

July 14, 2020

Due to COVID-19 restrictions, the regular monthly meeting of the Board of Commissioners of West Norriton Township was convened electronically via ZOOM at 7:00 PM on the above date by President Miller. Commissioners Eckles, Milazzo, Pavone and Smock were in attendance. Also, present were: Jason Bobst; Dan Grieser, Esquire; Kathy Frederick; Michael Kelly; Stephen Morris; Donna Horn; Michael Valyo; Jon Dzedzy; T.J. Figaniak; Ed Brown and Greg Alderman of Fishburne Assoc.

After reciting the Pledge of Allegiance, the meeting proceeded.

Hearing

The meeting was turned over to Attorney Grieser to conduct the public hearing on proposed Ordinances No. 2020-739 (Updating Regulations for Townhouses); No. 2020-741 (Amending Zoning Map for properties on Riverview Boulevard); and No. 2020-742 (Amending BD District to Permit Townhouses).

After the exhibits were introduced by Mr. Grieser, including the Ordinances, proofs of advertising thereof, comments of MCPC related thereto and two (2) public comments received, Mr. Miller asked for any additional public comments. Kim Haymans-Geisler of 1810 Ardin Drive read a statement in opposition of the Ordinances to rezone Riverview Boulevard and allowing townhouses, and suggested alternatives to the site such as a boutique hotel, restaurant/café, and/or bike rental to be housed in the historic Lubin Studio building.

The two (2) public comments received were read in their entirety as follows:

Mary Moran, 714 Port Indian Rd.

“Good Evening Commissioners:

1. I am opposed to the zoning changes that you are planning to vote on this evening.

Building new Houses in a 100-year flood plain will cause water runoff issues. Isn't this in conflict with Floodplain Ordinance No. 2016-700? Will this ordinance no longer be in effect? In the 2016 floodplain ordinance revisions it was stated that 'Larger floods may occur or flood heights may be increased by man-made or natural causes, such as ice jams and bridge opening restricted by debris'.

This zoning change opens the door to the construction of 360 + townhouses. The Riverview drawing submitted to the Township is high density townhouses.

All of this tract is a known floodplain (100 year) and the developer's solution is to add fill dirt and install retaining walls to contain the river and water run off. All that water runoff will affect the citizens downriver from this development. This will add to an already struggling eco-sytem that exists there today. Surely they could reduce the number of houses if they wish to proceed with development and not develop in the flood plain.

The argument that “it is already zoned for 1300 apartments, 360 + townhouses are better” is an old one. The new 422 bridge already claimed some of the open space there. The 422 project is still ongoing. Is there enough traffic in that area already?

The Lubin Studio (is in 500 year floodplain) is also a historic building and as is the remaining area. Betwzood Bridge is named after after Betzwod who owned a large tract of land in this area, including the Lubin Studios and permitted movies to be made there prior to the building of the Studio's. The developer is unsure if the Lubin Buildings will be torn down. This is where some of the first movies were made.

2. Eric Garden Questions (Engineering Questions)

Status of Blue Dove Basin, New ownership, review with owner. Old pics when blue dove basin working on google maps (prior to building construction). Does this property have its 'Certificate of Occupancy'? Did you say that they could not use the premises until they fixed the basin?

Last 2 storms there is water rushing over the Blue Dove Basin Outlet into Stoney Creek. Google Maps shown prior to the construction of new building/fixing Blue Dove Basin show the basin held water. It does not at this time. Can you provide status?"

James Watters 1 East Indian Lane

"While development within the flood plain is possible, it is highly undesirable for a number of reasons. The most obvious of these is flooding. Flood control, poor drainage, and generally unstable soils make development of a flood plain expensive and difficult.

Second, from the standpoint of overall community development, it is important to keep the flood plain in a natural state. The encroachment of development along the streams which play an important role in the Township's natural drainage system may have serious repercussions throughout the entire drainage basin. Stream Valleys, if left in their natural state, will allow for the absorption. Of a portion of the storm water, releasing it into the stream at a gradual rate, thereby limiting the potential of serious flooding, and maintaining a more constant flow in the streams between storms. This maintenance of the balance of nature will become increasingly important in the northern part of the Township, as development increases the amount of storm-water run-off.

A third factor which limits the desirability of development in flood plains is that these stream valleys are frequently areas of natural beauty and should be preserved for the benefit of the entire community as recreation areas and permanent open space.

Another problem is, filling in a flood plain increases the elevation of floods (as was done in previous development) to unprecedented heights, downstream. Two such floods were in 2006 and 2014. They were featured in the You Tube documentary, "Floods with no Names".

A flood plain, such as ours, because of the Norristown Dam, has a capacity to hold storm water before flood damage begins. When development occurs, it displaces a volume in the flood plain, and increases flood crest heights. This has happened in the Norristown Dam pool, and the video shows the effects. To help understand this, fill a sink to the brim; then push a bucket of water into the sink, and it will overflow. That's the simplest way to explain flooding.

Your choice will effect downstream communities all the way to Philadelphia."

Questions of the Board were addressed as follows: Mr. Miller inquired about the effect that building in the flood plain has had on the residents of the apartment complex. Mr. Valyo replied that it was gotten better and that once PennDOT's construction on Rt. #422 is complete, we will be better equipped to know since the bridge abutment (pier) should have an effect on the river's flow. Mr. Bobst, reminded the Board that this Ordinance just puts into place regulations and does not approve the plan. Ms. Milazzo added that she hears residents mention 360 townhomes and wants to clarify that that is only the presentation, nothing is being approved. Ms. Eckles and Ms. Pavone both mentioned their concern for flooding and downstream effect of construction in the area. Ms. Haymans-Geisler suggested that the Board read the 2016 Zoning Ordinance before voting on this and stated that the Board does not know what is going on. Ms. Milazzo replied that the requirements of the 2016 Zoning Ordinance have to be met through Land Development, not Zoning phase Mr. Smock that he is also in

favor of saving historical structures down there and will do all that he can to save them.

Mr. Grieser mentioned that he checked Montgomery County's list of historical structures and Lubin Studios is not listed as a historical structure, only a "building of interest". It was added by Mr. Bobst that conditions of keeping the studio building could be added.

The hearing was concluded and the meeting was resumed upon motion of Ms. Milazzo, seconded by Ms. Eckles and unanimously agreed by the Board.

Minutes Approval

The minutes of the Board's work session of June 2, 2020 and its meeting of June 9, 2020 were unanimously approved upon motion of Ms. Milazzo, seconded by Ms. Pavone.

Report of Bills Approval of checks

Ms. Horn read the Finance Committee Report and requested approval of: General Fund and Golf Club payroll checks in the amount of \$26,681.04; payroll vouchers in the amount \$251,682.53; and the Payment Approval Report in the amount of \$489,196.43.

Upon motion of Mr. Smock, seconded by Ms. Eckles and unanimously approved was said finance report.

Committee Reports: Administration & Finance

Mr. Bobst enumerated and highlighted the Agenda items under New Business. Additionally, Mr. Bobst mentioned that the 50% match grant RACP (Redevelopment Assistance Capital Program) for which we hired Long & Nyquist to assist us in the application process. According to Mr. Bobst, Representative Briggs received a grant of \$25M for work in West Norriton Township and we hope to submit a well thought out plan for the \$8.5M club house and pro shop at the golf course on or before the August 12th application deadline.

Treasurer Horn did not present her report at the meeting; however, she has submitted her summary which shows cash balances in the various funds as follows:

	<u>May 31st</u>	<u>June 30th</u>
General Fund	11,637,163.85	11,591,189.15
PLGIT 10105000	31,239.17	31,244.21
PLGIT CD - SEWER	1,469,000.00	1,469,000.00
Golf Fund	(187,171.24)	(88,855.80)
Escrow Fund	524,684.27	519,791.55
Sinking Fund	6,257.82	6,262.93
Liquid Fuels	606,165.12	606,551.20
Capital Reserve PLGIT	21,375.70	21,408.54
Capital Reserve PLIGIT PLUS	29,489.50	29,494.69
Sewer Capital Acct	2,583,886.73	2,584,448.81
Vehicle Replacement Fund	537,130.23	545,541.11
Police Pension Citizens	44,464.93	51,473.66
Non-Uniform Pension Citizens	5,040.28	5,607.83
Grants, DUI	0.00	0.00

Grants, Misc.	132,150.16	132,186.74
Traffic Impact Fee	450,208.64	445,490.22

Public Safety

Chief Kelly stated the highlights of his monthly public safety report and notified the Board of the meeting of the Civil Service Commission on July 16th to being the hiring process for three (3) officers.

Public Works & Planning

The highlights of the Public Works and Building-Plumbing reports were presented by Mr. Valyo, who mentioned that the 2020 street paving project is scheduled to begin on July 20th, while the paving of the Municipal parking lot will begin tomorrow. It was also mentioned by Mr. Valyo that a proposal to add street paving of Juniata and Brandon Roads be added with money saved from other paving projects. In response to inquiries from Mr. Smock and Ms. Pavone, Mr. Valyo noted that wood chips from tree limb chipping are taken by Soil rich in Lower Providence, but that mulch may be obtained by the residents at the Jefferson Fire Company when available.

Recreation

The Recreation report was prepared and highlighted by Mr. Dzedzy who announced that all trips, Silver Circle events are cancelled due to COVID; however, the township owned parks are open. According to Mr. Dzedzy, a drive-in style movie night featuring the movie "Frozen" is being considered for August 29th, and that little league is proceeding well with safety protocols in place.

Jeffersonville Golf Club

Mr. Bobst presented the monthly golf report and mentioned that the first ever \$200,000.00+ month was recorded last month and that budget projections are expected to be met. Also, it was noted by Mr. Bobst that, although it is not a JGC issue, the Alexander Drive Basin project is underway.

Sanitary Sewer

The highlights of the monthly Sanitary Report of Gilmore & Associates were presented by Mr. Figaniak who noted that I & I televising and monitoring is continuing.

Engineer

The Engineer's Report of Gilmore & Associates was prepared and highlighted by Mr. Brown who added that roadway assessments are being made for completion of 5- & 15-year paving plans, and he provided dates for current paving projects

Upon motion of Ms. Eckles, seconded by Mr. Smock and unanimously passed, the Department Reports were approved.

Commissioners' Comment

Ms. Pavone commented that she was glad to see that everyone was wearing masks tonight, that we need to continue to do so, social distance and follow CDC guidelines, and that we need to work together and set an example for the community as elected officials and paid public employees and citizens.

Ms. Eckles stated that, since the hiring process for police officers is about to begin, she did some research on "unconscious bias" to see if she can find a way to address it. Ms. Eckles very clearly stated that she does not believe that anyone in the hiring process has a conscious bias, but since the interview process weighs heavily on the decision making, we should at least consider ways to identify conscious bias and find ways to address it. According to Ms. Eckles, through her research she found many articles, information and "self-tests" to uncover our own biases. A link to some of articles and information Ms. Eckles agreed to provide to the Board. Most notably, Ms. Eckles found 3 tests which she suggests our hiring panel take on their own: Gender Career; Race - Black/White; and Skin tone, each test taking between 10-15 minutes. Having said all that, after speaking with police chiefs and supervisors from Lower Merion, Upper Merion, Bensalem and McMahan and Assoc. (a firm specializing in hiring police officers) she appreciates more than ever the difficulty of the hiring process. According to Ms. Eckles, the "silver bullet" is the numbers...the more applicants we get, the more likely we are to receive applicants of minority and women; therefore, we need to advertise as much as possible and in as many places as possible. Per Ms. Eckles, no other municipality that she contacted advertises through Facebook. Ms. Eckles concluded by stating that she is anxious to share her findings with Chief Kelly and other interested.

At the request of the Board, Mr. Grieser gave an update on the VRJ litigation and stated that the next step is to reply to VRJ's Motion for Summary Judgement on or before Monday, July 20th. According to Mr. Bobst, the impacted residents are asking the Board to reiterate its stance on the litigation. On behalf of the Board, Mr. Miller stated that he has and will continue to vehemently resist any development at and around the Westover complex, and he confirmed the Board's distaste for finding out from another source of an updated plan that VRJ may be proposing. In conclusion, Mr. Miller We are opposed to any development in the Westover absolutely unified in opposition to any development this area.

Public Comment

Mary Ellen Moran of Port Indian Road thanked the Board for bringing up the VRJ issue, and inquired about the operation of the Blue Dove Basin and her hope that the new owner completes the necessary repairs. Mr. Brown explained that they are working on fixing the tributaries into the basin, but that no timeframe is set, and that the basin is designed to release water. Mr. Bobst mentioned that it is that escrow funds are being held to make the improvements, if necessary. Ms. Moran also expressed her concerns over the trees that are failing to hold back dirt and water. Also, Ms. Moran inquired about recent police activity on Schuylkill and Port Indian Roads as she witnessed people just hanging around and pacing. Chief Kelly replied there was a "squatter" situation at 741 Port Indian, but that the

premises is now secured. Chief suggested to Ms. Moran that she call the police if she sees any suspicious activity. Finally, Ms. Moran asked about pothole repair on Pt Indian.

There being no additional public comments offered, upon motion of Ms. Milazzo, seconded by Mr. Smock and unanimously approved, the public comment portion of the meeting was closed.

**Discussion
Items**

Per Mr. Bobst, an update on the timeline for the police hiring process is as follows: August 3 - 28 applications; oral boards, interview process and polygraphs in September and October; with a November 10th date for swearing in. Per Chief Kelly since we have a Civil Service and are hiring 3 officers, they may be from the top 9 applicants.

Also, a proposed Ordinance deleting unified development from the I - Industrial Zoning District is targeted to remove this from Barbadoes Island. This will go to the County PC first, Township PC next and then Board approval. In response to an inquiry from Ms. Eckles, the new BP zoning Ordinance does not allow for apartments.

New Business

As explained by Mr. Grieser, we received a preliminary application from Verizon for 14 wireless towers and, although we have a 2016 Wireless Ordinance in place, it did not address fees. This proposed Resolution addresses fees for these towers, the amounts of which come from FCC guidelines. The proposed fees are as follows: application; compensation for right-of-way use (large) @ \$1,000.00 each; and compensation for right-of-way use (small) @ \$270.00 each. Upon motion of Ms. Milazzo, seconded by Mr. Miller and unanimously agreed, the Board adopted Resolution #20-1659 Amending the Free Schedule re: Fee for use of right-of-way wireless facilities (copy attached).

Upon motion of Ms. Eckles, seconded by Mr. Miller and unanimously agreed, the Board adopted Ordinance No. 2020-740 re: Alarms (copy attached) with the clarification that this is geared to commercial properties.

Upon motion of Mr. Miller, seconded by Ms. Milazzo and unanimously agreed, the Board adopted Ordinance No. 2020-739 re: Updating Townhouse Regulations (copy attached).

Upon motion of Mr. Miller, seconded by Ms. Eckles and unanimously agreed, the Board adopted Ordinance No. 2020-741 re: Zoning Map Amendment from I to BP (copy attached).

Upon motion of Mr. Miller, seconded by Mr. Smock and unanimously agreed, the Board adopted Ordinance No. 2020-742 re: Amending BP District to Permit Townhouses (copy attached).

Upon motion of Ms. Milazzo, seconded by Mr. Miller and

unanimously agreed, the Board authorized the execution of the tax assessment appeal of Globus Medical (copy attached).

Upon motion of Mr. Miller, seconded by Ms. Milazzo and unanimously agreed, the Board awarded the bid for the Regents Park Paving Project to the low bidder, Highway Materials in the amount of \$528,120.35 subject to a 10-day review period.

Upon motion of Ms. Milazzo, seconded by Ms. Eckles and unanimously agreed, the Board appointed Joan Gray as an Alternate member of the Zoning Hearing Board.

Upon motion of Ms. Eckles, seconded by Mr. Miller and unanimously agreed, the Board authorized the advertising of the bid for the Jefferson Fire Company Parking Lot Paving Project.

Upon motion of Mr. Miller seconded by Ms. Milazzo and unanimously agreed, the Board authorized the advertising of the bid for the traffic light improvements at Whitehall Road and Sterigere Street in conjunction with the 2019 ARLE Grant received. Per Mr. Bobst, there is no acquisition of land required for this improvement project

Schedule of Meetings

Mr. Bobst announced that: a meeting of the Zoning Hearing Board via ZOOM is scheduled for July 22nd @ 7:00 PM re: variance for expansion of parking lot and illuminated signage at 236 Egypt Road; and variance for construction of a garage at 24 N. Whitehall Road.

Adjournment

There being no further business, at 8:51 PM, on motion of Mr. Smock and seconded by Ms. Eckles, the public meeting was adjourned.

Kathy Frederick
Assistant Secretary

