**§ 10-906. Enforcement.**

- A. A nontraffic summary citation issued under this article shall be enforced in accordance with the procedures established by the West Norriton Township Police Department for enforcement of summary violations.

- B. The Chief of Police or his or her designee shall report to the Township Board of Commissioners regarding implementation of this article on an annual basis for the first three (3) years following adoption of this article.
- C. This article shall not be construed to supersede any existing Pennsylvania or federal law. The West Norriton Township police and law enforcement officers retain the authority to enforce any applicable laws, and it is the Board of Commissioners' intent that such law enforcement officers may undertake custodial arrests where there is probable cause to believe that a criminal offense other than personal possession or personal use of a small amount of marijuana or personal possession of marijuana paraphernalia has been or is being committed.

**SECTION II: SEVERABILITY**

In the event that any section, sentence, clause, or word of this Ordinance shall be declared illegal, invalid or unconstitutional by any Court of competent jurisdiction, such declaration shall not prevent, preclude or otherwise foreclose the validity of the remaining portions of this Ordinance.

**SECTION III: REPEALER**

All ordinances or resolutions or parts thereof inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specially repealed.

**SECTION IV: EFFECTIVE DATE**

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

**ORDAINED AND ENACTED** by the Board of Commissioners of West Norriton Township, Montgomery County, Pennsylvania, this \_\_\_\_\_day of \_\_\_\_\_, 2020.

Attest:

**WEST NORRITON TOWNSHIP  
BOARD OF COMMISSIONERS**

\_\_\_\_\_  
Jason Bobst, Township Manager

\_\_\_\_\_  
Martin Miller, President