

BOARD OF COMMISSIONERS

TODD M. SINAI, PRESIDENT

July 16, 2025 - 7:30 PM

AGENDA

1. Call to Order

2. Roll Call

3. Approval of Minutes

- Minutes of a stated meeting of the Board of Commissioners held on June 18, 2025 as distributed.

4. Announcements

- The Board will meet in Executive Session on July 16, 2025 to receive reports from its professional staff.
- The stated meeting of the Board of Commissioners for August will be held on Monday, August 4, 2025 at approximately 7:00 p.m.
- National Night Out will be held on Tuesday, August 5, 2025 from 6:00 p.m. until 9:00 p.m. in the parking lot of the Wynnewood Shopping Center.
- The Board of Commissioners will be in recess from August 5, 2025 until September 3, 2025.

5. Public Privilege of the Floor

The Floor is open to provide the opportunity for the public to address the Board on any non-agenda item or any other public matter in which the Township has jurisdiction or authority.

Response to Public Privilege of the Floor - Appropriate time for any member of the Board, the Township Manager, or designated staff person to address and correct any statement made by a member of the public during the Public Privilege portion of the agenda.

6. Public Comment

The Floor is open to provide the opportunity for the public to address the Board on matters relating to agenda items which will be voted upon at this meeting.

Response to Public Comment - Appropriate time for any member of the Board, the Township Manager, or designated staff person to address or respond to any statement made by a member of the public during the Public Comment portion of the agenda.

7. Consent Calendar

Consent Calendar items are grouped together in the last section of the agenda which is marked "Consent Calendar." If there is a request from any member of the Board for separate discussion of any item listed on the Consent Calendar, the item will be removed from the Consent Calendar and considered during the appropriate Committee portion after non-consent items listed under that Committee are addressed.

- a. RESOLUTION - AUTHORIZATION OF APPOINTMENTS TO THE CITY AVENUE SPECIAL SERVICES DISTRICT BOARD OF DIRECTORS
- b. WAIVER OF ENFORCEMENT OF TOWNSHIP CODE 111-4.2 REGULATING OPEN CONTAINERS FOR THE BALA AVENUE ART WALK
- c. APPROVAL TO EXECUTE A GROUND LEASE AGREEMENT, CROSSOVER EASEMENT AGREEMENT AND PARKING AND ACCESS LICENSE AGREEMENT ASSOCIATED WITH THE ARDMORE HOUSE II PROJECT
- d. APPROVAL OF HISTORICAL COMMISSION APPLICATIONS
- e. APPROVAL OF CERTIFICATE OF APPROPRIATENESS
- f. AWARD OF CONTRACT – PAPER RECYCLING SERVICES
- g. RESOLUTION - AUTHORIZING THE STEPS NECESSARY TO VACATE BLISS STREET
- h. RESOLUTION - AUTHORIZING EXECUTION OF A WINTER MAINTENANCE SERVICES AGREEMENT WITH PENNDOT

8. Building and Planning Committee

- a. APPROVAL OF HISTORICAL COMMISSION APPLICATION - 1246 BRYN TYDDYN DRIVE
- b. The Consent Calendar contains items referred from the July 9, 2025 meeting of this Committee (items a - e).
- c. A meeting of the Building & Planning Committee will be held on Wednesday, July 16, 2025 at approximately 7:15 p.m. at which time the following item may be referred to the Board of Commissioners for action: Authorization to Reopen Conditional Use Hearing - 1 Belmont Avenue. Additional information may be found on the agenda for the aforementioned Building & Planning Committee meeting.

9. Finance Committee

- a. UPDATE ON TOWNSHIP USE OF AMERICAN RESCUE PLAN (ARP) FUNDS
- b. The Consent Calendar contains items referred from the July 9, 2025 meeting of this Committee (item f).

10. Public Works Committee

- a. The Consent Calendar contains items referred from the July 9, 2025 meeting of this Committee (items g - h).

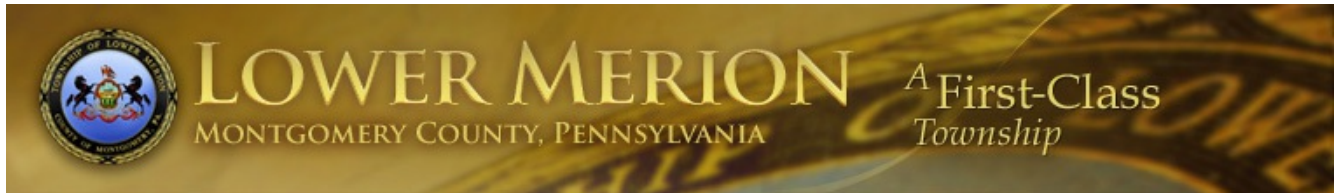
11. Adoption of Ordinances

- ADOPTION OF ORDINANCE - CHAPTER 145, VEHICLES AND TRAFFIC -
AUTOMATED RED LIGHT ENFORCEMENT

12. Unfinished Business

13. New Business

14. Adjournment



AGENDA ITEM INFORMATION

COMMITTEE: Building and Planning Committee

ITEM: RESOLUTION - AUTHORIZATION OF APPOINTMENTS TO THE CITY AVENUE SPECIAL SERVICES DISTRICT BOARD OF DIRECTORS

Consider for adoption a Resolution to appoint Bob Brackett and Joseph Kender to the City Avenue Special Services District (CASSD) Board of Directors for terms to expire on December 31, 2030.

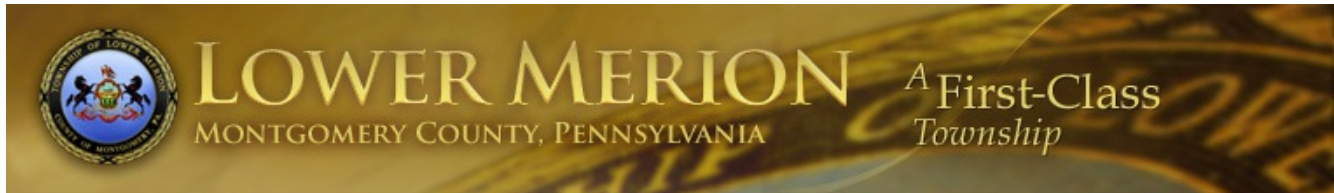
RESOLUTION

WHEREAS, as a vacancy exists in a seat on the Board of Directors of the City Avenue Special Services District of Philadelphia and Lower Merion that is representative of Lower Merion Township, and

WHEREAS, the Articles of Incorporation of the City Avenue Special Services District provide that individuals to be appointed to fill those vacant seats that are representative of Lower Merion Township be appointed by the governing body of the Township of Lower Merion through a resolution of the Board of Commissioners.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Lower Merion hereby appoints the following individuals to the City Avenue Special Services District Board of Directors to serve the following terms:

<u>Name</u>	<u>Term Commences</u>	<u>Term Expires</u>
Joseph Kender	December 31, 2025	December 31, 2030
Bob Brackett	December 31, 2025	December 31, 2030

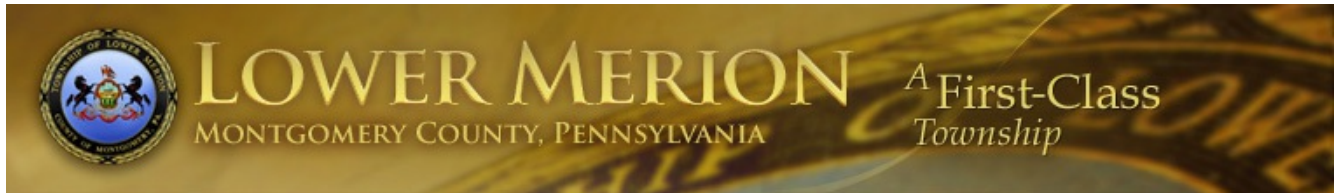


AGENDA ITEM INFORMATION

COMMITTEE: Building and Planning Committee

ITEM: WAIVER OF ENFORCEMENT OF TOWNSHIP CODE 111-4.2 REGULATING OPEN CONTAINERS FOR THE BALA AVENUE ART WALK

Consider for approval a waiver of Township Code §111-4.2 as requested by applicant, City Avenue Special Services District, to permit patrons to possess open containers with alcoholic beverages and serve alcoholic beverages in public rights-of-way within a regulated area in a portion of Bala Avenue, between Montgomery Avenue and Cynwyd Road, on September 14, 2025 between the hours of 11:00 a.m. and 3:00 p.m., subject to City Avenue Special Services District providing the required insurance certificate documenting adequate coverage as required by the Township.

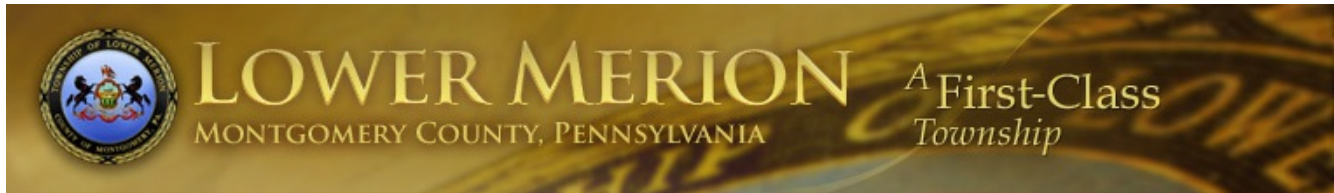


AGENDA ITEM INFORMATION

COMMITTEE: Building and Planning Committee

ITEM: APPROVAL TO EXECUTE A GROUND LEASE AGREEMENT, CROSSOVER EASEMENT AGREEMENT AND PARKING AND ACCESS LICENSE AGREEMENT ASSOCIATED WITH THE ARDMORE HOUSE II PROJECT

Consider for approval to execute a Ground Lease Agreement, Crossover Easement Agreement, and Parking and Access License Agreement associated with the development of a 48-unit senior affordable housing project at the Township-owned property located at 55 Ardmore Avenue, Ardmore.



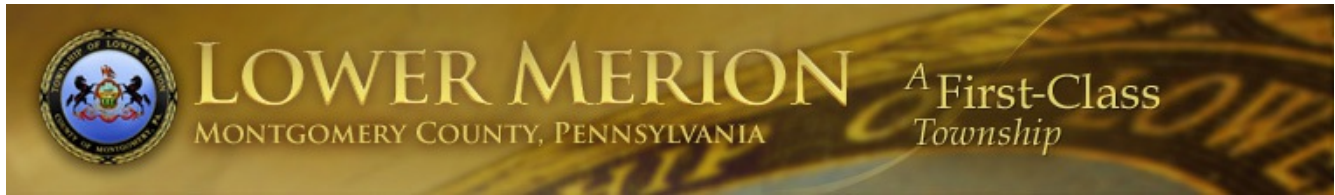
AGENDA ITEM INFORMATION

COMMITTEE: Building and Planning Committee

ITEM: APPROVAL OF HISTORICAL COMMISSION APPLICATIONS

Consider for approval the following applications as recommended by the Building & Planning Committee at their meeting held on July 9, 2025:

- a) 10 Montgomery Avenue, Bala Cynwyd, Class 2, 2025-D-06 – approval to demolish a non-contributing multi-bay garage structure, citing Secretary of the Interior's Standards 1, 4, and 9.
- b) 1835 Old Gulph Road, Villanova, Class 2, 2025-R-07 – approval to make modifications to a rear-facing porch, with a subcommittee to review additional material and construction details, citing Secretary of the Interior's Standard 9.



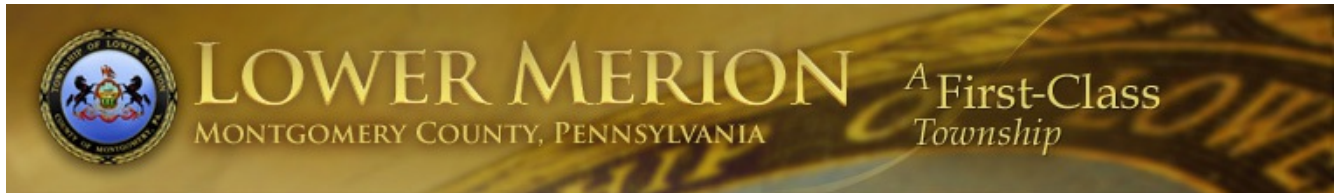
AGENDA ITEM INFORMATION

COMMITTEE: Building and Planning Committee

ITEM: APPROVAL OF CERTIFICATE OF APPROPRIATENESS

Consider for approval the following certificate of appropriateness as recommended by the Building & Planning Committee at their meeting held on July 9, 2025:

a) 6 West Lancaster Avenue, Ardmore Commercial Historic District, 25-18 – approval to install an illuminated sign consisting of a two-inch-thick panel and three-inch-thick letters, subject to removal of the current gooseneck lights, citing Secretary of the Interior's Standard 9.



AGENDA ITEM INFORMATION

COMMITTEE: Finance Committee

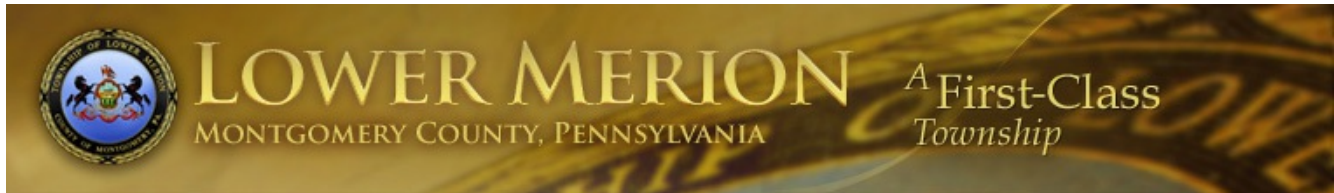
ITEM: AWARD OF CONTRACT – PAPER RECYCLING SERVICES

Consider for approval to award a contract for Paper Recycling Services to the following bidder in accordance with the bids received on Thursday, June 12, 2025, at 11:00 A.M. prevailing time and the recommendation of the Finance Committee:

Newman & Company, Inc.

Option 2 Total Lump Sum Bid (Paper)

Cost/(Revenue) (\$107,820.00)



AGENDA ITEM INFORMATION

COMMITTEE: Public Works Committee

ITEM: RESOLUTION - AUTHORIZING THE STEPS NECESSARY TO VACATE BLISS STREET

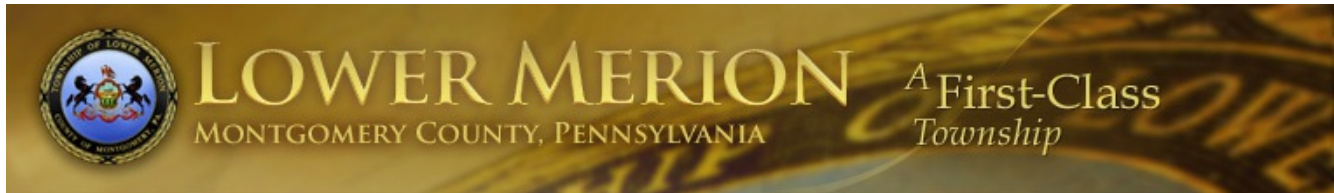
Consider for adoption a Resolution to declare the intent to discontinue, abandon and vacate Bliss Street (formerly River Road) from east of the Lower Merion Township municipal boundary with Conshohocken Borough to the end of the dead-end cul-de-sac, a distance of approximately 815 feet and authorize the actions necessary to accomplish this including the scheduling of a Public Hearing on the matter.

RESOLUTION

WHEREAS, the Board of Commissioners of the Township of Lower Merion, on its own motion, finds that the street right-of-way of Bliss Street (formerly River Road) can be vacated without detriment to the public interests because Bliss Street has been and will remain a dead end street containing no municipal infrastructure and providing no access or required public street frontage to any abutting lot; and

NOW, THEREFORE, in consideration of the above, the Board of Commissioners of Township of Lower Merion does hereby resolve as follows:

1. The WHEREAS clause set forth above is incorporated by reference as if fully set forth.
2. The Board of Commissioners of the Township of Lower Merion intends to vacate the street right-of-way of Bliss Street, as shown on the *Bliss Street aka River Road – Sketch Plotting* dated December 19, 2023 prepared by the Township Engineer attached hereto as Exhibit “A” and as described in the legal description of the Bliss Street aka River Road Right-of-Way attached hereto as Exhibit “B,” both of which are incorporated by reference and made a part hereof.
3. The vacation will not negatively affect any existing rights-of-way or easements and will result in the property burdened by the right of way to revert to the abutting property owners free of any public interest.
4. A Public Hearing shall be scheduled in the Township Building, 75 E. Lancaster Avenue, Ardmore, Pennsylvania, on the 10th day of September, 2025 at 6:00 p.m., when and where all parties interested may meet and be heard with respect to the vacating of said street right-of-way.
5. Notice of said Hearing shall be published as is customary and mailed to the affected property owners, which notice shall state the time and place of the Public Hearing.



AGENDA ITEM INFORMATION

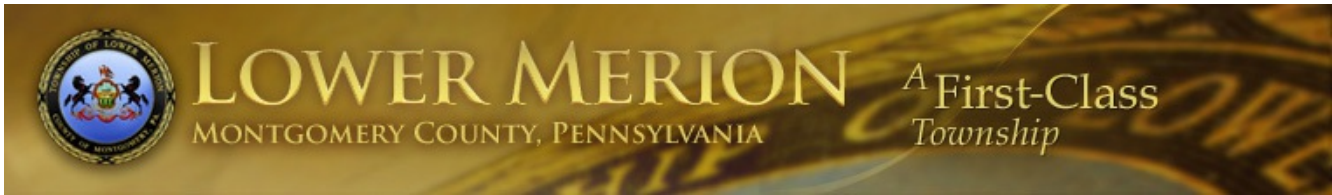
COMMITTEE: Public Works Committee

ITEM: RESOLUTION - AUTHORIZING EXECUTION OF A WINTER MAINTENANCE SERVICES AGREEMENT WITH PENNDOT

Consider for adoption a Resolution authorizing execution of a new five-year Winter Traffic Services Agreement with PennDOT for the state-owned highways located within the Township for the period beginning October 15, 2025, to October 14, 2030.

RESOLUTION

BE IT RESOLVED, by authority of the Board of Commissioners of the Township of Lower Merion, Montgomery County, and it is hereby resolved by authority of the same, that the Board President of said Municipality be authorized and directed to sign the Winter Maintenance Agreement with the Pennsylvania Department of Transportation on its behalf.



AGENDA ITEM INFORMATION

COMMITTEE: Building and Planning Committee

ITEM: APPROVAL OF HISTORICAL COMMISSION APPLICATION - 1246 BRYN TYDDYN DRIVE

Consider for approval the following application as recommended by the Building & Planning Committee at their meeting held on July 9, 2025:

a) 1246 Bryn Tyddyn Drive, Gladwyne, Class 2, 2025-R-08 – approval to replace a cedar roof with an asphalt shingle roof on a residence and garage, with a subcommittee to review additional details regarding existing materials and proposed materials provided by the contractor on a completed roofing addendum form, citing Secretary of the Interior’s Standard 9.

ATTACHMENTS:

Description	Type
 1246 Bryn Tyddyn Drive Roof	Backup Material



1246 Bryn Tyddyn Drive, Gladwyne

Class 2

Historical Commission

37

Action:

Approval to replace a cedar roof with an asphalt shingle roof on a residence and garage, with a subcommittee to review additional details, citing Secretary of the Interior's Standard 9.

38



Roofing would be replaced on both residence and garage

39



Max Def Weathered Wood

Proposed Roofing Product

40



Significant details including pole gutters and step flashing will be retained.



LOWER MERION
TOWNSHIP
HISTORIC
PRESERVATION

STAFF ONLY	DATE RECEIVED: _____	REVIEWED BY: _____	STATUS: <input type="checkbox"/> IN/C <input type="checkbox"/>
	HRI SURVEY #: _____	HRI CLASS: <input type="checkbox"/> 1 <input type="checkbox"/> 2	
	DATE OF HC MEETING / AGENDA: _____	APP. NO.: _____	
	TYPE OF APPLICATION: <input type="checkbox"/> DEMO <input type="checkbox"/> ALTERATION <input type="checkbox"/> ADDITION <input type="checkbox"/> NEW CONSTRUCTION		
	<input type="checkbox"/> INFORMATIONAL REVIEW <input type="checkbox"/> OTHER [SPECIFY]: _____		

H
C

Historical Commission Application For Review

For Work Involving a Class I or II Historic Resource

This completed application, along with all required materials, must be submitted via original printed copy, email, or other electronic means to the Department of Building & Planning a minimum of ten (10) calendar days prior to the next Historical Commission meeting for consideration.

Please send completed materials or questions to Greg Prichard, Historic Preservation Planner:
gprichard@lowermerion.org (610) 645-6176

PROPERTY ADDRESS

ADDRESS [STREET, CITY]:

1246 BRYN TYDDYN DR.
GLADWYNE, PA

APPLICANT INFORMATION

NAME: VOLPE ENTERPRISES

PHONE: _____

ADDRESS: 52 LANCASTER AVE
MALVERN, PA

EMAIL: _____

ZIP/POSTAL CODE: 19355

APPLICANT'S CAPACITY: ☐ OWNER ☐ ARCHITECT ☐ ATTORNEY ☒ CONTRACTOR ☐ OTHER: _____

OWNER INFORMATION [IF DIFFERENT FROM ABOVE]

NAME(S): ROHYNN GALLAGHER

PHONE: _____

ADDRESS: 1246 BRYN TYDDYN DR
GLADWYNE, PA

EMAIL: _____

ZIP/POSTAL CODE: 19035

PROPERTY INFORMATION

NAME OF BUSINESS [IF APPLICABLE]: N/A

CURRENT USE: RESIDENTIAL

PROPOSED USE: _____

PROJECT DESCRIPTION [CHECK ALL THAT APPLY]

☐ ADAPTIVE REUSE ☐ ADDITION ☐ ALTERATION ☐ NEW CONSTRUCTION ☒ OTHER (DESCRIBE BELOW)

PROJECT NARRATIVE [USE ADDITIONAL PAGES AS NECESSARY TO DESCRIBE ALL OF THE WORK PROPOSED]

WE ARE PROPOSING AN ENTIRE ROOF REPLACEMENT ON THE MAIN HOUSE. THIS ENTAILS COMPLETE REMOVAL OF EXISTING CEDAR ROOF, INSTALLING NEW 1/2" SHEATHING, AND A CERTAINTED LANDMARK PRO ROOFING SYSTEM (DETAILS IN ATTACHED CONTRACTS.) WE ARE KEEPING THE ROLE GUTTER AND RELINING THEM WITH COPPER, MATCHING THE EXISTING STEP-STYLE FLASHING ON CENTRAL CHIMNEY AND WALL TRANSITION BOTH IN COPPER. SMALL SECTIONS OF COPPER HALF-ROUND GUTTER WILL BE ADDED TO DORMERS.

CONTINUED

Application Checklist

The following checklist is intended to provide clarification of the requirements and procedures involved in the application process related to obtaining a building permit for the alteration/demolition of a property on the Township's Historic Resource Inventory (HRI) List, as listed in Section 62-2.D.2(b) of the Township Code. This document should in no way take the place of the Applicant's own knowledge and familiarity with Chapter 88 of the Code of the Township of Lower Merion regarding "Historic Districts and Resources" or of The Secretary of the Interior's Standards for the Rehabilitation of Historic Properties. Instead, it is provided as a tool to owners and/or their agents and representatives to ensure the completeness of their application materials prior to submission, thereby minimizing the potential for unnecessary delays in the review process.

CHECK EACH ITEM BELOW TO INDICATE INCLUSION IN THE SUBMISSION MATERIALS

1. ☒ **COMPLETED APPLICATION FOR REVIEW (AFR)**
Complete both sides of this application form for submission with the required attachments
2. ☒ **WRITTEN NARRATIVE INCLUDING:**
 - **REASON(S) FOR DEMOLITION/CONSTRUCTION**
Detail the reasons for the proposed demolition/construction
 - **PROPOSED METHOD(S) OF DEMOLITION/CONSTRUCTION**
Detail all of the changes proposed to the exterior of the subject structure(s)/property indicating the method(s) to be used in removing and constructing
 - **PROPOSED FUTURE USE OF THE SITE & MATERIALS FROM THE HISTORIC RESOURCE**
Include all information relevant to the removal, disposal, salvage, and/or recycling of materials (historic fabric) affected by the proposed change(s) to the resource
3. ☒ **SITE PLAN LOCATING ALL BUILDINGS AND STRUCTURES ON THE PROPERTY**
Provide a scaled site plan of the property, noting all existing and proposed structures and the names of adjacent property owners (unless otherwise exempted by the Building & Planning Department Staff)
4. ☒ **CURRENT PHOTOGRAPHS OF THE HISTORIC RESOURCE(S)**
Provide high resolution digital photographs of each full exterior elevation of the subject structure(s). (Note: Include additional photographs of any relevant significant architectural feature or detail affected by the proposed alteration/demolition)
5. ☒ **SCALED DRAWINGS OF THE HISTORIC RESOURCE(S)**
Provide scaled architectural drawings (i.e., plans, elevations, etc.), 11"x17" format preferred, documenting the existing conditions of the resource (especially those affected by the proposed work), as well as all proposed changes (i.e., demolition and/or new construction, etc.)
6. ☒ **SPECIFICATIONS OF PROPOSED CONSTRUCTION MATERIALS**
Provide a detailed list and/or product brochure(s) of all exterior finish materials (i.e., product name, manufacturer, dimension, texture, color, etc.) proposed for use in the new construction
7. ☒ **HISTORIC RESOURCE IMPACT STUDY (HRIS)**
Provide an HRIS, as described in §155-7.1.J, unless the Building & Planning Department Staff determines that all or a portion thereof is not relevant to the current application

SIGNATURES

APPLICANT:

DATE:

OWNER [IF DIFFERENT]:

DATE:

Note: By filing this application, you are hereby granting permission to Township officials to visit the site for review purposes. In the event that an application is found to be incomplete as submitted, the application shall be returned to the applicant for completion as detailed in §62-2.D.2(c). The forty-five (45) day review requirement prescribed by §62-2.D.4 of the Code shall not apply to an incomplete application.

Revised 10/2023



Preliminary Consultant Review

Compiled by Carol Quigley, Senior Designer / Project Manager Frens & Frens Studio, Patterhn Ives LLC

2024-R-08

1246 Bryn Tyddyn Road, Class 2

Owner / Applicant: Ted Demski for Rohynn Gallagher

Application Type: Residential

Project Summary: The applicant proposes to replace existing wood roofing with asphalt roofing on the primary structure and an accessory structure.

Comments:

- The existing resource is a two story one and a half story brick tenant house built into the hillside designed by R. Brognard Okie and constructed in 1939. The steeply pitched gabled roof features two small, shed dormers on each slope. The second structure is a one-story, four bay garage / carriage structure with a low-sloped gable roof. Each of the existing structures currently has a wood shingle roof that is at the end of its service life and requires replacement.
- The most appropriate replacement of a historic roof is an in-kind replacement, and a wood shake roof would be the most appropriate choice in this case as well. When in-kind replacement is not possible, substitute materials that resemble the original roofing material to the greatest degree are recommended. Synthetic wood shingles are now commonly available and are detailed in such a manner that they are deemed an appropriate substitute for real wood shingle roofing and the applicant may consider this option. As submitted, the applicant has proposed the installation of a dimensional asphalt shingle roof in lieu of the natural wood shingle. Asphalt shingle roofs have greatly improved in their aesthetics and their resemblance of wood shingles, though they are still easily distinguished as asphalt shingles. Of the asphalt shingle options currently available, the proposed specification and color is one of the options that provides a color and dimensional depth that simulates some of the shadows and tones of weathered wood and is appropriate.
- The applicant has noted the retention of the existing distinctive features of the roof assembly, including a new coper lining at the existing pole gutter, in kind replacement of chimney stepped flashing in copper and other copper flashing details. The roofing quote notes the inclusion of aluminum edge flashing which should be minimal in height and should be selected to match the color of the adjacent trim.

Given the considerations noted above, we recommend approval of this application, in accordance with Standard 9.



AGENDA ITEM INFORMATION

COMMITTEE: Finance Committee

ITEM: UPDATE ON TOWNSHIP USE OF AMERICAN RESCUE PLAN (ARP) FUNDS

The Assistant Township Manager will provide an update on the use of the Township's American Rescue Plan (ARP) funds, including the ARP Non-profit Vitality Grant Program.

ATTACHMENTS:

Description	Type
 Issue Briefing - ARP Update	Issue Briefing

TOWNSHIP OF LOWER MERION
Board of Commissioners Meeting

Issue Briefing

Topic: Presentation - American Rescue Plan (ARP) Expenditure Update

Prepared By: Brandon Ford, Assistant Township Manager

Date: July 11, 2025

I. Action To Be Considered by the Board:

Receive an update outlining the incurred and planned usage of the Township's ARP funds, including the ARP Non-Profit Vitality Grant Program.

II. Why This Issue Requires Board Consideration:

Reports on the use of funds must be presented to the Board of Commissioners.

III. Current Policy or Practice (If Applicable): N/A

IV. Other Relevant Background Information:

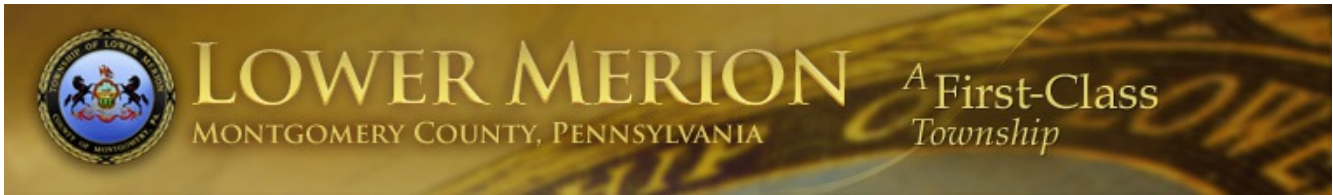
On March 11, 2021, federal officials signed the \$1.9 trillion American Rescue Plan (ARP) Act into law, establishing the Coronavirus State and Local Fiscal Recovery Fund. This fund was created to help state, local, territorial, and tribal governments address the negative impacts of the COVID-19 pandemic by providing \$350 billion in emergency financial assistance.

The Township of Lower Merion received a total of \$25.5 million in ARP funds. This unprecedented investment provided a unique opportunity to address both current and future capital needs, upgrade the local park system, strengthen stormwater infrastructure, and support the long-term vitality of local nonprofit organizations. Over 2022 and 2023, the Board authorized the allocation of the Township's ARP funds towards specific projects and purposes, including a new, one-time grant program to local non-profit organizations to finance projects and/or operations. This report provides an update on project expenditures allocation ARP funds by the Board.

V. Impact On Township Finance:

There is no new financial impact to the Township. All expenditures outlined in this report are ARP and/or Township Capital Improvement Program (CIP) funds previously allocated and/or budgeted.

VI. Staff Recommendation: N/A



AGENDA ITEM INFORMATION

COMMITTEE: Police Committee

ITEM: ADOPTION OF ORDINANCE - CHAPTER 145, VEHICLES AND TRAFFIC -
AUTOMATED RED LIGHT ENFORCEMENT

An Ordinance to amend the Code of the Township of Lower Merion, Chapter 145 thereof, entitled Vehicles And Traffic, by the addition of a new Article XIII, Automated Red Light Enforcement, to provide for the adoption of an automated red light enforcement system at designated intersections in the Township, to provide a civil penalty and the use thereof for traffic signal violations at those intersections if recorded on a camera, to provide for limited use of camera recordings, to provide reporting obligations concerning violations and the collection of fines on the part of the Township, to provide for notice of violation to the vehicle owner, to provide defenses for violations and a procedure for a hearing and appeals therefrom.

This Ordinance was authorized for advertisement at a stated meeting of the Board of Commissioners held June 18, 2025 and duly advertised in the July 6, 2025 edition of the Main Line Times & Suburban.

ATTACHMENTS:

Description	Type
 Proposed Ordinance - Automated Red Light Enforcement	Ordinance

AN ORDINANCE

NO. _____

An Ordinance To Amend The Code Of The Township Of Lower Merion, Chapter 145 Thereof, Entitled Vehicles And Traffic, By The Addition Of A New Article XIII, Automated Red Light Enforcement, To Provide For The Adoption Of An Automated Red Light Enforcement System At Designated Intersections In The Township, To Provide A Civil Penalty And The Use Thereof For Traffic Signal Violations At Those Intersections If Recorded On A Camera, To Provide For Limited Use Of Camera Recordings, To Provide Reporting Obligations Concerning Violations And The Collection Of Fines On The Part Of The Township, To Provide For Notice Of Violation To The Vehicle Owner, To Provide Defenses For Violations And A Procedure For A Hearing And Appeals Therefrom.

The Board of Commissioners of the Township of Lower Merion, does hereby ordain as follows:

Section 1. The Code of the Township of Lower Merion, Chapter 145, entitled Vehicles and Traffic, Articles XIII and XIV, previously Reserved, shall be revised in their entirety by the addition of a new Article XIII, Automated Red Light Enforcement, to provide as follows:

Chapter 145. Vehicles And Traffic

* * * * *

Article XIII. Automated Red Light Enforcement

145-85 Definitions

AUTOMATED RED LIGHT ENFORCEMENT SYSTEM - Shall mean a vehicle sensor installed to work in conjunction with a traffic-control signal which automatically produces one or more photographs or video recordings of a vehicle at the time the vehicle is used or operated in a manner that is a violation of the Motor Vehicle Code or as otherwise defined under the Motor Vehicle Code.

DESIGNEE. - Shall include a person, business entity or governmental entity, including the Pennsylvania Department of Transportation.

MOTOR VEHICLE CODE. Shall mean Title 75 of the Pennsylvania Consolidated Statutes.

PHOTOGRAPH. Shall mean any visual image produced by an automated red light enforcement system.

SYSTEM ADMINISTRATOR. Shall mean the Lower Merion Township Police Department or its designee.

§ 145-86 Steady Red Light Traffic Signal Violation

An individual whose vehicle is recorded by an automated red light enforcement system in violation of the prohibition of § 3112(a)(3) of the Motor Vehicle Code (relating to obedience to the steady red light indication of traffic control signals) at such intersections of Lower Merion Township designated and identified pursuant to this Article shall be liable for civil penalties as set forth herein.

§ 145-87 Intersections At Which This Article Applies

Automated red light enforcement systems approved by the Pennsylvania Department of Transportation may be used to enforce this Article only at the following intersections and as this list may be amended from time to time by Article, subject to the designation of such intersections by agreement of the System Administrator and the Pennsylvania Secretary of Transportation:

- A. Lancaster Avenue and Remington Road, Wynnewood

§ 145-88 Penalties

- A. The penalty for violating this Article shall be a fine of \$100.00.
- B. A fine is not authorized for a violation of this Article if any of the following apply:
 - 1. The intersection is being manually controlled; or
 - 2. The signal is in the mode described in §3114 of the Motor Vehicle Code (relating to flashing signals).
- C. A fine is not authorized during any of the following, but a warning may be sent to the violator:
 - 1. the first 60 days of operation of the automated red light enforcement systems at the initial intersections.
 - 2. the first 30 days for each additional intersection selected for the automated red light enforcement system.
- D. A penalty imposed under this section shall not be deemed a criminal conviction. It shall not be made part of the operating record under §1535 of the Motor Vehicle Code (relating to the schedule of convictions and points) of the individual upon whom the penalty is imposed, nor may the imposition of the penalty be subject to merit rating for insurance purposes.
- E. No surcharge points may be imposed in the provision of motor vehicle insurance coverage. Fines collected under this Article shall not be subject to 42 Pa.C.S. §3571 (relating to Commonwealth portion of fines, etc.) or §3573 (relating to municipal corporation portion of fines, etc.).

§ 145-89 Limitations

- A. No automated red light enforcement system shall be utilized in such a manner as to take a frontal view recorded image of the vehicle as evidence of having committed a violation.
- B. Notwithstanding any other provision of law, camera equipment deployed as part of the automated red light enforcement system as provided for by this Article must be incapable of automated or user-controlled remote intersection surveillance by means of recorded video images. Recorded images collected as part of the automated red light enforcement system may only record traffic violations and may not be used for any other surveillance purposes. The restrictions set forth under this paragraph shall not be deemed to preclude a court of competent jurisdiction from issuing an order directing that the information be provided to law enforcement officials if the information is reasonably described and is requested solely in connection with a criminal law enforcement action.
- C. Notwithstanding any other provision of law, information prepared under this Article and information relating to violations under this Article which is kept by the Township, its authorized agents, or employees, including recorded images, written records, reports or facsimiles, names, and addresses, shall be for the exclusive use of the Township, its authorized agents, its employees, and law enforcement officials for the purpose of discharging their duties under this Article. The information shall not be deemed a public record under the act of February J 4, 2008 (P.L. 6 No. 3), known as the Right-to-Know Law. The information shall not be discoverable by court order or otherwise, nor shall it be offered in evidence in any action or proceeding which is not directly related to a violation of this Article or any ordinance or resolution of the Township. The restrictions set forth under this paragraph shall not be deemed to preclude a court of competent jurisdiction from issuing an order directing that the information be provided to law enforcement officials if the information is reasonably described and is requested solely in connection with a criminal law enforcement action.
- D. Recorded images obtained through the automated red light enforcement systems deployed to promote traffic safety in the Township shall be destroyed within 30 days following the final disposition of any recorded event. The System Administrator shall file notice with the Department of State that the records have been destroyed in accordance with this paragraph.
- E. Notwithstanding any other provision of law, registered vehicle owner information obtained as a result of the operation of an automated red light enforcement system under this Article shall not be the property of the manufacturer or vendor of the automated red light enforcement system and may not be used for any purpose other than prescribed in this Article.

§ 145-90 Defenses to Liability

- A. It shall be a defense to a violation under this Article that the person receiving the notice of violation was not operating the vehicle at the time of the offense. The owner may be required to submit evidence that the owner was not the driver at the time of the alleged violation. The Township may not require the owner of the vehicle to disclose the identity of the operator of the vehicle at the time of the violation.

- B. If an owner receives a notice of violation under this Article of a time period during which the vehicle was reported to a police department of any state or municipality as having been stolen, it shall be a defense to a violation under this Article that the vehicle has been reported to a police department as stolen prior to the time the violation occurred and not been recovered prior to that time.
- C. It shall be a defense to a violation under this Article that the person receiving the notice of violation was not the owner or lessor of the vehicle at the time of the offense.
- D. No owner shall be found liable pursuant to this Article if he or she is convicted of a violation pursuant to the Motor Vehicle Code for the same violation.

§ 145-91 Duties of Lower Merion Township

- A. The Township may not use an automated red light enforcement system unless an appropriate sign is posted in a conspicuous place before the area where the automated red light enforcement device is to be used, notifying the public that an automated red light enforcement device is immediately ahead.
- B. The Lower Merion Township Police Department or its designee shall serve as the System Administrator to supervise and coordinate the administration of notices of violations issued under this Article.
- C. The following requirements apply to notices issued by the System Administrator:
 - 1. The System Administrator shall prepare a notice of violation to the registered owner of a vehicle identified in a recorded image produced by an automated red light enforcement system as evidence of a violation of §3111(a)(3) of the Motor Vehicle Code. The notice of violation must be issued by a police officer employed by the Lower Merion Township Police Department. The notice of violation must include a written statement that the automated red light enforcement system was operating correctly at the time of the alleged violation. The notice of violation must have attached to it all of the following:
 - a) A copy of the recorded image showing the vehicle.
 - b) The registration number and state of issuance of the vehicle registration.
 - c) The date, time, and place of the alleged violation.
 - d) Notice that the violation was charged under §3112(a)(3) of the Motor Vehicle Code.
 - e) Instructions for the return of the notice of violation.
 - 2. The notice shall contain the following statement: "This notice shall be returned personally, by mail or by agent duly authorized in writing, within 30 days of issuance. A hearing may be obtained upon the written request of the registered owner."

- F. The notice of violation must be signed by a Township police officer verifying that he or she has inspected the recorded images evidencing the violation and that he or she has reason to believe the information contained in the notice of violation is true and correct.
- G. Notices of violation must be sent by first-class mail. A manual or automatic record of mailing prepared by the System Administrator in the normal course of business shall be prima facie evidence of mailing and shall be admissible in any judicial or administrative proceeding as to the facts contained therein.

§ 145-92 System Administrator

- A. The System Administrator may hire and designate personnel as necessary or contract for services to implement this Article.
- B. The System Administrator shall process fines issued under this section.
- C. The System Administrator shall submit an annual report to the chairman and minority chairman of the Transportation Committee of the Senate and the chairman and minority chairman of the Transportation Committee of the House of Representatives. The report shall be considered a public record under the Right-to-Know Law and include for the prior year:
 - 1. The number of violations and fines issued.
 - 2. A compilation of fines paid and outstanding.
 - 3. The amount of money paid to a vendor or manufacturer under this Article.

§ 145-93 Notice to Owner

In the case of a violation involving a motor vehicle registered under the laws of this Commonwealth the notice of violation must be mailed within 30 days of the commission of the violation or within 30 days after the discovery of the identity of the registered owner, whichever is later, to the address of the registered owner as listed in the records of the Department of Transportation. In the case of motor vehicles registered in jurisdictions other than this Commonwealth, the notice of violation must be mailed within 30 days after the discovery of the identity of the registered owner to the address of the registered owner as listed in the records of the official in the jurisdiction having charge of the registration of the vehicle. A notice of violation under this section must be provided to an owner within 90 days of the commission of the offense.

§ 145-94 Mailing of Notice and Records

Notices of violation must be sent by first-class mail. A manual or automatic record of mailing prepared by the System Administrator in the normal course of business shall be prima facie evidence of mailing and shall be admissible in any judicial or administrative proceeding as to the facts contained therein.

§ 145-95 Payment of Fine

- A. An owner to whom a notice of violation has been issued may admit responsibility for the violation and pay the fine provided in the notice.
- B. Payment must be made personally, through an authorized agent, electronically, or by mailing both payment and the notice of violation to the System Administrator. Payment by mail must be made only by money order, credit card, or check made payable to the System Administrator. The System Administrator shall remit the fine, less the System Administrator's operation and maintenance costs necessitated under this section, to the Department of Transportation for deposit into a restricted receipts account in the Motor License Fund. The Department of Transportation shall use fines deposited in the fund under this paragraph for a Transportation Enhancements Grant Program.

§ 145-96 Request for a Hearing

- A. An owner to whom a notice of violation has been issued may, within 30 days of the mailing of the notice, request a hearing to contest the liability alleged in the notice. A hearing request must be made by appearing before the System Administrator during regular office hours, either personally or by an authorized agent, or by mailing a request in writing.
- B. Upon receipt of a hearing request, the System Administrator shall, in a timely manner, schedule the matter before a Hearing Officer. Written notice of the date, time, and place of the hearing must be sent by first-class mail to the owner.

§ 145-97 Hearings

- A. The hearing shall be informal, the rules of evidence shall not apply, and the decision of the Hearing Officer shall be final, subject to the right of the owner to appeal to the magisterial district judge.
- B. If the owner requests in writing that the decision of the hearing officer be appealed to the magisterial district judge, the System Administrator shall file the notice of violation and supporting documents with the magisterial district judge, who shall hear and decide the matter de novo.

§ 145-98 Compensation to Manufacturer of Vendor

The compensation paid to the manufacturer or vendor of the automated red light enforcement system may not be based upon the number of traffic citations issued or a portion or percentage of the fines generated by the citations. The compensation paid to the manufacturer or vendor of the equipment shall be based upon the value of the equipment and the services provided or rendered in support of the automated red light enforcement system.

§ 145-99 Duration of Yellow Light Change Interval

The duration of the yellow light change interval at intersections where automated red light enforcement systems are in use shall conform to the yellow light change interval duration

specified on the traffic signal permit issued by the Department of Transportation or the Township.

§ 145-100 Revenue Limit

The Township may not collect an amount equal to or greater than 5% of its annual budget from the collection of revenue from the issuance and payment of violations under this Article.

Section 2. Nothing in this Ordinance or in Chapter 145 of the Code of the Township of Lower Merion, as hereby amended, shall be construed to affect any suit or proceeding in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapter 145 prior to the adoption of this amendment.

Section 3. The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts, or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted as if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

Section 4. This Ordinance shall take effect and be in force from and after its approval as required by law.

Approved by the Board this day of , 2025.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF LOWER MERION

Todd M. Sinai, President

ATTEST:

Jody L. Kelley, Secretary