

AGENDA
MONTGOMERY TOWNSHIP
BOARD OF SUPERVISORS
February 13, 2012 - 8:00 P.M.

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Candyce Fluehr Chimera
Robert J. Birch
Michael J. Fox
Jeffrey W. McDonnell
Joseph P. Walsh

Lawrence J. Gegan
Township Manager

ACTION MEETING - 8:00 PM

1. Call to Order by Chairman
2. Pledge of Allegiance
3. Public Comment
4. Announcement of Executive Session
5. Consider Approval of Minutes of the January 23, 2012 Meeting
6. Announce Board/Commission Appointments
7. Announce Employee & Board/Commission Resignations
8. Consider Approval of FDMT & FDMT RA 2012 Officers
9. Consider Request for Approval of FDMT 2012 Pennsylvania Fire Commissioner's Volunteer Firefighter/Volunteer Ambulance Service Grant
10. Consider Authorization to Submit Application for a FY2011 – 2012 Hiring of Firefighters Activity SAFER Grant
11. Presentation of Certificate of Achievement for Excellence in Financial Reporting Award – GFOA Representative
12. Presentation on Active/Pending Transportation Improvement Projects
13. Consider Adoption of Content Neutral Policy
14. Consider Adoption of Amended and Restated 401(a) Non-Uniform Employee Money Purchase Pension Plan Document & Summary Plan Description
15. Consider Approval of Autumn Festival Solicitation Letter
16. Consider Proposed Ordinance #12-255 – Amending Sewer Code – Wastewater Pre-Treatment of Regulations
17. Consider Approval to Purchase Equipment – Radio Equipment Renovation of the Police Department Communications Center
18. Consider Final Escrow Release – LDS #615 - Nolan Self Storage
19. Consider Request for Escrow Release & Start of Maintenance Period – for Landscape Improvements - LDS #627 – Montgomery Walk Carriage Homes

Board of Supervisors Agenda
February 13, 2012
Page #2

20. Consider Application Escrow Release – LDS#638 -Montgomery Square United Methodist Church
21. Consider Adoption of Conditional Use Decision and Order – American Gymnastics – 506 Stump Road
22. Payment of Bills
23. Other Business
24. Adjournment

Future Public Hearings/Meetings:

02-15-12 @ 7:00 PM – Sewer Authority
02-15-12 @ 7:30 PM – Public Safety Committee
02-15-12 @ 7:30 PM – Shade Tree Commission
02-16-12 @ 7:30 PM – Planning Commission
02-21-12 @ 12:30 PM – Business Development Partnership
02-23-12 @ 7:30 PM – Finance Committee
02-27-12 @ 8:00 PM – Board of Supervisors

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS
BOARD ACTION SUMMARY

SUBJECT: Public Comment

MEETING DATE: February 13, 2012

ITEM NUMBER: #3

MEETING/AGENDA: WORK SESSION

ACTION XX

NONE

REASON FOR CONSIDERATION: Operational: XX Information: Discussion: Policy:

INITIATED BY: Lawrence J. Gregan
Township Manager

BOARD LIAISON: Candyce Fluehr Chimera
Chairman

BACKGROUND:

The Board needs to remind all individual(s) making a comment that they need to identify themselves by name and address for public record.

The Board needs to remind the public about the policy of recording devices. The individual(s) needs to request permission to record the meeting from the chairman and needs to identify themselves, by name and address for public record.

ZONING, SUBDIVISION OR LAND DEVELOPMENT IMPACT:

None.

PREVIOUS BOARD ACTION:

None.

ALTERNATIVES/OPTIONS:

None.

BUDGET IMPACT:

None.

RECOMMENDATION:

None.

MOTION/RESOLUTION:

None.

DISTRIBUTION: Board of Supervisors, Frank R. Bartle, Esq.

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS
BOARD ACTION SUMMARY

SUBJECT: Announcement of Executive Session

MEETING DATE: February 13, 2012

ITEM NUMBER: #4

MEETING/AGENDA: WORK SESSION

ACTION XX

NONE

REASON FOR CONSIDERATION: Operational: XX Information: Discussion: Policy:

INITIATED BY: Lawrence J. Gregan
 Township Manager

BOARD LIAISON: Candyce Fluehr Chimera
 Chairman

BACKGROUND:

Frank Bartle will announce that the Board of Supervisors met in Executive Session and will summarize the matters discussed.

ZONING, SUBDIVISION OR LAND DEVELOPMENT IMPACT:

None.

PREVIOUS BOARD ACTION:

None.

ALTERNATIVES/OPTIONS:

None.

BUDGET IMPACT:

None.

RECOMMENDATION:

None.

MOTION/RESOLUTION:

None.

DISTRIBUTION: Board of Supervisors, Frank R. Bartle, Esq.

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS
BOARD ACTION SUMMARY

SUBJECT: Approval of Minutes for January 23, 2012 Meeting

MEETING DATE: February 13, 2012

ITEM NUMBER: #5

MEETING/AGENDA: WORK SESSION

ACTION XX

NONE

REASON FOR CONSIDERATION: Operational: XX Information: Discussion: Policy:

INITIATED BY: Lawrence J. Grogan
Township Manager

BOARD LIAISON: Candyce Fluehr Chimera
Chairman

BACKGROUND:

Just a reminder – Please call Deb Rivas or Shirley Snyder on Monday, February 13, 2012 before noon with any changes to the minutes.

ZONING, SUBDIVISION OR LAND DEVELOPMENT IMPACT:

None.

PREVIOUS BOARD ACTION:

None.

ALTERNATIVES/OPTIONS:

None.

BUDGET IMPACT:

None.

RECOMMENDATION:

None.

MOTION/RESOLUTION:

None.

DISTRIBUTION: Board of Supervisors, Frank R. Bartle, Esq.

**MINUTES OF MEETING
MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS
JANUARY 23, 2012**

Chairman Candyce Fluehr Chimera called the executive session to order at 6:30 p.m. In attendance were Supervisors Robert Birch, Michael Fox, Jeffrey McDonnell and Joseph Walsh. Also in attendance were Lawrence Gegan and Frank R. Bartle, Esquire. Two personnel matters, two matters of potential litigation and four matters of litigation were discussed.

Chairman Candyce Fluehr Chimera called the regular action meeting to order at 8:00 p.m. In attendance were Supervisors Robert Birch, Michael Fox, Jeffrey McDonnell and Joseph Walsh. Also in attendance were Frank R. Bartle, Esquire, Lawrence Gegan, Richard Brady, Scott Bendig, Bruce Shoupe, Kevin Costello, Rick Lesniak, Ann Shade, Shannon Drosnock, Rich Grier, Sharon Tucker, Virginia Bailey, Stacy Crandell and Deb Rivas.

Following the Pledge of Allegiance, Chairman Chimera called for public comment from the audience and there was none.

Frank R. Bartle, Esquire reported that the Board met in an executive session earlier in the evening at 6:30 p.m. Mr. Bartle reported that there were two personnel matters, two additional matters of potential litigation and four matters of litigation, including the Zehr litigation, which is a condemnation matter, and three zoning hearing board cases. Mr. Bartle reported that all of these matters are legitimate subjects of executive session pursuant to Pennsylvania's Sunshine Law.

Supervisor Joseph Walsh made a motion to approve the minutes of the January 3, 2012 Board meeting and Supervisor Robert Birch seconded the motion. The minutes of the meeting were unanimously approved as submitted.

Recreation Coordinator, Sharon Tucker, introduced and welcomed the newest member of the Township staff, Virginia Bailey, who started with the Township on January 9, 2012 as the

Secretary in the Recreation office. Resolution #1 was adopted unanimously welcoming Virginia Bailey to the Township staff.

Sharon Tucker presented the 2012 Spring and Summer Recreation programs and fees. This Spring and Summer, the Recreation office will be offering its most popular programs and adding a few new ones. Also, the very popular summer program, Kids University, will be offering a discount for early registration this year. Resolution #2 was adopted unanimously approving the programs and fees as submitted.

Public Works Director Kevin Costello reported that the Public Works Department was requesting the Board's approval to advertise the annual equipment rental, materials and services bids. The bids consist of Asphalt, Stone, Crack Sealer, Lawn Care Treatments and Equipment Rental with Operator. Resolution #3 was adopted unanimously, authorizing the advertisement of the annual equipment rental, materials and service bids.

Kevin Costello also reported that the Public Works Department was requesting the Board's approval to advertise the annual curb and sidewalk repair/replacement project bid. The bid specifications have been prepared by Township Engineer, Gilmore & Associates, and reviewed by staff. Resolution #4 was adopted unanimously, authorizing the curb and sidewalk project bid.

Kevin Costello reported on the request for approval to purchase capital equipment for the Public Works Department in accordance with the 2012 approval final budget. Mr. Costello reported that the department is proposing the purchase of a 2012 Kubota 31 HP Zero Turn Mower with a 72 inch cutting deck under the PA Co-Stars Cooperative Purchasing Program, for a cost of \$12,747.75. Mr. Costello also requested the purchase of a 2012 Crafco Crack Seal Machine with Air Compressor from the PA Co-Stars Program at the cost of \$45,700, and the purchase of an Everest Model "RHS" Reversible Trip Moldboard 11' Plow at the cost of \$11,245

from Co-Stars as well. Resolution #5 was adopted unanimously, authorizing the capital equipment expenditures.

Township Manager Lawrence Gregan reported that staff was requesting the approval for the award of contract for Police Uniforms. The Township only received one bid, from current vendor, Red the Uniform Tailor. The pricing quoted was comparable to previous year's costs. Resolution #6 was adopted unanimously, authorizing the award of the uniform bid.

Lawrence Gregan reported that the Township had received a request for a study to be done for a left turn arrow at the signalized intersection of Upper State Road and Westgate Drive/Mary Mother of the Redeemer (MMR) driveway. Mr. Gregan reported that a proposal was submitted by Township Traffic Engineer, Kevin Johnson, to perform the necessary engineering and traffic study to determine if a northbound advanced left turn phase is warranted at the intersection. Resolution #7 was adopted unanimously authorizing the study at an estimated cost of \$3,425.

Planning and Zoning Director Bruce Shoupe reported that the Township has been proactively reviewing its billboard ordinance in anticipation of the advances in digital billboard technology. Mr. Shoupe indicated that the Township was planning to develop regulations to permit digital billboards within the BLI District subject to size limitations and other conditions. Mr. Shoupe reported that the Township's Planning Consultant, Van Riker, has prepared proposed amendments to the "Billboard Overlay District" regulations and the Zoning Map. Staff is requesting the Board's authorization to advertise for a public hearing to consider this ordinance and map. Resolution #8 was adopted unanimously, authorizing the advertisement of a public hearing to be held on the March 26, 2012 Board meeting.

Bruce Shoupe reported on a proposed ordinance amendment to the Township's Sewer Code to comply with recent EPA Regulation change affecting sewage flows directed to the Ambler Wastewater Treatment Plant by the Township's Sewer Authority (MTMSA). Mr. Shoupe

reported that the Sewer Authority has been advised that it is required to adopt these regulations relating to Pretreatment of Wastewater, Slug Discharge Control Plans and reporting requirements. Resolution #9 was adopted unanimously, authorizing the advertisement for proposed Ordinance #12-255 – Amendment to Sewer Wastewater Pre-Treatment Regulations.

Finance Director Shannon Drosnock reported on the proposed amendment to the Township's purchasing policy to authorize increases in the threshold limits for purchases requiring bids. Ms. Drosnock reported that Act 84 of 2011, effective January 1, 2012, increased the minimum dollar amount required to advertise and seek bids for purchases and contracts from \$10,000 to \$18,500. Ms. Drosnock reported that the staff has modified the bidding limits in the Montgomery Township Purchasing Policies and Procedures and is asking the Board's approval of the amended policy. Resolution #10 was adopted unanimously, approving the amended Township purchasing policy bidding limits.

Shannon Drosnock reported that on December 12, 2011, the Board voted to enter into an agreement with Univest Bank for a tax-free loan of \$5.5 million for the purpose of acquiring land for open space and park and recreation. Ms. Drosnock indicated that as required by the Department of Community and Economic Development (DCED), this action requires the advertisement and subsequent approval of a Township Ordinance authorizing the Board to increase the indebtedness of the Township. Supervisor Michael Fox indicated that he would abstain from the discussion and vote on this matter as he is employed by Univest Bank. Ms. Drosnock reported that the required legal notices have been completed and the next step of the process is for the Board to approve the ordinance. Resolution #11 was adopted by a 4-0 vote, with Supervisor Fox abstaining, adopting Ordinance #12-254 – Increasing Township Indebtedness by \$5.5M for Open Space and Recreation Acquisition.

Shannon Drosnock reported that new GASB Statement No. 54 requires that the Township adopt a policy to define the proper designation and reporting of Township fund

balances on the annual audited financial statements. Ms. Drosnock reported that there are now five categories that may be used, which include Non-Spendable Fund Balance, Restricted Fund Balance, Committed Fund Balance Assigned Fund Balance and Unassigned Fund Balance. Resolution #12 was adopted unanimously, approving the policy on the definition and commitment of fund balances in accordance with GASB Statement No. 54.

Shannon Drosnock presented the 4th Quarter 2011 Budget report. Ms. Drosnock's presentation summarized the year-to-date operating results through December 31, 2011 and identified the significant activities in the fund balance, revenues and expenses. Ms. Drosnock reported that overall the Township finances are in excellent condition, including higher revenues, lower expenses and a \$928,000 increase in the fund balance at the end of the year.

Shannon Drosnock reported on a proposed amendment to the Township's 2011 Budget. Ms. Drosnock reported that in the 2010 budget, funds were allocated in the Capital Projects Fund for certain park improvement projects. Funds were authorized by the Board in November, 2010, to install dugout covers for the softball fields at Rose Twig Park. The installation and billing of this project occurred in January 2011. Ms. Drosnock indicated that the encumbered dollars did not properly roll over from 2010 into 2011, and as such the expenses were being reported in the 2011 budget year. The budget amendment is required to adhere to the Township's internal and external reporting requirements. Resolution #13 was adopted unanimously, approving the 2011 Fourth Quarter Budget Amendment.

Shannon Drosnock reported that staff is projecting that the general fund will end the fiscal year 2011 with a \$3.799M unreserved Fund Balance, an increase of \$1.27M during 2011. Ms. Drosnock reported that staff is proposing that \$1.2M of this surplus be transferred to the Capital Reserve Fund and to redesignated Capital Reserve Fund Balances. Resolution #14 was adopted unanimously, approving the transfers and redesignation of Reserve Fund Balances.

Director of Fire Services Richard Lesniak reported that it is necessary to update the Township's Emergency Operations Plan at least every two years or when the majority of the governing body changes. Mr. Lesniak recommended that the Board approve the updated Promulgation document as presented. Resolution #15 was unanimously approved adopting the Promulgation to update the Emergency Operations Plan.

Supervisor Michael Fox made a motion to approve the payment of bills. Supervisor Robert Birch seconded the motion. The payment of bills was unanimously approved as submitted.

Under other business, Supervisor Joseph Walsh made a motion (#16) to oppose the zoning hearing board application of Advanced Urgent Care of Montgomeryville LLC and authorize the Township Solicitor to appear in opposition on behalf of the Township. The motion was seconded by Supervisor Michael Fox and approved unanimously.

Also under other business, Supervisor Robert Birch made a motion (#17) to approve the request of Montgomery Square United Methodist Church for a waiver of the permit fee for a sign and the application fee for the zoning hearing board for a variance request. The motion was seconded by Joseph Walsh and approved unanimously.

There being no further business to come before the Board, the meeting adjourned at 8:55 p.m.

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS
BOARD ACTION SUMMARY

SUBJECT: Consider Appointment of Senior Committee Members

MEETING DATE: February 13, 2012

ITEM NUMBER: #6

MEETING/AGENDA:

ACTION

NONE

REASON FOR CONSIDERATION: Operational: Policy: Discussion: xx Information:

INITIATED BY: Stacy Crandell
Public Information Coordinator

BOARD LIAISON: Jeffrey McDonnell
Senior Committee Liaison

BACKGROUND:

The Senior Committee recommends the appointment of two new members, Jacqueline Volk and Adele Herman.

Jacqueline Volk has over 14 years of customer service experience working as a travel agent. She currently is pursuing a nurse assistant certification specializing in gerontology and also works as a part-time concierge for an assisted living facility. Jacqueline has been active in the senior committee by attending meetings, and events like Autumn Festival.

Adele Herman works at Como Sales a division of Workman Publishing for the past 38 years. Adele has been honored with many different awards during her career. She has been a Township Resident for over 39 years. Adele has extensive experience in marketing, which the Committee believes will be an asset to assist them in the promotional of their programs and activities.

The Committee feel both Jacqueline and Adele have qualities that will assist the Committee has they move forward.

ZONING, SUBDIVISION OR LAND DEVELOPMENT IMPACT:

None.

PREVIOUS BOARD ACTION:

None.

ALTERNATIVES/OPTIONS:

None.

BUDGET IMPACT:

None.

RECOMMENDATION:

The Senior Committee recommends the appointment of both Jacqueline Volk and Adele Herman to serve on the Senior Committee.

MOTION/RESOLUTION:

BE IT RESOLVED by the Board of Supervisors of Montgomery Township that we hereby appoint Jacqueline Volk and Adele Herman to the Senior Committee for a term ending January 1, 2013.

MOTION: _____

SECOND: _____

ROLL CALL:

Robert J. Birch	Aye	Opposed	Abstain	Absent
Michael J. Fox	Aye	Opposed	Abstain	Absent
Jeffrey W. McDonnell	Aye	Opposed	Abstain	Absent
Joseph P. Walsh	Aye	Opposed	Abstain	Absent
Candyce Fluehr Chimera	Aye	Opposed	Abstain	Absent

DISTRIBUTION: Board of Supervisors, Frank R. Bartle, Esq.

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS
BOARD ACTION SUMMARY

SUBJECT: Announce Employee and Board Commission Resignations

MEETING DATE: February 13, 2012

ITEM NUMBER: #7

MEETING/AGENDA:

ACTION X

NONE

REASON FOR CONSIDERATION: Operational: xx Policy: Discussion: Information:

INITIATED BY: Lawrence J. Gregan
Township Manager

BOARD LIAISON: Candyce Fluehr Chimera
Chairman

BACKGROUND:

We have received a notice from Jennifer Petruccelli, Esq. resigning from her position as an Alternate Zoning Hearing Board member effective immediately. Jenniffer was originally appointed to the Zoning Hearing Board in March 2008 and has been an active participant in Zoning Hearing cases presented to the Board for consideration.

We have also received notice from Amy Saylor resigning from her position as Projects Coordinator in the Planning and Zoning Department. Amy began her employment with the Township in 2009 and was involved in various aspects of building, zoning and land development application processing.

ZONING, SUBDIVISION OR LAND DEVELOPMENT IMPACT:

None.

PREVIOUS BOARD ACTION:

None

ALTERNATIVES/OPTIONS:

None

BUDGET IMPACT:

None

RECOMMENDATION:

Acknowledge receipt of and accept the resignations of Jennifer Petruccelli, Esq., from her volunteer position as Alternate Zoning Hearing Board Member, and Amy Saylor from her position as Projects Coordinator in the Building and Zoning Department.

MOTION/RESOLUTION:

BE IT RESOLVED by the Board of Supervisors of Montgomery Township that we hereby accept the resignation of Jennifer Petruccelli, Esq., from her position as Alternate Zoning Hearing Board member and take this opportunity to thank Ms. Petruccelli for her dedication and service to Montgomery Township while serving for three years as an Alternate Zoning Hearing Board member; and

BE IT FURTHER RESOLVED by the Board of Supervisors of Montgomery Township that we hereby accept the voluntary resignation of Amy Saylor from her position as Projects Coordinator in the Planning and Zoning Department and take this opportunity to thank her for her commitment to public service during her employment at Montgomery Township.

MOTION: _____ SECOND: _____

ROLL CALL:

Robert J. Birch	Aye	Opposed	Abstain	Absent
Michael J. Fox	Aye	Opposed	Abstain	Absent
Jeffrey W. McDonnell	Aye	Opposed	Abstain	Absent
Joseph P. Walsh	Aye	Opposed	Abstain	Absent
Candyce Fluehr Chimera	Aye	Opposed	Abstain	Absent

DISTRIBUTION: Board of Supervisors, Frank R. Bartle, Esq.

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS
BOARD ACTION SUMMARY

SUBJECT: Consider Approval of the FDMT and FDMT RA 2012 Officers

MEETING DATE: February 13, 2012

ITEM NUMBER: # 8

MEETING/AGENDA:

ACTION X

NONE

REASON FOR CONSIDERATION: Operational: xx Policy: Discussion: Information:

INITIATED BY: Richard Lesniak
Director of Fire Services

BOARD LIAISON: Robert J. Birch, Supervisor
Liaison – Public Safety Committee

BACKGROUND:

In accordance with its bylaws, at the December monthly business meeting, the Fire Department of Montgomery Township (FDMT) and the Fire Department of Montgomery Township Relief Association (FDMT RA) elects its Executive Board members and Fire Chief. These positions took effect the first day 2012.

I would like to introduce to you the 2012 Administrative, Operational and Relief Association Officers.

Administrative Officers

Alex Olimpo, President
Vinay Setty, Vice-President
Melanie Vasconez, Treasurer
Tim Murray, Ways and Means
David Wolfe, Secretary

Operational Officers

William Wiegman, Fire Chief
Edmund Skrzat, Deputy Chief
David Vasconez, Assistant Chief
Joseph Simes, Battalion Chief
Joseph Bennett, Captain
Frank Colelli, Captain
William Fluck, Captain
John Scheiter, Captain
Steven Cohen, Lieutenant
Paul Smith, Lieutenant
Michael Bean, Chief Engineer

Relief Association Officers

David Wolfe, President
Vinay Setty, Vice-President
Melanie Vasconez, Treasurer
William Fluck, Secretary

ZONING, SUBDIVISION OR LAND DEVELOPMENT IMPACT:

None.

PREVIOUS BOARD ACTION:

None

ALTERNATIVES/OPTIONS:

None

BUDGET IMPACT:

None

RECOMMENDATION:

It is recommended that the Board of Supervisors accept and approve the FDMT and FDMT RA 2012 Officers.

MOTION/RESOLUTION:

BE IT RESOLVED by the Board of Supervisors of Montgomery Township that we hereby accept and approve the FDMT and FDMT Relief Association 2012 Leadership.

MOTION: _____ SECOND: _____

ROLL CALL:

Robert J. Birch	Aye	Opposed	Abstain	Absent
Michael J. Fox	Aye	Opposed	Abstain	Absent
Jeffrey W. McDonnell	Aye	Opposed	Abstain	Absent
Joseph P. Walsh	Aye	Opposed	Abstain	Absent
Candyce Fluehr Chimera	Aye	Opposed	Abstain	Absent

DISTRIBUTION: Board of Supervisors, Frank R. Bartle, Esq.

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS
BOARD ACTION SUMMARY

SUBJECT: Consider Request for Approval of FDMT 2012 Pennsylvania Fire Commissioner's Volunteer Firefighter/Volunteer Ambulance Service Grant

MEETING DATE: February 13, 2012

ITEM NUMBER: #9

MEETING/AGENDA:

ACTION X

NONE

REASON FOR CONSIDERATION: Operational: xx Policy: Discussion: xx Information:

INITIATED BY: Richard Lesniak
Director of Fire Services

BOARD LIAISON: Robert J. Birch, Supervisor
Liaison – Public Safety Committee

BACKGROUND:

This matter involves authorization to FDMT to accept a Grant under the State Fire Commissioner Volunteer Firefighter 2012 Grant Program.

The FDMT has been awarded a grant in the amount of \$11,943.71 from the Pennsylvania State Fire Commissioner's annual Volunteer Firefighter / Volunteer Ambulance Service Grant program. This funding will be used to purchase three (3) new multi-gas meters and the retrofitting of six (6) self-contained breathing apparatus (SCBA) to include a "buddy-breather" system.

The multi-gas meters are portable monitors that monitor the atmosphere for explosive limits, changes in oxygen levels, and the presence of carbon monoxide and hydrogen sulfide. The SCBA "buddy-breather" system allows a firefighter that is low on air to connect to another firefighter to supplement his/her air level.

ZONING, SUBDIVISION OR LAND DEVELOPMENT IMPACT: None.

PREVIOUS BOARD ACTION: None.

ALTERNATIVES/OPTIONS: None.

BUDGET IMPACT: None.

RECOMMENDATION:

It is recommended that the Board of Supervisors grant approval for the FDMT to accept the PA Fire Commissioners Volunteer Firefighter/Ambulance Service Grant in the amount of \$11,943.71.

MOTION/RESOLUTION:

BE IT RESOLVED by the Board of Supervisors of Montgomery Township that we hereby grant approval to the FDMT to accept the PA Fire Commissioners Volunteer Firefighter / Ambulance Service Grant.

MOTION: _____ SECOND: _____

ROLL CALL:

Robert J. Birch	Aye	Opposed	Abstain	Absent
Michael J. Fox	Aye	Opposed	Abstain	Absent
Jeffrey W. McDonnell	Aye	Opposed	Abstain	Absent
Joseph P. Walsh	Aye	Opposed	Abstain	Absent
Candyce Fluehr Chimera	Aye	Opposed	Abstain	Absent

DISTRIBUTION: Board of Supervisors, Frank R. Bartle, Esq.

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS
BOARD ACTION SUMMARY

SUBJECT: Consider Authorization to Submit Application for a FY2011 - 2012 Hiring of Firefighters

Activity SAFER Grant

MEETING DATE: February 13, 2012

ITEM NUMBER: #10

MEETING/AGENDA:

ACTION

NONE

REASON FOR CONSIDERATION: Operational: xx Policy: Discussion: Information:

INITIATED BY: Richard Lesniak
Director of Fire Services

BOARD LIAISON: Robert J. Birch, Supervisor
Liaison – Public Safety Committee

BACKGROUND:

The U.S. Department of Homeland Security (DHS) has announced that the FY2011 application period for the SAFER Grants opened on January 30, 2012 and is scheduled to close on February 24, 2012. The approved federal funding for the FY2011 SAFER Grants is \$380 million. The goal of the SAFER grants is to enhance the local fire departments' abilities to comply with staffing, deployment, response, and operational standards established by the National Fire Protection Association (NFPA) and the Occupational Safety and Health Administration (OSHA), by increasing the number of frontline firefighters and ultimately attain 24-hour staffing, thus assuring that our community has adequate protection from fire and fire-related hazards.

Specifically, the program provides grant funding to assist local fire departments increase staffing to:

- Respond to emergencies whenever they may occur;
- Reduce response time;
- Respond to emergencies with an appropriate number of trained personnel (minimum of four trained personnel to meet OSHA standards).

Ultimately, SAFER grantees should realize more efficient response and a safer incident scene, ensuring that communities have more adequate protection from fire and fire-related hazards.

The "Hiring of Firefighters Activity" grants are awarded to volunteer, combination, and career fire departments and require a three year period of participation. The grants provide funding to pay salaries and associated benefits of newly hired firefighters as follows:

- Elimination of the cost share- There is no prescribed cost share.
- Flexibility in the salary limits-There is no annual salary limits.
- Shortening of the period of performance to two years-The period has been reduced to two years, with the commitment to retain the newly hired firefighters for one year after the completion of the period of performance.

There is no funding request limit for any application or any limit to the number of positions eligible for funding per application. However, applicants requesting large numbers of firefighters must make a strong case for their request. The focus of the grant is on filling full time operational position and one fulltime administrative position (recruitment and retention officer); the grant program recognizes that a full-time position is one that is funded for at least 2,080 hours per year (i.e., 40 hours per week, 52 weeks per year).

The priorities for the FY2011 SAFER Grants used to hire new firefighters are:

- The highest consideration for funding is given to departments to rehire laid-off firefighters.

- The second priority will be the retention of firefighters who may face layoffs in the future.
- The third priority will be the filling of positions that were vacated through attrition but not filled due to economic circumstances.
- **** The fourth priority will be the hiring of new firefighters of which 15% or \$63 million of the total funding will be allocated ****.

I am proposing the hiring of two (2) full time career firefighters. The addition of these two positions will reduce the number of available part-time shifts from eight (8) to two (2) per week. One position would be scheduled to work four 10-hour day shifts.

The second position, in addition to pulling regular firefighter shifts, would be tasked with developing and implementing a recruitment, retention and marketing plan for volunteer firefighter. Given the individuals anticipated participation in outreach programs, this person would have a flexible work schedule. Additionally, this position would be available to cover openings in the schedule (i.e. vacation, training, sick, etc) thus reducing the need for part time coverage to meet staffing levels.

The new full time positions helps our Department in meeting the NFPA Standard #1720 by utilizing 'recommended best practices'; thereby addressing the specific criteria in obtaining maximum consideration for being awarded a 2011 SAFER Grant.

Beyond the third year of the grant, the Township is not mandated or held financially responsible to continue funding the position. However, the Department of Fire Services would hope that the full time firefighter positions would be permanent after 2013.

Finally, the grant provides funding for the purchase of protective equipment for newly recruited volunteer firefighters. We are requesting funding to outfit 10 new volunteer firefighters at a cost of \$3,000 each over the three year term of the grant. There is no local match required for this portion of the grant.

Per the attached detailed breakdown of costs, the grant request would be for \$322,000 to hire the two full time firefighters and for \$30,000 for the protective equipment for up to 10 new volunteers for a total grant request of \$352,000.

ZONING, SUBDIVISION OR LAND DEVELOPMENT IMPACT:

None.

PREVIOUS BOARD ACTION:

None.

ALTERNATIVES/OPTIONS:

None.

BUDGET IMPACT:

If the DFS is awarded a 2011- 2012 SAFER Grant, the Township would receive funding as detailed on the attached analysis to pay for the salaries and benefits for the two full time positions in years one and two. The Township would be obligated to fund the third year. The net cost when accounting for the reduction in part time shifts would be essentially a wash. If awarded a grant, the Township will be provided an opportunity to further consider accepting the grant based on final terms and conditions required by the Grant Program.

RECOMMENDATION: Respectfully request the Boards approval to apply for a grant under the FY2011 - 2012 SAFER Grant in the amount of \$350,000.

MOTION/RESOLUTION:

BE IT RESOLVED by the Board of Supervisors of Montgomery Township that we hereby approve the application for the FY2011 - 2012 Hiring of Firefighters Activity SAFER Grant in the amount of \$350,000.

MOTION: _____ SECOND: _____

ROLL CALL:

Robert J. Birch	Aye	Opposed	Abstain	Absent
Michael J. Fox	Aye	Opposed	Abstain	Absent
Jeffrey W. McDonnell	Aye	Opposed	Abstain	Absent
Joseph P. Walsh	Aye	Opposed	Abstain	Absent
Candyce Fluehr Chimera	Aye	Opposed	Abstain	Absent

DISTRIBUTION: Board of Supervisors, Frank R. Bartle, Esq.

COST ANALYSIS OF DFS PROPOSED STAFFING INCREASE WITH SAFER GRANT

2 NEW FIREFIGHTER POSITION/REDUCED PART TIME

Full Time Fire Fighter	Current Cost	Year 1 cost	Year 2 cost	Year 3 cost	Year 1 - 3 Difference
Salary/Wages	\$ -	\$ 95,481.00	\$ 98,345.43	\$ 101,295.79	
Benefits (Family)	\$ -	\$ 43,680.48	\$ 46,301.31	\$ 49,079.39	
Social Security	\$ -	\$ 7,304.30	\$ 7,523.43	\$ 7,749.13	
Worker Comp	\$ -	\$ 3,876.53	\$ 3,992.82	\$ 4,112.61	
Pension	\$ -	\$ 7,638.48	\$ 7,867.63	\$ 8,103.66	
Total Projected Cost	\$ -	\$ 157,980.79	\$ 164,030.62	\$ 170,340.58	\$ 492,351.99
Maximum Grant	\$ -	\$ (157,980.79)	\$ (164,030.62)	\$ -	\$ (322,011.41)
Current Staffing - Projected costs	\$ -	\$ -	\$ -	\$ -	\$ -
Net Cost	\$ -	\$ -	\$ -	\$ 170,340.58	\$ 170,340.58

New Part Time Schedule at 1,560 hours	Current Cost	Year 1 cost	Year 2 cost	Year 3 cost	Year 1 - 3 Difference
Proposed Part Time Staffing					
Salary/Wages	\$ 23,961.60	\$ 24,680.45	\$ 25,420.86	\$ 26,183.49	
Benefits (Single)	\$ -	\$ -	\$ -	\$ -	
Social Security	\$ 1,833.06	\$ 1,888.05	\$ 1,944.70	\$ 2,003.04	
Worker Comp	\$ 972.84	\$ 1,002.03	\$ 1,032.09	\$ 1,063.05	
Pension	\$ -	\$ -	\$ -	\$ -	
Total Projected Cost	\$ 26,767.50	\$ 27,570.53	\$ 28,397.64	\$ 29,249.57	\$ 85,217.75
Maximum Grant (see Note)	\$ -	\$ -	\$ -	\$ -	\$ -

Current Part Time schedule at 4,720 hours	Current Cost	Year 1 cost	Year 2 cost	Year 3 cost	Year 1 - 3 Difference
Salary/Wages	\$ (72,499.20)	\$ (74,674.18)	\$ (76,914.40)	\$ (79,221.83)	
Social Security	\$ (5,546.19)	\$ (5,712.57)	\$ (5,883.95)	\$ (6,060.47)	
Worker Comp	\$ (2,943.47)	\$ (3,031.77)	\$ (3,122.72)	\$ (3,216.41)	
Pension	\$ -	\$ -	\$ -	\$ -	
Net Cost Increase(Decrease)	\$ (80,988.86)	\$ (83,418.52)	\$ (85,921.08)	\$ (88,498.71)	\$ (257,838.31)

Total Net Cost \$ (2,279.98)

Assumptions:

- Medical Benefits - Family Coverage
- 3% Wage Increase per year
- 6% Medical Benefit Increase per year
- Current PT Rate of 15.36/Hour
- Proposed FT position starting at \$46,350

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS
BOARD ACTION SUMMARY

SUBJECT: Presentation of Certificate of Achievement for Excellence in Financial Reporting Award – GFOA Representative

MEETING DATE: February 13, 2012

ITEM NUMBER: # //

MEETING/AGENDA:

ACTION **xx**

NONE

REASON FOR CONSIDERATION: Operational: xx Policy: Discussion: Information:

INITIATED BY: Shannon Q. Drosnock
Finance Director

BOARD LIAISON: Robert J. Birch, Supervisor
Liaison – Finance Committee

BACKGROUND:

This subject matter involves the presentation of an award to the Board of Supervisors for excellence in financial reporting. The award will be presented by Michael Sultanik; member of the Pennsylvania East Chapter of GFOA.

The GFOA established the Certificate of Achievement for Excellence in Financial Reporting Program (CAFR Program) in 1945 to encourage and assist state and local governments to go beyond the minimum requirements of generally accepted accounting principles to prepare comprehensive annual financial reports that evidence the spirit of transparency and full disclosure and then to recognize individual governments that succeed in achieving that goal.

Reports submitted to the CAFR program are reviewed by selected members of the GFOA professional staff and the GFOA Special Review Committee (SRC), which comprises individuals with expertise in public-sector financial reporting and includes financial statement preparers, independent auditors, academics, and other finance professionals.

In 2010 for fiscal year 2009 the Township prepared its annual financial report in Comprehensive Annual Financial Report (CAFR) format and applied to GFOA for consideration in the CAFR Program. The GFOA responded with several suggestions for the report. In 2011 for fiscal year 2010, the Township worked in close conjunction with their auditors to address the suggestions from GFOA and re-submit to the CAFR Program.

In December, the Township received a letter from the GFOA congratulated them on their CAFR and awarding the Township the Certificate of Achievement in Financial Reporting for the fiscal year ended December 31, 2011.

ZONING, SUBDIVISION OR LAND DEVELOPMENT IMPACT:

None.

PREVIOUS BOARD ACTION:

None.

ALTERNATIVES/OPTIONS:

None.

BUDGET IMPACT:

None.

RECOMMENDATION:

Acknowledge receipt of award.

DISTRIBUTION: Board of Supervisors, Frank R. Bartle, Esq.

Certificate of Achievement for Excellence in Financial Reporting

Presented to

Montgomery Township
Pennsylvania

For its Comprehensive Annual
Financial Report
for the Fiscal Year Ended
December 31, 2010

A Certificate of Achievement for Excellence in Financial Reporting is presented by the Government Finance Officers Association of the United States and Canada to government units and public employee retirement systems whose comprehensive annual financial reports (CAFRs) achieve the highest standards in government accounting and financial reporting.



Linda C. Sandson

President

Jeffrey R. Enser

Executive Director



Government Finance Officers Association
203 N. LaSalle Street - Suite 2700
Chicago, IL 60601

Phone (312) 977-9700 Fax (312) 977-4806

12/07/2011

NEWS RELEASE

For Information contact:
Stephen Gauthier (312) 977-9700

(Chicago)--The Certificate of Achievement for Excellence in Financial Reporting has been awarded to **Montgomery Township** by the Government Finance Officers Association of the United States and Canada (GFOA) for its comprehensive annual financial report (CAFR). The Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management.

An Award of Financial Reporting Achievement has been awarded to the individual(s), department or agency designated by the government as primarily responsible for preparing the award-winning CAFR. This has been presented to:

Montgomery Township, Pennsylvania

The CAFR has been judged by an impartial panel to meet the high standards of the program including demonstrating a constructive "spirit of full disclosure" to clearly communicate its financial story and motivate potential users and user groups to read the CAFR.

The GFOA is a nonprofit professional association serving approximately 17,500 government finance professionals with offices in Chicago, IL, and Washington, D.C.

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS
BOARD ACTION SUMMARY

SUBJECT: Presentation on Active/Pending Transportation Improvement Projects

MEETING DATE: February 13, 2012

ITEM NUMBER: #12

MEETING/AGENDA:

ACTION X

NONE

REASON FOR CONSIDERATION: Operational: xx Policy: Discussion: Information:

INITIATED BY: Lawrence J. Gregan
Township Manager

BOARD LIAISON: Candyce Fluehr Chimera
Chairman

BACKGROUND:

Joe Platt, PE from the Township's traffic engineering firm, Traffic Planning and Design, Inc., will be at the meeting on Monday night to give a presentation on the status of roadway improvement projects currently underway and pending in the Township.

ZONING, SUBDIVISION OR LAND DEVELOPMENT IMPACT:

None.

PREVIOUS BOARD ACTION:

None

ALTERNATIVES/OPTIONS:

None

BUDGET IMPACT:

None

RECOMMENDATION:

None

MOTION/RESOLUTION:

None

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS
BOARD ACTION SUMMARY

SUBJECT: Consider Adoption of the Content Neutral Policy

MEETING DATE: February 13, 2012


ITEM NUMBER: #13

MEETING/AGENDA:

ACTION

NONE

REASON FOR CONSIDERATION: Operational: Policy: Discussion: xx Information:

INITIATED BY: Stacy Crandell 
Public Information Coordinator

BOARD LIAISON: Candyce Fluehr Chimera, Chairman

BACKGROUND:

Montgomery Township is committed to providing content-neutral, accurate, and timely information to those living and working within the Township and surrounding community. the Township Solicitor previously advised the Board of Supervisors that it is in the best interest of the Township to follow a content neutral policy.

Township Staff and the Township Solicitor have formulated the attached content neutral policy. This policy covers all of the various Township communication vehicles including, but not limited to, the website, cable channel, e-news, marquee, and newsletters.

This policy will work in accordance with the previously approved Social Media Policy.

A proposed policy is attached for your consideration.

ZONING, SUBDIVISION OR LAND DEVELOPMENT IMPACT:

None.

PREVIOUS BOARD ACTION:

None.

ALTERNATIVES/OPTIONS:

None.

BUDGET IMPACT:

None.

RECOMMENDATION:

Staff recommendation to the Board is to adopt the Content Neutral Policy.

MOTION/RESOLUTION:

BE IT RESOLVED by the Board of Supervisors of Montgomery Township that we hereby adopt the

Content Neutral Policy dated February 2, 2012.

MOTION: _____

SECOND: _____

ROLL CALL:

Robert J. Birch	Aye	Opposed	Abstain	Absent
Michael J. Fox	Aye	Opposed	Abstain	Absent
Jeffrey W. McDonnell	Aye	Opposed	Abstain	Absent
Joseph P. Walsh	Aye	Opposed	Abstain	Absent
Candyce Fluehr Chimera	Aye	Opposed	Abstain	Absent

DISTRIBUTION: Board of Supervisors, Frank R. Bartle, Esq.



MONTGOMERY TOWNSHIP
1001 Stump Road
Montgomeryville, PA 18936

CONTENT NEUTRAL POLICY

1.1. PURPOSE

Montgomery Township is committed to providing content-neutral, accurate, and timely information to those living and working within the Township and surrounding community. As such, the Township utilizes various tools to convey information and to encourage conversation with those interested in their local government. The Township will use its government cable channels, website (www.montgomerytp.org), marquees, newsletters, various social media sites, and any other method of communication to convey information to as many community members as possible.

1.2 CATEGORIES OF CONTENT NEUTRAL USE

All content on the Township's government cable channels, website, marquees, newsletters various social media sites, and any other method of communication shall be in conformance with this policy and the Township's Social Media Use Policy, and used in five content-neutral categories, and no other:

- 1.2.1 For providing time sensitive information as quickly as possible (i.e. emergency information)
- 1.2.2 For providing information about basic Township services and upcoming events related to Township government (i.e. notice of Board meetings, cancellations, tax payment information, etc.) and its component agencies.
- 1.2.3 For promoting marketing/promotional information about the Township to the widest possible audience.
- 1.2.4 To ensure that all Township-related communications with the public are always politically neutral.
- 1.2.5 To act as a general reference resource for Township government information.

1.3 ACCESSIBILITY TO CONTENT

Users and visitors to the Township's government cable channels, website and social media sites shall be notified that the intended purpose of the sites is to serve

as a fully-accessible mechanism for content-neutral communication between Township government and members of the public.

The Township-content provided to its government cable channels and social media sites will also be available on the Township's website.

1.4 RESPONSIBILITY FOR CONTENT

The Township Manager or his/her designee shall be responsible for insuring that this policy is enforced by all Township departments. The Township Supervisors, Manager, or Staff, including authorized employees, may make requests to the Township's Manager or his/her designee to post information on the Township's government cable channels, website or any other of its social media sites. In the event of any dispute, the Township Board of Supervisors shall be the final authority in determining content on any Township site, including its website; all determinations must be in accordance with this policy and the Township's Social Media Use Policy.

1.5 PROHIBITED CONTENT

Content, including comments, on the Township's government cable channels/social media website and any other of its media sites, whether by the Township or site-visitors, should be of a neutral and informative -nature. The following content and comments shall not be allowed:

- 1.5.1 Content and comments from candidate and elected officials setting forth political or campaign-related information;
- 1.5.2 Content and comments in support of or opposition to political campaigns or ballot measures;
- 1.5.3 Content and ~~comments~~ not topically related to the particular social medium involved;
- 1.5.4 Personal attacks on elected officials, employees, residents or businesses;
- 1.5.5 Anonymous, non-attributed postings;
- 1.5.6 Profane language or content;
- 1.5.7 Content or comments that promotes, fosters, or perpetuates any type of discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability or sexual orientation;
- 1.5.8. Sexual content or links to sexual content;
- 1.5.9 Solicitations of Commerce;

- 1.5.10 Conduct or encouragement of illegal activity;
- 1.5.11 Information that may compromise the safety or security of the public or public systems;
- 1.5.12 Content or comments otherwise in violation of Federal law, State laws and or the Township's Codes and Ordinances, including without limitation the Township's Social Media Use Policy.

1.6 REMOVAL OF CONTENT

Any inappropriate content or comments, as prohibited above, will be removed immediately, and retained in accordance with the retention schedules and rules set by the Commonwealth of Pennsylvania, including the time and date of post, as well as the identity of the poster when available.

1.7 OFFICIAL DELINEATION AND REPRESENTATION ON TOWNSHIP WEBSITE AND VARIOUS MEDIA SITES

The Township Board shall determine which government cable access channels, website, media sites and any other method of communication that officially represent it. These sites shall be identified in writing and approved by the Township Board of Supervisors.

All content on the Township's government cable access channels, website, media sites or any other method of communication shall be clearly identified as being originated by Montgomery Township, its departments, or from its elected officials. No other representation, nor the use of the name of Montgomery Township or any of its derivations, may be used without the prior approval of the Township Board of Supervisors.

1.8 EXTERNAL LINKS

Various links on the Township's website may lead to resources outside of the Montgomery Township Website. The Township does not control these websites, nor do we review or control their content. The Township provides these links only as a convenience, and the inclusion of any link does not imply endorsement, representation or warranty by the Township. User assumes sole responsibility for use of third-party links.

1.9 DISPLAY OF TOWNSHIP POLICIES ONLINE

This policy, as well as the Township's Social Media Use Policy, shall be made available online on the Township website and various media sites by way of an appropriately displayed hyperlink.

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS
BOARD ACTION SUMMARY

SUBJECT: Consider Adoption of Amended and Restated 401(a) Non-Uniform Employee Money Purchase Pension Plan Document & Summary Plan Description

MEETING DATE: February 13, 2012

ITEM NUMBER: #14

MEETING/AGENDA:

ACTION

NONE

REASON FOR CONSIDERATION: Operational: XX Policy: Discussion: Information:

INITIATED BY: Ann M. Shade, Dir of Admin & HR BOARD LIAISON: Robert J. Birch, Supervisor
Shannon Q. Drosnock, Director of Finance Pension Committee Liaison

BACKGROUND: New laws affecting retirement plans, such as the 401a Money Purchase Pension Plan (MPPP), currently offered to qualifying non-uniform employees, are enacted by Congress every year. To avoid having to constantly re-write our Plan, the Internal Revenue Service (IRS) has prescribed a new procedure to allow a plan to be periodically restated without regard to when the laws are effective, as long as the plan is administered in accordance with the new laws. Our MPPP is on a six-year restatement cycle and needs to be restated at this time.

Benefit Consultants Group (BCG), our third party administrator, has reviewed our plan for restatement in compliance with current IRS rules and regulations. A proposed Plan Document and Summary Plan Description are attached for your consideration. In addition to BCG's General Counsel, these documents have also been reviewed by Frank Bartle, Solicitor, as well as Township staff.

If approved, the Plan Document and Summary Plan Description will be distributed to qualified participants of the 401a Non-Uniform Employee MPPP.

ZONING, SUBDIVISION OR LAND DEVELOPMENT IMPACT:

None.

PREVIOUS BOARD ACTION:

None.

ALTERNATIVES/OPTIONS:

None.

BUDGET IMPACT:

None.

RECOMMENDATION:

Staff recommendation to the Board is to adopt the Amended and Restated 401(a) Non-Uniform Employee Money Purchase Pension Plan Document & Summary Plan Description.

MOTION/RESOLUTION:

BE IT RESOLVED by the Board of Supervisors of Montgomery Township that we hereby adopt the Amended and Restated 401(a) Non-Uniform Employee Money Purchase Pension Plan Document & Summary Plan Description.

MOTION: _____

SECOND: _____

ROLL CALL:

Robert J. Birch	Aye	Opposed	Abstain	Absent
Michael J. Fox	Aye	Opposed	Abstain	Absent
Jeffrey W. McDonnell	Aye	Opposed	Abstain	Absent
Joseph P. Walsh	Aye	Opposed	Abstain	Absent
Candyce Fluehr Chimera	Aye	Opposed	Abstain	Absent

DISTRIBUTION: Board of Supervisors, Frank R. Bartle, Esq.

MONTGOMERY TOWNSHIP 401(A) MONEY PURCHASE PENSION PLAN

SUMMARY PLAN DESCRIPTION

INTRODUCTION TO YOUR PLAN

What kind of Plan is this?

Montgomery Township 401(a) Money Purchase Pension Plan (the "Plan") has been adopted to provide you with additional income for retirement as well as the opportunity to save amounts from your earnings toward retirement. This Plan is a type of qualified retirement plan commonly referred to as a money purchase pension plan.

Types of Contributions. The following types of contributions may be made under this Plan:

- employee rollover contributions
- employer pension contributions

What information does this Summary provide?

This Summary Plan Description ("SPD") contains information regarding when you may become eligible to participate in the Plan, your Plan benefits, your distribution options, and many other features of the Plan. You should take the time to read this SPD to get a better understanding of your rights and obligations in the Plan.

In this summary, your Employer has addressed the most common questions you may have regarding the Plan. If this SPD does not answer all of your questions, please contact the Administrator or other plan representative. The Administrator is responsible for responding to questions and making determinations related to the administration, interpretation, and application of the Plan. The name and address of the Administrator can be found at the end of this SPD in the Article entitled "General Information About the Plan."

This SPD describes the Plan's benefits and obligations as contained in the legal Plan document, which governs the operation of the Plan. The Plan document is written in much more technical and precise language and is designed to comply with applicable legal requirements. If the non-technical language in this SPD and the technical, legal language of the Plan document conflict, the Plan document always governs. If you wish to receive a copy of the legal Plan document, please contact the Administrator.

The Plan and your rights under the Plan are subject to federal laws and the Internal Revenue Code, as well as some state laws. The provisions of the Plan are subject to revision due to a change in laws or due to pronouncements by the Internal Revenue Service (IRS). Your Employer may also amend or terminate this Plan. If the provisions of the Plan that are described in this SPD change, your Employer will notify you.

ARTICLE I PARTICIPATION IN THE PLAN

How do I participate in the Plan?

Provided you are not an Excluded Employee, you may begin participating under the Plan once you have satisfied the eligibility requirements and reached your "Entry Date." The following describes the eligibility requirements and Entry Dates that apply. You should contact the Administrator if you have questions about the timing of your Plan participation.

Excluded Employees. If you are a member of a class of employees identified below, you are an Excluded Employee and you are not entitled to participate in the Plan. The Excluded Employees are:

- union employees whose employment is governed by a collective bargaining agreement under which retirement benefits were the subject of good faith bargaining
- certain nonresident aliens who have no earned income from sources within the United States

Eligibility Conditions. To participate in the Plan, you must complete one (1) Year of Service and agree to make a "Mandatory Contribution" of 4% of your Compensation to the Plan. Since the "Mandatory Contribution" will be deducted from your Compensation before federal income taxes are deducted, you do not have the option of receiving the amount of this contribution directly instead of it going into the Plan and you will not have the right to change or discontinue this contribution after you have become a Participant. However, you will actually enter the Plan once you reach the Entry Date as described below.

Entry Date. Your Entry Date will be the first day of the month coinciding with or next following the date you satisfy the eligibility requirements.

How is my service determined for purposes of Plan eligibility?

Year of Service. You will have completed a Year of Service if, at the end of the 12-month period beginning on your date of hire, you have been credited with at least 1,000 Hours of Service. If you have not been credited with 1,000 Hours of Service by the end of that period, you will have completed a Year of Service at the end of any following Plan Year during which you were credited with 1,000 Hours of Service.

Hour of Service. You will be credited with your actual Hours of Service for:

- (a) each hour for which you are directly or indirectly compensated by the Employer for the performance of duties during the Plan Year;
- (b) each hour for which you are directly or indirectly compensated by the Employer for reasons other than the performance of duties (such as vacation, holidays, sickness, disability, lay-off, military duty, jury duty or leave of absence during the Plan Year); and
- (c) each hour for back pay awarded or agreed to by the Employer.

You will not be credited for the same Hours of Service both under (a) or (b), as the case may be, and under (c).

What service is counted for purposes of Plan eligibility?

Service with the Employer. In determining whether you satisfy the minimum service requirements to participate under the Plan, all service you perform for the Employer will generally be counted. However there are some exceptions to this general rule.

Break in Service rules. If you terminate employment and are rehired, you may lose credit for prior service under the Plan's Break in Service rules.

For eligibility purposes, you will have a Break in Service if you complete less than 501 Hours of Service during the computation period used to determine whether you have a Year of Service. However, if you are absent from work for certain leaves of absence such as a maternity or paternity leave, you may be credited with enough Hours of Service to prevent a Break in Service.

Military Service. If you are a veteran and are reemployed under the Uniformed Services Employment and Reemployment Rights Act of 1994, your qualified military service may be considered service with the Employer. Ask the Administrator for further details.

What happens if I'm a Participant, terminate employment and then I'm rehired?

If you are no longer a Participant because you terminated employment, and you are rehired, then you will be able to participate in the Plan on your date of rehire provided your prior service had not been disregarded under the Break in Service rules and you are otherwise eligible to participate in the Plan.

What are rollover contributions?

Rollover contributions. At the discretion of the Administrator, once you become a Participant (for so long as you remain employed), you may be permitted to deposit into the Plan distributions you have received from other plans and certain IRAs. Such a deposit is called a "rollover" and may result in tax savings to you. You may ask the administrator or trustee of the other plan or IRA to directly transfer (a "direct rollover") to this Plan all or a portion of any amount that you are entitled to receive as a distribution from such plan. Alternatively, you may elect to deposit any amount eligible to be rolled over within 60 days of your receipt of the distribution. You should consult qualified counsel to determine if a rollover is in your best interest.

Rollover account. Your rollover will be accounted for in a "rollover account." You will always be 100% vested in your "rollover account" (see the Article in this SPD entitled "Vesting"). This means that you will always be entitled to all amounts in your rollover account. Rollover contributions will be affected by any investment gains or losses.

ARTICLE II EMPLOYER CONTRIBUTIONS

This Plan is a type of qualified retirement plan commonly referred to as a Money Purchase Pension Plan. This Article describes our contributions to the Plan and how these monies will be allocated to your account to provide for your retirement benefit. You are not taxed on the amounts we contribute to the Plan on your behalf generally until you withdraw those amounts from the Plan.

What is the Employer pension contribution and how is it allocated?

Employer contribution. Each year that you are eligible to share in contributions, your Employer will contribute an amount equal to 8% of your compensation.

Allocation conditions. You will always share in the pension contribution regardless of the amount of service you complete during the Plan Year.

ARTICLE III COMPENSATION AND ACCOUNT BALANCE

What compensation is used to determine my Plan benefits?

Definition of compensation. For the purposes of the Plan, compensation has a special meaning. Compensation is generally defined as your total compensation that is subject to income tax and paid to you by your Employer during the Plan Year. If you are a self-employed individual, your compensation will be equal to your earned income. The following describes the adjustments to compensation that may apply for the different types of contributions provided under the Plan.

Adjustments to compensation. The following adjustments to compensation will be made for purposes of pension contributions:

- salary deferrals to the Montgomery Township 457 Plan and any other plan or arrangement (such as a cafeteria plan) will be included
- compensation paid prior to your becoming a Participant in the Plan will be excluded
- compensation paid after you terminate is generally excluded for Plan purposes. However, the following amounts will be included in compensation even though they are paid after you terminate employment, provided these amounts would otherwise been considered compensation as described above and provided they are paid within 2 1/2 months after you terminate employment, or if later, the last day of the Plan Year in which you terminate employment:
 - compensation paid after you terminate employment for services performed during your regular working hours, or for services outside your regular working hours (such as overtime or shift differential), commissions, bonuses, or other similar payments that would have been made to you had you continued employment
 - compensation paid for unused accrued bona fide sick, vacation or other leave, if such amounts would have been included in compensation if paid prior to your termination of employment and you would have been able to use the leave if employment had continued
 - nonqualified unfunded deferred compensation if the payment is includible in gross income and would have been paid to you had you continued employment

Is there a limit on the amount of compensation which can be considered?

The Plan, by law, cannot recognize annual compensation in excess of a certain dollar limit. The limit for the Plan Year beginning in 2011 is \$245,000. After 2011, the dollar limit may increase for cost-of-living adjustments.

Is there a limit on how much can be contributed to my account each year?

Generally, the law imposes a maximum limit on the amount of contributions that may be made to your account and any other amounts allocated to any of your accounts during the Plan Year, excluding earnings. Beginning in 2011, this total cannot exceed the lesser of \$49,000 or 100% of your annual compensation. After 2011, the dollar limit may increase for cost-of-living adjustments.

How is the money in the Plan invested?

We have established procedures to permit you to direct the investment of contributions made by you or on your behalf to the Plan. These are outlined in the brochure "You're Connected: A guide to using BCG's automated Voice Response System and On-Line Participant Access System". You should request a copy of this brochure from the Plan Administrator. You need to follow the instructions in the brochure when you direct investments. You should review the information in the brochure carefully before you give investment directions. In addition, the brochure indicates how you can obtain other important information available from the Administrator on directed investments.

The instructions must be followed in giving investment directions. If you fail to do so, then your investment directions need not be followed. You are not required to direct investments. If you choose not to direct investments, then the Trustee is responsible for investing your accounts in a prudent manner.

Earnings or losses. When you direct investments, your accounts are segregated for purposes of determining the earnings or losses on these investments. Your account does not share in the investment performance of other Participants who have directed their own investments. You should remember that the amount of your benefits under the Plan will depend in part upon your choice of investments. Gains as well

as losses can occur and your Employer, the Administrator, and the Trustee will not provide investment advice or guarantee the performance of any investment you choose.

Will Plan expenses be deducted from my account balance?

Expenses allocated to all accounts. The Plan permits the payment of Plan expenses to be made from the Plan's assets. If expenses are paid using the Plan's assets, then the expenses will generally be allocated among the accounts of all Participants in the Plan. These expenses will be allocated either proportionately based on the value of the account balances or as an equal dollar amount based on the number of Participants in the Plan. The method of allocating the expenses depends on the nature of the expense itself. For example, certain administrative (or recordkeeping) expenses would typically be allocated proportionately to each Participant. If the Plan pays \$1,000 in expenses and there are 100 Participants, your account balance would be charged \$10 (\$1,000/100) of the expense.

Expenses allocated to individual accounts. There are certain other expenses that may be paid just from your account. These are expenses that are specifically incurred by, or attributable to, you. For example, if you are married and get divorced, the Plan may incur additional expenses if a court mandates that a portion of your account be paid to your ex-spouse. These additional expenses may be paid directly from your account (and not the accounts of other Participants) because they are directly attributable to you under the Plan. The Administrator will inform you when there will be a charge (or charges) directly to your account.

Your Employer may, from time to time, change the manner in which expenses are allocated.

ARTICLE IV VESTING

What is my vested interest in my account?

In order to reward employees who remain employed with the Employer for a long period of time, the law permits a "vesting schedule" to be applied to certain contributions that your Employer makes to the Plan. This means that you will not be entitled ("vested") in all of the contributions until you have been employed with the Employer for a specified period of time.

100% vested contributions. You are always 100% vested (which means that you are entitled to all of the amounts) in your accounts attributable to the following contributions:

- voluntary contributions
- rollover contributions
- pension contributions
- qualified nonelective contributions

ARTICLE V DISTRIBUTIONS PRIOR TO TERMINATION

Can I withdraw money from my account while working?

In-service distributions. You are entitled to receive an in-service distribution upon attainment of Normal Retirement Age.

Annuity waiver. If you wish to receive an in-service distribution from the Plan in a single payment from your account, you (and your spouse, if you are married) must first waive the annuity form of payment. (See the Article entitled "Benefits and Distributions Upon Termination of Employment" for a further explanation of how benefits are paid from the Plan.)

ARTICLE VI BENEFITS AND DISTRIBUTIONS UPON TERMINATION OF EMPLOYMENT

When can I get money out of the Plan?

This Plan is designed to provide you with retirement benefits. However, distributions are permitted if you die or become disabled. In addition, certain payments are permitted when you terminate employment for any other reason. The rules under which you can receive a distribution are described in this Article. The rules regarding the payment of death benefits to your beneficiary are described in the Article entitled "Benefits and Distributions Upon Death."

You may receive a distribution of the vested portion of some or all of your accounts in the Plan for the following reasons:

- termination of employment for reasons other than death, disability or retirement
- normal retirement
- disability

You may also receive distributions while you are still employed with the Employer. (See the Article entitled "Distributions Prior to Termination" for a further explanation.)

When may I withdraw my mandatory contributions?

You may withdraw the balance of your mandatory contributions and any gains from your mandatory contribution account at the same time you are entitled to a distribution of the Employer contributions to your account.

Generally, you must include any Plan distribution in your taxable income in the year in which you receive the distribution. The tax treatment may also depend on your age when you receive the distribution.

Military Service. If you are a veteran and are reemployed under the Uniformed Services Employment and Reemployment Rights Act of 1994, your qualified military service may be considered service with the Employer. There may also be benefits for employees who die or become disabled while on active duty. Employees who receive wage continuation payments while in the military may benefit from recent changes in the law. Ask the Administrator for further details.

What happens if I terminate employment before death, disability or retirement?

If your employment terminates for reasons other than death, disability or normal retirement, you will be entitled to receive only the "vested percentage" of your account balance.

You may elect to have your vested account balance distributed to you as soon as administratively feasible following your termination of employment. (See the question entitled "How will my benefits be paid to me?" for additional information.)

What happens if I terminate employment at Normal Retirement Date?

Normal Retirement Date. You will attain your Normal Retirement Age when you reach your 55 birthday. Your Normal Retirement Date is the first day of the month coinciding with or next following your Normal Retirement Age.

Payment of benefits. You will become 100% vested in all of your accounts under the Plan if you retire on or after your Normal Retirement Age. However, the actual payment of benefits generally will not begin until you reached your Normal Retirement Date (even if employment has not terminated). In such event, a distribution will be made, at your election, as soon as administratively feasible. If you remain employed past your Normal Retirement Date, you may generally defer the receipt of benefits until you actually terminate employment. In such event, benefit payments will begin as soon as feasible at your request, but not later than age 70 1/2. (See the question entitled "How will my benefits be paid to me?" for an explanation of how these benefits will be paid.)

What happens if I terminate employment due to disability?

Definition of disability. Under the Plan, disability is defined as a physical or mental condition resulting from bodily injury, disease, or mental disorder which renders you incapable of continuing any gainful occupation and which constitutes total disability under the federal Social Security Act.

Payment of benefits. If you become disabled while a Participant, you will become 100% vested in all of your accounts under the Plan. Payment of your disability benefits will be made to you as if you had retired. (See the question entitled "How will my benefits be paid to me?" for an explanation of how these benefits will be paid.)

How will my benefits be paid to me?

Annuity Distribution. If you are married on the date your benefits are to begin, you will automatically receive a joint and 50% survivor annuity, unless you elect an alternative form of payment. This means that you will receive payments for your life, and after your death, your surviving spouse will receive a monthly benefit for the remainder of his or her life equal to 50% of the benefit you were receiving at the time of your death. You may elect a joint and 75%, or 100% survivor annuity instead of the standard joint and 50% survivor annuity. You should consult an advisor before making such election.

If you are not married on the date your benefits are to begin, you will automatically receive a life annuity, unless you elect an alternative form of payment. This means you will receive payments for as long as you live. However, if your vested account balance does not exceed \$5,000, then your vested account balance may only be distributed to you in a single lump-sum payment. In determining whether your

vested account balance exceeds the \$5,000 dollar threshold, "rollovers" (and any earnings allocable to "rollover" contributions) will be taken into account.

Consent requirements. You must consent to receive any distribution of your vested account balance before it may be made. In addition, if your vested account balance exceeds \$5,000 and you want the distribution to be in a form other than an annuity, you (and your spouse, if you are married) must first waive the annuity form of payment. In determining whether your vested account balance exceeds the \$5,000 dollar threshold, "rollovers" (and any earnings allocable to "rollover" contributions) will be taken into account.

Medium of payment. Benefits under the Plan will generally be paid to you in cash or in property.

May I elect another form of benefit?

Waiver of annuity. If your vested benefit in the Plan exceeds \$5,000, then when you are about to receive any distribution, the Administrator will explain the joint and survivor annuity or the life annuity to you in greater detail. You will be given the option of waiving the joint and survivor annuity or the life annuity form of payment during the 180-day period before the annuity is to begin. IF YOU ARE MARRIED, YOUR SPOUSE MUST IRREVOCABLY CONSENT IN WRITING TO THE WAIVER IN THE PRESENCE OF A NOTARY OR A PLAN REPRESENTATIVE. You may revoke any waiver. The Administrator will provide you with forms to make these elections. Since your spouse participates in these elections, you must immediately inform the Administrator of any change in your marital status.

Other form of distribution. If your vested account balance exceeds \$5,000 and you and your spouse elect not to take a joint and survivor annuity, or if you are not married when your benefits are scheduled to begin and have elected not to take a life annuity, you may elect to receive a distribution of your vested account balance in an alternative form of payment. This payment may be made in one of the following methods:

- a single lump-sum payment
- installments over a period of not more than your assumed life expectancy (or the assumed life expectancies of you and your beneficiary)
- the purchase of a different form of annuity

Delaying distributions. You may delay the distribution of your vested account balance. However, if you elect to delay the distribution of your vested account balance, there are rules that require that certain minimum distributions be made from the Plan. If you are a 5% owner, distributions are required to begin not later than the April 1st following the end of the year in which you reach age 70 1/2. If you are not a 5% owner, distributions are required to begin not later than the April 1st following the later of the end of the year in which you reach age 70 1/2 or retire. You should see the Administrator if you think you may be affected by these rules.

ARTICLE VII BENEFITS AND DISTRIBUTIONS UPON DEATH

What happens if I die while working for the Employer?

If you die while still employed by the Employer, then 100% of your account balance will be used to provide your beneficiary with a death benefit.

Who is the beneficiary of my death benefit?

Married Participant. If you are married at the time of your death, your spouse will be the beneficiary of 50% of the death benefit unless an election is made to change the beneficiary. IF YOU WISH TO DESIGNATE A BENEFICIARY OTHER THAN YOUR SPOUSE, YOUR SPOUSE MUST IRREVOCABLY CONSENT TO WAIVE ANY RIGHT TO THE PORTION OF THE DEATH BENEFIT PAYABLE TO YOUR SPOUSE. YOUR SPOUSE'S CONSENT MUST BE IN WRITING, BE WITNESSED BY A NOTARY OR A PLAN REPRESENTATIVE AND ACKNOWLEDGE THE SPECIFIC NONSPOUSE BENEFICIARY.

If you are married and you change your designation, then your spouse must again consent to the change. Also, since your death benefit is your entire account balance, you may, at any time, designate the beneficiary for amounts in excess of the portion of the death benefit payable to your spouse without your spouse's consent. In addition, you may elect a beneficiary other than your spouse without your spouse's consent if your spouse cannot be located.

Unmarried Participant. If you are not married, you may designate a beneficiary on a form to be supplied to you by the Administrator.

Divorce. If you have designated your spouse as your beneficiary for all or a part of your death benefit, then upon your divorce, the designation is no longer valid. This means that if you do not select a new beneficiary after your divorce, then you are treated as not having a beneficiary for that portion of the death benefit (unless you have remarried).

No beneficiary designation. At the time of your death, if you have not designated a beneficiary or your beneficiary is also not alive, the death benefit will be paid in the following order of priority to:

- (a) your surviving spouse
- (b) your children, including adopted children in equal shares (and if a child is not living, that child's share will be distributed to that child's heirs)
- (c) your surviving parents, in equal shares
- (d) your estate

How will the death benefit be paid to my beneficiary?

Annuity distribution. If the death benefit payable to your spouse does not exceed \$5,000, then the benefit may only be paid as a lump sum. If the death benefit exceeds \$5,000, the death benefit will be paid in the form of an annuity, that is, periodic payments over the life of your spouse. Your spouse may direct that payments begin within a reasonable period of time after your death. The size of the monthly payments will depend on the value of your vested account at the time of your death.

Waiver of annuity. You may waive the annuity form of distribution. Generally, the period during which you and your spouse may waive the annuity begins as of the first day of the Plan Year in which you reach age 35 and ends when you die. The Administrator must provide you with a detailed explanation of the annuity. This explanation must generally be given to you during the period of time beginning on the first day of the Plan Year in which you will reach age 32 and ending on the first day of the Plan Year in which you reach age 35. It is important that you inform the Administrator when you reach age 32 so that you may receive this information.

Under a special rule, you and your spouse may waive the survivor annuity form of payment any time before you turn age 35. However, any waiver will become invalid at the beginning of the Plan Year in which you turn age 35, and you and your spouse will be required to make another waiver.

If you waive the annuity form of distribution, you are not married, or for amounts in excess of the minimum spouse's death benefit, then your beneficiary may elect an alternative form of payment. This payment may be made in:

- a single lump-sum payment
- installments over a period of not more than the assumed life expectancy of your beneficiary
- the purchase of a different form of annuity

When must the last payment be made to my beneficiary?

The law generally restricts the ability of a retirement plan to be used as a method of retaining money for purposes of your death estate. Thus, there are rules that are designed to ensure that death benefits are distributable to beneficiaries within certain time periods.

Regardless of the method of distribution selected, if your designated beneficiary is a person (rather than your estate or some trusts) then minimum distributions of your death benefit will begin by the end of the year following the year of your death ("1-year rule") and must be paid over a period not extending beyond your beneficiary's life expectancy. If your spouse is the beneficiary, then under the "1-year rule," the start of payments will be delayed until the year in which you would have attained age 70 1/2 unless your spouse elects to begin distributions over his or her life expectancy before then. However, instead of the "1-year rule" your beneficiary may elect to have the entire death benefit paid by the end of the fifth year following the year of your death (the "5-year rule"). Generally, if your beneficiary is not a person, your entire death benefit must be paid under the "5-year rule."

Since your spouse has certain rights to the death benefit, you should immediately report any change in your marital status to the Administrator.

What happens if I'm a Participant, terminate employment and die before receiving all my benefits?

If you terminate employment with the Employer and subsequently die, your beneficiary will be entitled to your remaining interest in the Plan at the time of your death.

ARTICLE VIII TAX TREATMENT OF DISTRIBUTIONS

What are my tax consequences when I receive a distribution from the Plan?

Generally, you must include any Plan distribution in your taxable income in the year in which you receive the distribution. The tax treatment may also depend on your age when you receive the distribution. Certain distributions made to you when you are under age 59 1/2

could be subject to an additional 10% tax. You will not be taxed on your contributions to the Plan when they are distributed from the Plan. You will, however, be taxed on income attributable to those contributions.

Can I elect a rollover to reduce or defer tax on my distribution?

Rollover or Direct Transfer. You may reduce, or defer entirely, the tax due on your distribution through use of one of the following methods:

(a) **60-day rollover.** The rollover of all or a portion of the distribution to an Individual Retirement Account or Annuity (IRA) or another employer retirement plan willing to accept the rollover. This will result in no tax being due until you begin withdrawing funds from the IRA or other qualified employer plan. The rollover of the distribution, however, **MUST** be made within strict time frames (normally, within 60 days after you receive your distribution). Under certain circumstances all or a portion of a distribution may not qualify for this rollover treatment. In addition, most distributions will be subject to mandatory federal income tax withholding at a rate of 20%. This will reduce the amount you actually receive. For this reason, if you wish to roll over all or a portion of your distribution amount, the direct transfer option described in paragraph (b) below would be the better choice.

(b) **Direct rollover.** For most distributions, you may request that a direct transfer (sometimes referred to as a direct rollover) of all or a portion of a distribution be made to either an Individual Retirement Account or Annuity (IRA) or another employer retirement plan willing to accept the transfer. A direct transfer will result in no tax being due until you withdraw funds from the IRA or other employer plan. Like the rollover, under certain circumstances all or a portion of the amount to be distributed may not qualify for this direct transfer. If you elect to actually receive the distribution rather than request a direct transfer, then in most cases 20% of the distribution amount will be withheld for federal income tax purposes. If you decide to directly transfer all or a portion of a distribution, you (and your spouse, if you are married) must first waive the annuity form of payment. (See the question entitled "How will my benefits be paid to me?" for a further explanation of this waiver requirement.)

Tax Notice. WHENEVER YOU RECEIVE A DISTRIBUTION THAT IS AN ELIGIBLE ROLLOVER DISTRIBUTION, THE ADMINISTRATOR WILL DELIVER TO YOU A MORE DETAILED EXPLANATION OF THESE OPTIONS. HOWEVER, THE RULES WHICH DETERMINE WHETHER YOU QUALIFY FOR FAVORABLE TAX TREATMENT ARE VERY COMPLEX. YOU SHOULD CONSULT WITH QUALIFIED TAX COUNSEL BEFORE MAKING A CHOICE.

ARTICLE IX PROTECTED BENEFITS AND CLAIMS PROCEDURES

Are my benefits protected?

As a general rule, your interest in your account, including your "vested interest," may not be alienated. This means that your interest may not be sold, used as collateral for a loan, given away or otherwise transferred. In addition, your creditors (other than the IRS) may not attach, garnish or otherwise interfere with your benefits under the Plan.

Are there any exceptions to the general rule?

There are two exceptions to this general rule. The Administrator must honor a "qualified domestic relations order." A "qualified domestic relations order" is defined as a decree or order issued by a court that obligates you to pay child support or alimony, or otherwise allocates a portion of your assets in the Plan to your spouse, former spouse, child or other dependent. If a qualified domestic relations order is received by the Administrator, all or a portion of your benefits may be used to satisfy that obligation. The Administrator will determine the validity of any domestic relations order received. You and your beneficiaries can obtain from the Administrator, without charge, a copy of the procedure used by the Administrator to determine whether a qualified domestic relations order is valid.

The second exception applies if you are involved with the Plan's operation. If you are found liable for any action that adversely affects the Plan, the Administrator can offset your benefits by the amount that you are ordered or required by a court to pay the Plan. All or a portion of your benefits may be used to satisfy any such obligation to the Plan.

Can the Plan be amended?

Your Employer has the right to amend the Plan at any time. In no event, however, will any amendment authorize or permit any part of the Plan assets to be used for purposes other than the exclusive benefit of Participants or their beneficiaries. Additionally, no amendment will cause any reduction in the amount credited to your account.

What happens if the Plan is discontinued or terminated?

Although your Employer intends to maintain the Plan indefinitely, your Employer reserves the right to terminate the Plan at any time. Upon termination, no further contributions will be made to the Plan and all amounts credited to your accounts will continue to be 100% vested. Your Employer will direct the distribution of your accounts in a manner permitted by the Plan as soon as practicable. (See the question entitled "How will my benefits be paid to me?" for a further explanation.) You will be notified if the Plan is terminated.

How do I submit a claim for Plan benefits?

Benefits will generally be paid to you and your beneficiaries without the necessity for formal claims. Contact the Administrator if you are entitled to benefits or if you think an error has been made in determining your benefits. Any such request should be in writing.

If the Administrator determines the claim is valid, then you will receive a statement describing the amount of benefit, the method or methods of payment, the timing of distributions and other information relevant to the payment of the benefit.

What if my benefits are denied?

Your request for Plan benefits will be considered a claim for Plan benefits, and it will be subject to a full and fair review. If your claim is wholly or partially denied, the Administrator will provide you with a written or electronic notification of the Plan's adverse determination. This written or electronic notification must be provided to you within a reasonable period of time, but not later than 90 days after the receipt of your claim by the Administrator, unless the Administrator determines that special circumstances require an extension of time for processing your claim. If the Administrator determines that an extension of time for processing is required, written notice of the extension will be furnished to you prior to the termination of the initial 90-day period. In no event will such extension exceed a period of 90 days from the end of such initial period. The extension notice will indicate the special circumstances requiring an extension of time and the date by which the Plan expects to render the benefit determination.

The Administrator's written or electronic notification of any adverse benefit determination must contain the following information:

- (a) The specific reason or reasons for the adverse determination.
- (b) Reference to the specific Plan provisions on which the determination is based.
- (c) A description of any additional material or information necessary for you to perfect the claim and an explanation of why such material or information is necessary.
- (d) Appropriate information as to the steps to be taken if you or your beneficiary want to submit your claim for review.

If your claim has been denied, and you want to submit your claim for review, you must follow the Claims Review Procedure in the next question.

What is the Claims Review Procedure?

Upon the denial of your claim for benefits, you may file your claim for review, in writing, with the Administrator.

- (a) YOU MUST FILE THE CLAIM FOR REVIEW NO LATER THAN 60 DAYS AFTER YOU HAVE RECEIVED WRITTEN NOTIFICATION OF THE DENIAL OF YOUR CLAIM FOR BENEFITS.
- (b) You may submit written comments, documents, records, and other information relating to your claim for benefits.
- (c) You may review all pertinent documents relating to the denial of your claim and submit any issues and comments, in writing, to the Administrator.
- (d) You will be provided, upon request and free of charge, reasonable access to, and copies of, all documents, records, and other information relevant to your claim for benefits.
- (e) Your claim for review must be given a full and fair review. This review will take into account all comments, documents, records, and other information submitted by you relating to your claim, without regard to whether such information was submitted or considered in the initial benefit determination.

The Administrator will provide you with written or electronic notification of the Plan's benefit determination on review. The Administrator must provide you with notification of this denial within 60 days after the Administrator's receipt of your written claim for review, unless the Administrator determines that special circumstances require an extension of time for processing your claim. If the Administrator determines that an extension of time for processing is required, written notice of the extension will be furnished to you prior to the termination of the initial 60-day period. In no event will such extension exceed a period of 60 days from the end of the initial period. The extension notice will indicate the special circumstances requiring an extension of time and the date by which the Plan expects to render the determination on review. In the case of an adverse benefit determination, the notification will set forth:

- (a) The specific reason or reasons for the adverse determination.

- (b) Reference to the specific Plan provisions on which the benefit determination is based.
- (c) A statement that you are entitled to receive, upon request and free of charge, reasonable access to, and copies of, all documents, records, and other information relevant to your claim for benefits.

What are my rights as a Plan Participant?

As a Participant in the Plan you are entitled to certain rights and protections:

- (d) Examine, without charge, **at the Administrator's office and** at other specified locations, all documents governing the Plan and a copy of the latest annual report (Form 5500 Series) filed by the Plan with the U.S. Department of Labor and available at the Public Disclosure Room of the Employee Benefits Security Administration.
- (e) Obtain, upon written request to the Administrator, copies of documents governing the operation of the Plan, including insurance contracts and collective bargaining agreements, and copies of the latest annual report (Form 5500 Series) and updated summary plan description. The Administrator may make a reasonable charge for the copies.
- (f) Receive a summary of the Plan's annual financial report. The Administrator is required by law to furnish each Participant with a copy of this summary annual report.

The people who operate your Plan, called "fiduciaries" of the Plan, have a duty to do so prudently and in the interest of you and other Plan Participants and beneficiaries. No one, including your Employer or any other person, may fire you or otherwise discriminate against you in any way to prevent you from obtaining a pension benefit.

If your claim for a pension benefit is denied or ignored, in whole or in part, you have a right to know why this was done, to obtain copies of documents relating to the decision without charge, and to appeal any denial, all within certain time schedules.

What can I do if I have questions or my rights are violated?

If you have any questions about the Plan, you should contact the Administrator. If you have any questions about this statement or about your rights, or if you need assistance in obtaining documents from the Administrator, you should contact the nearest office of the Employee Benefits Security Administration, U.S. Department of Labor, listed in the telephone directory or the Division of Technical Assistance and Inquiries, Employee Benefits Security Administration, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

ARTICLE X GENERAL INFORMATION ABOUT THE PLAN

There is certain general information which you may need to know about the Plan. This information has been summarized for you in this Article.

Plan Name

The full name of the Plan is Montgomery Township 401(a) Money Purchase Pension Plan.

Plan Number

Your Employer has assigned Plan Number 002 to your Plan.

Plan Effective Dates

This Plan was originally effective on January 1, 1986. The amended and restated provisions of the Plan become effective on January 1, 2011. However, this restatement was made to conform the Plan to new tax laws and some provisions may be retroactively effective.

Other Plan Information

Valuations of the Plan assets are generally made annually on the last day of the Plan Year and may include any other date or dates deemed necessary or appropriate by the Administrator for the valuation of the Participants' Accounts during the Plan Year. Certain distributions are based on the Anniversary Date of the Plan. This date is the last day of the Plan Year.

The Plan's records are maintained on a twelve-month period of time. This is known as the Plan Year. The Plan Year begins on January 1st and ends on December 31st.

The Plan and Trust will be governed by the laws of Pennsylvania to the extent not governed by federal law.

Benefits provided by the Plan are NOT insured by the Pension Benefit Guaranty Corporation (PBGC).

Service of legal process may be made upon your Employer. Service of legal process may also be made upon the Trustee or Administrator.

The name and address of the plan's Third Party Administrator are:

The Benefit Consultants Group
P.O. Box 405
Riverton, NJ 08077-0405
Phone # 800-524-4015
Fax # 856-824-1890

Employer Information

Your Employer's name, address and identification number are:

Montgomery Township
1001 Stump Road
Montgomeryville, Pennsylvania 19446
23-6005687

Plan Administrator Information

The Plan Administrator is responsible for the day-to-day administration and operation of the Plan. For example, the Administrator maintains the Plan records, including your account information, provides you with the forms you need to complete for Plan participation, and directs the payment of your account at the appropriate time. The Administrator will also allow you to review the formal Plan document and certain other materials related to the Plan. If you have any questions about the Plan or your participation, you should contact the Administrator. The Administrator may designate other parties to perform some duties of the Administrator.

The Administrator has the complete power, in its sole discretion, to determine all questions arising in connection with the administration, interpretation, and application of the Plan (and any related documents and underlying policies). Any such determination by the Administrator is conclusive and binding upon all persons.

The name, address and business telephone number of the Plan's Administrator are:

Montgomery Township
1001 Stump Road
Montgomeryville, Pennsylvania 19446
215-393-6900

Plan Trustee Information and Plan Funding Medium

All money that is contributed to the Plan is held in a trust fund. The Trustee is responsible for the safekeeping of the trust fund. The trust fund established by the Plan's Trustee(s) will be the funding medium used for the accumulation of assets from which benefits will be distributed. While all the Plan assets are held in a trust fund, the Administrator separately accounts for each Participant's interest in the Plan.

The Plan's Trustee is:

OFI Trust Company
Two World Financial Center, 225 Liberty Street, 11th Floor
New York, New York 10281

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS
BOARD ACTION SUMMARY

SUBJECT: Consider Approval of 2012 Autumn Festival Solicitation Letter

MEETING DATE: February 13, 2012

ITEM NUMBER: #15

MEETING/AGENDA: ACTION CONSENT XX NONE

REASON FOR CONSIDERATION: Operational: XX Policy: Discussion: Information:

INITIATED BY: Sharon Tucker *ams* BOARD LIAISON: Robert Birch & Candyce Fluehr Chimera
Recreation Coordinator *fb* Liaisons to Autumn Festival Committee

BACKGROUND:

The Autumn Festival, in its twelfth year, is an annual, all-day, community celebration filled with activities (pony rides, amusements, corn maze, police and fire demonstrations, etc.) for all residents to enjoy. This year, the Autumn Festival Committee recommends that we change the date to Saturday, October 13th, from 10 am to 4 pm with no rain date. Over 100 volunteers and Township staff come together to make this event a success.

The committee is also responsible for obtaining the funds necessary to partially finance the event. As a part of the committee's fundraising efforts, a solicitation letter is sent to businesses in the Township seeking various levels of sponsorship in order to fund the activities at the Festival. Sponsorship levels include:

- Fall Foliage - up to \$499
- Scarecrow - \$500 - \$999
- Pumpkin - \$1,000+

Depending on the level of donation the business falls into, they will be eligible for certain benefits as detailed in the Sponsorship Brochure. Solicitation of donations also reduces the cost to residents at the festival. (Please see the attached letter and brochure).

ZONING, SUBDIVISION OR LAND DEVELOPMENT IMPACT:

None.

PREVIOUS BOARD ACTION:

None.

ALTERNATIVES/OPTIONS:

None.

BUDGET IMPACT:

A four-year summary of the Autumn Festival indicating amounts of donations, fees, revenues, and expenses is attached. Our current fund balance as of the end of 2011 is \$26,463.65. \$7,000 is budgeted as the Township donation amount for 2012. These figures have been confirmed with Finance.

RECOMMENDATION:

Staff recommends the Board approve the 2012 Autumn Festival Solicitation Letter and Brochure.

MOTION/RESOLUTION:

BE IT RESOLVED by the Board of Supervisors of Montgomery Township that we hereby approve the 2012 Autumn Festival Solicitation Letter and Brochure.

MOTION: _____ SECOND: _____

ROLL CALL:

Robert J. Birch	Aye	Opposed	Abstain	Absent
Michael J. Fox	Aye	Opposed	Abstain	Absent
Jeffrey W. McDonnell	Aye	Opposed	Abstain	Absent
Joseph P. Walsh	Aye	Opposed	Abstain	Absent
Candyce Fluehr Chimera	Aye	Opposed	Abstain	Absent

DISTRIBUTION: Board of Supervisors, Frank R. Bartle, Esq.



Dear Prospective Autumn Festival Sponsor,

On October 13, 2012, Montgomery Township will be hosting its **12th annual Autumn Festival**. Each year, this special community day event attracts several thousand participants to the William F. Maule Park at Windlestrae for a day of entertainment and education as well as food and frivolity.

With a wide variety of family-centric and all-age activities including inflatable amusements, a corn maze, hayrides, pumpkin decorating, a petting zoo, pony rides, police and fire demonstrations, music, vendors and crafters, and – *of course* – snacks and beverages, the festival is a true showcase of community pride and neighborly camaraderie.

The success of the Autumn Festival depends on the generous support of local businesses and organizations. Through your sponsorship, we can continue to host a family-friendly event enjoyed by all who attend.

We've made it easier for you to support the festival by creating three multi-tiered sponsorship levels -- with each level containing specific elements of sponsor recognition. *Please refer to the enclosed Sponsorship Brochure for details.*

Please contact Sharon Tucker at (215) 393-6900 or by email at stucker@montgomerytp.org or Ginny Bailey at (215) 393-6900 or by email at vbailey@montgomerytp.org if you have any questions.

Together we can make Montgomery Township's 2012 Autumn Festival the best ever!

Thank you for your consideration.

Sincerely,

Ruth Hardin & Sue Dessner
Autumn Festival Co-Chairs

Candyce Fluehr Chimera & Robert J. Birch
Board of Supervisors Liaisons

**I want to sponsor the
Autumn Festival on October 13!**

Please check a sponsorship level:

- ☐ **Pumpkin: \$1,000+**
☐ **Scarecrow: \$500-\$999**
☐ **Fall Foliage: up to \$499**

Sponsor's Name: _____

Contact Name: _____

Address: _____

City/St/Zip: _____

Phone: _____

Email: _____

***Please reply as soon as possible
— but no later than August 31 —
to guarantee full sponsor benefits.***

***Enclosed is my check made
payable to:***

Montgomery Township

*Autumn Festival Sponsor
Montgomery Township
1001 Stump Road
Montgomeryville, PA 18936*

About Autumn Festival

On Saturday, October 13, 2012, Montgomery Township will host its 12th annual Autumn Festival in beautiful William F. Maule Park at Windlestrae, off Kenas Road.

Encompassing families and friends from the township and its nearby neighborhoods, *thousands* of attendees partake in entertainment, education, food and frivolity.

The Autumn Festival is a unique and cost-effective way to showcase your business or organization to a diverse, community-based audience.

With your generosity, we can continue to make this award-winning event a shining example of community spirit and local pride.
Thank you for your support!

The Autumn Festival Committee

**Ruth Hardin and Sue Dessner
Autumn Festival Co-Chairs**

**Candyce Fluehr Chimera and Robert J. Birch
Board of Supervisors Liaisons**



Saturday, October 13, 2012

**Sponsorship
Opportunities**



**William F. Maule Park
at Windlestrae
Kenas Road**

Sponsor Benefits

PUMPKIN \$1,000+

Receive *all* the benefits of the Scarecrow level *plus*:

- Opportunity to place promotional literature/item in the attendees' take-away bags
- Twenty-second promotional "ad" via loudspeaker at the event
- Upgrade to 2" company name on Festival t-shirt
- Five free amusement wristbands

(Literature/promotional ad must have prior approval by the Board of Supervisors. Promotional "ad" to be presented by the DJ.)

SCARECROW \$500-\$999

Receive *all* the benefits of the Fall Foliage level *plus*:

- Sponsorship of staff/volunteer commemorative t-shirt with 1 inch company name printed on the back of each of the T-Shirts
- One free sponsor table at the event



FALL FOLIAGE up to \$499

Receive the following benefits:

- Recognition as a valued sponsor on Autumn Festival signage (*attendance +3000*)
- Recognition as a valued sponsor via a loudspeaker announcement at the Festival
- Recognition as a valued sponsor on a special Autumn Festival page of the Montgomery Township website & cable channels.
- Satisfaction of knowing that you played a important role in making the Autumn Festival a truly special community event

2007-2010 AUTUMN FESTIVAL REVENUES AND EXPENDITURES

	2008 ACTUAL	2009 ACTUAL	2010 ACTUAL	2011 ACTUAL
Interest Income	\$434.19	\$283.97	\$70.48	\$97.13
Sponsor Donations	\$7,325.00	\$4,865.00	\$4,800.00	\$7,050.00
Township Donations (General Fund)	\$7,000.00	\$7,000.00	\$7,000.00	\$7,000.00
Vendor Fees*	\$14,152.00	\$8,038.00	\$10,571.80	\$9,807.90
Total Revenue	\$28,911.19	\$20,471.72	\$22,442.28	\$23,955.03
Total Expenditures	\$21,507.90	\$18,732.48	\$18,895.16	\$20,277.93
Surplus or (Deficit)	\$7,403.29	\$1,739.24	\$3,547.12	\$3,677.10
Fund Balance-Beginning	\$10,097.40	\$17,500.69	\$19,239.43	\$22,786.55
Fund Balance-Ending	\$17,500.69	\$19,239.43	\$22,786.55	\$26,463.65

*Vendor Fees include Food proceeds, For-profit and Non-profit table fees and Activity revenue.

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS
BOARD ACTION SUMMARY

SUBJECT: Consider Proposed Ordinance #12-255 – Amendment to Sewer Wastewater Pre-Treatment Regulations

MEETING DATE: February 13, 2012

ITEM NUMBER: #16

MEETING/AGENDA: ACTION XX

NONE

REASON FOR CONSIDERATION: Operational: XX Policy: Discussion: Information:

INITIATED BY: Lawrence J. Grogan
Township Manager

BOARD LIAISON: Joseph P. Walsh, Supervisor
Liaison MTMSA

BACKGROUND:

This matter involves the consideration of approval of a proposed ordinance amendment to the Township's Sewer Code to comply with recent EPA Regulation changes affecting sewage flows directed to the Ambler Wastewater Treatment Plant by the Township's Sewer Authority (MTMSA).

The Montgomery Township Municipal Sewer Authority has been advised by the Ambler Borough that it is required to adopt regulations to implement EPA Regulations relating to Pretreatment of Wastewater relating to Slug Discharge Control Plans and reporting requirements relating to Slug Discharges that would be discharged for treatment to the Ambler Wastewater Treatment Plant.

In order to comply, the Township is required to adopt amendments to the Township Code, Chapter 187 - Sewers. The Sewer Authority Solicitor and Engineer have prepared the proposed ordinance which is attached. The proposed ordinance has been reviewed by the Township Solicitor who has recommended that it be adopted.

A summary of the proposed ordinance was advertised in the Reporter on Monday, February 6, 2012, and a full copy of the proposed ordinance was posted and available in the Township Building for Public Inspection.

ZONING, SUBDIVISION OR LAND DEVELOPMENT IMPACT:

None.

PREVIOUS BOARD ACTION:

None

ALTERNATIVES/OPTIONS:

None.

BUDGET IMPACT:

None.

RECOMMENDATION:

It is recommended that the Board of Supervisors adopt the proposed ordinance.

MOTION/RESOLUTION:

BE IT RESOLVED by the Board of Supervisors of Montgomery Township that we hereby adopt Proposed Ordinance #12-255 providing for amendments to Chapter 187 of the Township Code relating to Pretreatment of Wastewater, relating to Slug Discharge Control Plans and reporting requirements relating to Slug Discharges necessitated by the adoption of revised requirements by the Environmental Protection Agency.

MOTION: _____

SECOND: _____

ROLL CALL:

Robert J. Birch	Aye	Opposed	Abstain	Absent
Michael J. Fox	Aye	Opposed	Abstain	Absent
Jeffrey W. McDonnell	Aye	Opposed	Abstain	Absent
Joseph P. Walsh	Aye	Opposed	Abstain	Absent
Candyce Fluehr Chimera	Aye	Opposed	Abstain	Absent

DISTRIBUTION: Board of Supervisors, Frank R. Bartle, Esq.

DRAFT

TOWNSHIP OF MONTGOMERY
MOPNTGOMERY COUNTY, PENNSYLVANIA

SEWER ORDINANCE

ORDINANCE NO. 12- 255

AN ORDINANCE AMENDING CERTAIN PROVISIONS OF CHAPTER 187 OF THE CODE OF ORDINANCES RELATING TO PRETREATMENT OF WASTEWATER RELATING TO SLUG DISCHARGE CONTROL PLANS AND REPORTING REQUIREMENTS RELATING TO SLUG DISCHARGES NECESSITATED BY THE ADOPTION OF REVISED REQUIREMENTS BY THE ENVIRONMENTAL PROTECTION AGENCY

IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervisors of the Township of Montgomery as follows:

Section 1 – Amendment. Section 187-13 of the Code of Ordinances entitled Accidental Discharge/ Slug Discharge Control Plans is hereby revised to read as follows:

“Within one year of a User being designated as an SIU and at least every two years thereafter, the POTW-TP or MTMSA shall evaluate whether each SIU needs an accidental discharge/slug discharge control plan or other action to control Slug Discharges. All Users are required to notify the POTW-TP or MTMSA immediately of any changes in their facilities affecting the potential for an accidental discharge and/or slug discharge to the POTW. The POTW-TP or the MTMSA may require any User to develop, submit for approval and implement such a plan or take such other action that may be necessary to control Slug Discharges. Alternatively, the POTW-TP or the MTMSA may develop such a plan for any User. An Accidental Discharge/Slug Discharge Control Plan shall address, at a minimum, the following:

- A. Description of discharge practices, including non-routine batch discharges;
- B. Description of stored chemicals;
- C. Procedures for immediately notifying the POTW-TP and the MTMSA of any accidental or Slug Discharge, as required by Section 187-35 of this Part 1; and
- D. Procedures to prevent adverse impact from any accidental or Slug Discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing

DRAFT

toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

Section 2 - Severability. In the event that any section, sentence, clause, phrase 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 enforcement of any of the remaining portions of this Ordinance.

Section 3 - Repealer. All Ordinances or parts of Ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed.

Section 4 - Effective Date. This ordinance shall become effective five days after its enactment.

ORDAINED and ENACTED this _____ day of _____, 2012.

**BOARD OF SUPERVISORS
MONTGOMERY TOWNSHIP**

By: _____
Candyce Fluehr Chimera,
Chairman

Attest: _____
Lawrence J. Gregan
Secretary



DISCHELL BARTLE & DOOLEY, PC

R E S U L T S M A T T E R

January 3, 2012

Mark B. Dischell
Frank R. Bartle
John T. Dooley
Joseph C. Kuhls
Jonathan B. Young
Eric C. Frey
Robert J. Iannozzi, Jr.
Elizabeth J. Billies
Kyle J. Somers
Craig A. Briggs

Joseph E. Bresnan, Esquire
Bresnan & Herder
311 Lindenwold Avenue
Ambler, PA 19002

OF COUNSEL
David W. Conner

**RE: Ambler Wastewater Treatment Plant
Ordinance Change Required**

P.O. Box 107
1800 Pennbrook Pkwy
Suite 200
Lansdale, PA 19446

Dear Joe:

In response to your letters to me in connection with the above, enclosed please find correspondence from Richard S. Watt, Esquire with a proposed ordinance.

P 215.362.2474
F 215.362.6722

E info@dischellbartle.com
W www.dischellbartle.com
Toll Free:
1.888.362.3293

By copy of this letter, I am informing our township manager, Mr. Lawrence J. Gregan that we should adopt and act upon the proposed ordinance.

I trust that the above sufficiently responds to your inquiry. In the event you have any questions, please contact me.

Very truly yours,

A handwritten signature in cursive script, appearing to read 'Frank', written over a horizontal line.

FRANK R. BARTLE

FRB/bp
Enclosure
cc: Lawrence J. Gregan
Richard S. Watt, Esquire
Beverly Brown

KERNS,
PEARLSTINE, ONORATO
& HLADIK, LLP

DEC 21 2011

Robert J. Kerns
Neal R. Pearlstine **
David C. Onorato **
Stephen M. Hladik *
Kristen Zollers Fath***
Richard S. Watt
Joanna M. Cruz
Andrea Hudak Duffy
Krista L. Klett
Valerie J. Heppel *

ATTORNEYS AT LAW

December 19, 2011

* Also Admitted to FL Bar

** Also Admitted to CA Bar

• Also Admitted to NJ Bar

• Also Admitted to GA Bar

• LL.M. in Taxation

Of Counsel
John C. Rafferty, Jr.
Kevin J. Conrad *

PLEASE REPLY TO:
P.O. Box 1489
North Wales, PA 19454-1489

Frank R. Bartle, Esquire
DISCHELL, BARTLE & DOOLEY
1800 Pennbrook Parkway
Suite 200
P.O. Box 107
Lansdale, PA 19446-0107

Re: Sewer Ordinance – Required Streamlining Rule Changes

Dear Frank:

Your email to Larry Gregan, dated September 21, 2011, has been referred over to me for action. You may recall that you enclosed with the email a letter from Joe Bresnan, along with a copy of a proposed revision by Ambler Borough to its Sewer Ordinance. I have reviewed that Ordinance, compared it to the existing Montgomery Township Ordinance, and reviewed EPA Fact Sheet 1.0 also included in Joe's letter, together with EPA Fact Sheet 2.0 enclosed herewith.

Basically, most of the provisions added into the Ambler Borough Ordinance revision are currently present in the Montgomery Township Sewer Ordinance. However, I think a couple of changes need to be made which are embodied in the enclosed proposed Ordinance revision. Basically, in my view, we need to revise section 187-13 in a couple of respects to comply with paragraphs 3 and 4 of Fact Sheet 2.0. Specifically, you will see that I have added a requirement to Section 187-13 that any newly designated SIU be evaluated within a year of designation for the need for a slug discharge control plan, and I have also added a sentence requiring immediately notification of facility changes which may affect the potential for a slug discharge.

Frank R. Bartle, Esquire
December 19, 2011
Page Two

Kindly review the enclosed and get back to me with any comments you may have.

Sincerely,

A handwritten signature in cursive script that reads "Dick Watt".

RICHARD S. WATT

RSW:mjj

Enclosures

cc: Beverly Brown, Manager
Thomas F. Zarko, P.E.

LAW OFFICES

BRESNAN & HERDER

311 LINDENWOLD AVENUE
AMBLER, PA 19002

(215) 646-4440
FAX (215) 641-9563

R. REX HERDER, JR.
JOSEPH E. BRESNAN

SEP 23 2011

September 20, 2011

Frank R. Bartle, Esq.
Solicitor, Montgomery Twp.
Dischell Bartle Yanoff & Dooley
1800 Pennbrook Parkway
Suite 200
Lansdale, PA 19446

Sean P. Kilkenney, Esq.
Solicitor, Whitemarsh Twp.
Friedman Schuman Applebaum Nemeroff &
Mc Caffery
101 Greenwood Ave, 5th Floor
Jenkintown, PA 19046

James J. Garrity, Esq.
Solicitor, Lower Gwynedd and Whitpain Twps.
Wisler Pearlstine, LLP
484 Norristown Rd.
Suite 100
Blue Bell, PA 19422

RE: Ambler Wastewater Treatment Plant
Ordinance Change Required

Dear Counsel:

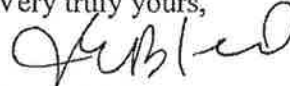
I am writing to each of you as the respective solicitors for townships that directly or indirectly send flow to the Ambler treatment plant. Upper Dublin is omitted because they are already in compliance with the ordinance adoption requirement set forth herein.

EPA adopted a "streamlining" rule that is explained summarily in the enclosed fact sheet. Essentially, a process was created for simplifying the regulation of Significant Industrial Users. The Borough was required to adopt an ordinance to implement these rules, although most of them do not apply to the industries in our respective municipalities. Ambler's ordinance was prepared initially by an engineer who specializes in the field and who was able to guide the Borough on the changes.

On July 11, 2011, EPA advised the Borough that it approved Ambler's submitted ordinance. A copy of that ordinance is attached. Ambler is now instructed to circulate this ordinance to each municipality that sends flow to the plant, so that each may adopt it in identical form.

After your township has adopted the ordinance, I ask that you send it to me in its fully executed form. I will submit all of them together to EPA. Please feel free to contact me with any questions.

Very truly yours,

A handwritten signature in black ink, appearing to read "JEB", followed by a horizontal line and a loop.

Joseph E. Bresnan

JEB/ed
Enclosure



National Pretreatment Program

(40 CFR 403)



Pretreatment Streamlining Rule Fact Sheet 2.0: Required Changes

Do any of the Streamlining Rule changes require states or POTWs to modify their pretreatment regulations or program documents?

Yes, there are required changes in the Pretreatment Streamlining Rule. The majority of the regulatory changes made in the final Pretreatment Streamlining Rule, however, are not required. That is, for many of the changes (e.g., sampling for pollutants not present, general control mechanisms, and equivalent mass limits for concentration limits), the state Approval Authority (or Control Authority depending upon which role the state plays in the particular municipality) and POTW Control Authority may choose whether or not they wish to adopt these specific streamlining provisions. As a general rule, those streamlining changes which are considered less stringent than the current regulations do not need to be adopted. If the state wishes to implement these less stringent requirements, it will need to formally revise its own regulations to provide the appropriate legal authority for such implementation.

There are several streamlining-related changes that are more stringent than the previous Federal requirements and therefore are considered required modifications for the state and/or the POTW. Therefore, to the extent that existing state or POTW legal authorities are inconsistent with the required changes, they must be revised. Of course, where state or local authorities are already consistent with these required provisions, further changes would not be necessary.

Which changes are considered required?

EPA has identified the following 13 rule changes that are more stringent than existing provisions in 40 CFR Part 403, and therefore may require changes to the appropriate state or POTW authorities. States and POTWs should make the changes as soon as possible, and EPA and state NPDES permitting authorities should revise NPDES permits to require implementation of these required changes by POTWs. A general description of each change is included, along with a summary of what state or POTW follow-up actions are needed.

1. Updated removal credits provisions relating to Overflows [§ 403.7(h)]

Description of required change: This change provides updated references relating to requirements that POTWs must meet to adjust removal credits for combined sewer overflows (CSOs).

What follow-up actions are required? Before approving any removal credits, states that are currently delegated oversight of the pretreatment program must revise their regulations where state legal authorities include a provision similar to § 403.7(h). No change to POTW pretreatment programs is necessary based on this regulatory change.

2. Slug control requirements must be included in SIU control mechanisms [§ 403.8(f)(1)(iii)(B)(6)]

Description of required change: The Streamlining Rule requires that applicable slug control requirements be included in the SIU's control mechanism.

What follow-up actions are required? POTWs must incorporate slug control requirements into their SIU control mechanisms and must revise their approved program, if necessary, to ensure that they have the legal authority and procedures to modify control mechanisms as needed. Once the POTW's authority to include these requirements is established, EPA foresees them being incorporated into SIU control mechanisms when the control mechanisms are next reissued. States must revise their regulations, if necessary, to ensure that they have the authority to enforce this requirement.

3. SIUs must be evaluated for the need for a plan or other action to control slug discharges within a year from the final rule's effective date or from becoming an SIU [§ 403.8(f)(2)(vi)]

Description of required change: The final Streamlining Rule specifies that POTWs must evaluate all of their SIUs for the need for a slug control plan or other actions at least one time. If the POTW has not yet done so, it must complete the evaluations before October 14, 2006 or within a year of the Industrial User being designated as significant. Where the evaluation has been conducted and documented previously, even if conducted prior to publication of the Streamlining Rule, no new evaluation is required.

What follow-up actions are required? For this provision, the applicable state regulations must be revised to specify the October 14, 2006 date for existing SIUs, and the 'within one year' final rule change for Users designated as SIUs after October 14, 2005. While POTWs must conduct this evaluation, as described above, a pretreatment program modification may not be necessary.

4. SIUs are required to notify the POTW immediately of any changes at its facility affecting the potential for a slug discharge [§ 403.8(f)(2)(vi)]

Description of required change: The final Streamlining Rule requires SIUs to notify the POTW immediately of changes that occur at the facility affecting the potential for a slug discharge, thereby allowing the POTW to reevaluate the need for a slug control plan or other actions to prevent such discharges.

What follow-up actions are required? POTWs must revise their approved program as necessary to ensure that they have the legal authority and procedures to enforce this requirement. States must revise their regulations, if necessary, to ensure that they have the authority to enforce this requirement.

5. Significant Noncompliance (SNC) definition is expanded to include additional types of Pretreatment Standards and Requirements [§ 403.8(f)(2)(viii)(A-C)]

Description of required change: The final Streamlining Rule made several wording changes that expand the types of Standards and Requirements that are to be considered when determining whether an SIU's violations constitute SNC. These changes affect what EPA considers to be "chronic violations" (§ 403.8(f)(2)(viii)(A)), "Technical Review Criteria violations" (§ 403.8(f)(2)(viii)(B)), and "other" violations (§ 403.8(f)(2)(viii)(C)). Note that changes to the SNC requirements for late reports, for the type of newspapers must be used for publishing SNC violations, and for the application of SNC to SIUs only are optional revisions.

What follow-up actions are required? State regulations must be revised, if necessary, to reflect the expanded coverage of Standards and Requirements in the SNC definition. In addition, if necessary, POTWs need to revise their SNC definition in their legal authority, enforcement response plan, and/or program procedures to reflect expanded coverage of standards and requirements in the SNC definition.

6. SIU reports must include BMP compliance information [§ 403.12(b), (e), (h)]

Description of required change: The final Streamlining Rule requires SIUs to submit documentation as required by the Control Authority or applicable Pretreatment Standards and Requirements to determine compliance with BMP-based Standards or local limits.

What follow-up actions are required? State regulations must be revised, if necessary, to require SIUs to report on compliance with BMP-based categorical Pretreatment Standards or local limits. In addition, POTWs must revise their legal authority, enforcement response plan, and program procedures as necessary to require SIUs to report on compliance with BMP-based categorical Pretreatment Standards or local limits, and to enforce those requirements where Users fail to submit the required information.

7. SIU control mechanisms must contain any BMPs required by a Pretreatment Standard, local limits, state, or local law
[403.8(f)(1)(iii)(B)(3)]

Description of recommended change: The final Streamlining Rule clarified that among the effluent limits that must be contained in all SIU control mechanisms are Best Management Practices (BMPs) that are required by a categorical Pretreatment Standard, local limit, state or local law.

What follow-up actions are recommended? This revision merely clarifies that applicable BMPs would be required to be included in control mechanisms. It is EPA's expectation that most POTWs already have the authority to implement this requirement. POTWs, however, must ensure that they have the legal authority and procedures to implement this requirement, and to include appropriate BMPs in the control mechanism where appropriate. States should revise their regulations, if necessary, to ensure that they have the authority to enforce this requirement.

8. Documentation of compliance with BMP requirements must be maintained as part of the SIU's and POTW's record-keeping requirements
[§ 403.12(o)]

Description of required change: The final Streamlining Rule clarified that the POTW and the SIU must maintain records of BMP compliance in the same way that other records are maintained as part of § 403.12(o).

What follow-up actions are required? States and POTWs must revise their requirements and program procedures, if necessary, to ensure that they have the authority to implement and enforce this requirement. SIU permits also should be revised to clearly require that this documentation be maintained by the User.

9. Control Authorities which perform sampling for SIUs must perform any required repeat sampling and analysis within 30 days of becoming aware of a violation
[§ 403.12(g)(2)]

Description of required change: The final Streamlining Rule provides that where a Control Authority has assumed responsibility for sampling in lieu of the SIU, it is the Control Authority which must repeat sampling and analysis within 30 days of becoming aware of an exceedance. The only exception to this requirement is if the Control Authority specifically requires the Industrial User to perform the repeat analysis.

10. Require periodic compliance reports to comply with sampling requirements, require Control Authority to specify the number of grab samples necessary in periodic and non-categorical SIU reports, and require non-categorical SIUs to report all monitoring results [§ 403.12(g)(3), (4), (6)]

11. Non-Categorical SIUs are required to provide representative samples in their periodic monitoring reports [§ 403.12(g)(3)]

What follow-up actions are required? POTWs should generally have the ability to sample any time they determine it is appropriate, and therefore no POTW program revision may be necessary. However, POTWs must revise their approved program as necessary to ensure that they have the legal authority and procedures to implement this requirement. States must revise their regulations, if necessary, to ensure that they have the authority to enforce this requirement.

Description of required changes: SIUs are now required to follow sampling requirements in § 403.12 for periodic compliance reports (§ 403.12(e) and (h)), whereas they were previously only explicitly applicable to baseline monitoring reports and 90-day compliance reports. In addition, for the reports required in § 403.12(e) and (h), the final rule requires the Control Authority to indicate the number of grab samples necessary to assess and assure compliance by Industrial Users with applicable categorical Pretreatment Standards and Requirements. Also, the final rule now requires that non-categorical SIUs report all monitoring results, whereas the previous regulations only made this requirement explicit for categorical SIUs.

What follow-up actions are required? State regulations must be revised to reflect these final rule changes. Many POTW pretreatment programs already include these requirements, but POTW legal authorities and program procedures must be revised as necessary to reflect this final rule change.

Description of required change: The final Streamlining Rule extends to the § 403.12(b), (d), and (h) monitoring reports the requirement that SIUs provide data which are representative of conditions during the reporting period.

What follow-up actions are required? Many POTW pretreatment programs already include this requirement, but POTWs must revise their approved program and SIU control mechanisms as necessary to ensure that they have the legal authority and procedures to enforce this requirement. States must revise their regulations, if necessary, to ensure that they have the authority to enforce this requirement.

12. Require notifications of changed discharge to go to the Control Authority and the POTW, where the POTW is not the Control Authority [§ 403.12(j)]

Description of required change: The pretreatment regulations now clarify that Industrial Users must notify the Control Authority, as well as the POTW, if the POTW is not the Control Authority. Prior to the Streamlining Rule, the regulations only specified that the notice go to the POTW.

What follow-up actions are required? State regulations must be revised to require changed discharge notifications to be submitted to the state where the POTW is not the Control Authority. POTWs are not required to make this change since they were already required to be notified in the previous version of § 403.12(j), and the revision brought about by the Pretreatment Streamlining Rule does not change this requirement.

13. How and when the POTW can designate a "duly authorized employee" to sign POTW reports [§ 403.12(m)]

Description of required change: The pretreatment regulations now specify that the POTW must, in writing by the principal executive officer or ranking elected official of the POTW, authorize the use of a "duly authorized employee". In addition, the regulations require that the authorization be submitted to the Approval Authority prior to or together with the POTW report being submitted.

What follow-up actions are required? State regulations must be revised to require POTWs to follow the procedures for authorizing "duly authorized employees" to sign POTW reports and for submitting reports signed by such employees. POTWs are not required to make this change, although they will be required to follow the new state requirements relating to "duly authorized employee" signatures upon their adoption.

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS
BOARD ACTION SUMMARY

January 27, 2012

SUBJECT: Consider Approval to Purchase Equipment- Radio Equipment
Renovation of the Police Department Communications Center

MEETING DATE: February 13, 2012

ITEM NUMBER: #17

MEETING/AGENDA: ACTION XXX NONE

REASON FOR CONSIDERATION: Operational: XXX Policy: Discussion: Information:

INITIATED BY: Scott Bendig
Deputy Chief

BOARD LIAISON: Robert J. Birch, Supervisor
Liaison, Public Safety Committee

BACKGROUND:

This action item is to consider approval to approve the purchase of radio equipment in the Police Communications Center.

The Police Department is preparing to renovate the existing Police Communication Center. Much of the equipment in Communications Center is over sixteen years old, is no longer available and is unsupported by the manufacturer. Initial projections for renovations of the Communication Center in previous years were in excess of \$300,000.00. In light the transfer of Montgomery Township Police Dispatching Services to the Montgomery County Department of Public Safety later this month, a more fiscally prudent approach has been adopted. Current estimates of the scaled down project are estimated to be \$50,000.00. Funds for this project have been allocated in the approved 2012 Final Budget.

As part of the renovations, the Police Department is proposing the purchase of radio equipment to replace the existing radio equipment. The purchase and installation of this equipment will allow for communications between all facets of emergency services and public works within our community. This equipment will be integrated with proposed improvements to the township's Emergency Operations Center.

Attached is a quote dated January 8, 2012 from Motorola Inc., an authorized vendor under the Co-Stars Cooperative Purchase Program (Contract # 4400008568), to provide the requested equipment at a cost of \$14,407.20. The price quote per the cooperative purchase contract is over 19% off the dealer list price of \$17,888.00 and represents a savings of \$3,480.80. The equipment meets the specifications prepared by the Police Department.

ZONING, SUBDIVISION OR LAND DEVELOPMENT IMPACT:

None.

PREVIOUS BOARD ACTION:

The Board previously approved the purchase of a new console unit in the Police Communications Center at a cost of \$18,797.43.

ALTERNATIVES/OPTIONS:

Cooperative purchasing programs use the purchasing power of local entities, to obtain more competitive pricing and choice than individual municipalities might be able to obtain on their own. The Township also saves on the expense of preparation of bid specifications, notice and advertising.

BUDGET IMPACT:

A total of \$50,000.00 was included in the approved 2012 Final Budget for the Communications Center Project. This purchase, combined with purchase of the new console previously approved at a cost of \$18,797.43, will bring the total costs extended to date to \$33,204.63. The balance of equipment and improvements needed include: new carpeting, paint, monitors, computer equipment, and temporary communications work during renovations. The funds available are sufficient to complete the renovation within budget.

RECOMMENDATION:

It is recommended the Board of Supervisors approves award of the contract for the purchase of radio equipment to Motorola Solutions, an authorized vendor under the Co-Stars Cooperative Purchase Program at a cost of \$14,407.20 per quote and specifications dated January 8, 2012.

MOTION/RESOLUTION:

BE IT RESOLVED by the Board of Supervisors of Montgomery Township that we hereby award the contract for the purchase of radio equipment to Motorola Inc., an authorized vendor under the Co-Stars Cooperative Purchase Program at a cost of \$14,407.20 per quote and specifications dated January 8, 2012.

ROLL CALL:

Robert J. Birch	Aye	Opposed	Abstain	Absent
Michael J. Fox	Aye	Opposed	Abstain	Absent
Jeffrey W. McDonnell	Aye	Opposed	Abstain	Absent
Joseph P. Walsh	Aye	Opposed	Abstain	Absent
Candyce Fluehr Chimera	Aye	Opposed	Abstain	Absent

DISTRIBUTION: Board of Supervisors, Frank R. Bartle, Esq.

**MOTOROLA SOLUTIONS****Quote Number:** QU0000171323**Effective:** 08 JAN 2012**Effective To:** 08 MAR 2012**Bill-To:**

MONTGOMERY TOWNSHIP PENNSYLVANIA
 1001 STUMP RD
 MONTGOMERYVILLE, PA 18936
 United States

Ultimate Destination:

MONTGOMERY TOWNSHIP PENNSYLVANIA
 1001 STUMP RD
 MONTGOMERYVILLE, PA 18936
 United States

Attention:

Name: Scott Bendig
Email: sbendig@montgomerytp.org
Phone: (215) 362-2300

Sales Contact:

Name: Michael Gormley
Email: mgormley@wirelessce.com
Phone: 267-228-5009

Contract Number: 4400008568
Freight terms: FOB Destination
Payment terms: Net 30 Due

Item	Quantity	Nomenclature	Description	List price	Your price	Extended Price
1	2	M25URS9PW1AN	APX6500 7/800 MHZ MID POWER MOBILE	\$1,899.00	\$1,519.20	\$3,038.40
1a	2	G67BC	ADD: REMOTE MOUNT MID POWER	\$297.00	\$237.60	\$475.20
1b	2	W382AM	ADD: CONTROL STATION DESK GCAI MIC	\$169.00	\$135.20	\$270.40
1c	2	G607AC	ADD:CBL REMOTE MOUNT 75 FEET	\$45.00	\$36.00	\$72.00
1d	2	G24AX	ENH: 2 YEAR REPAIR SERVICE ADVANTAGE	\$121.00	\$121.00	\$242.00
1e	2	G806BE	ENH: ASTRO DIGITAL CAI OP APX	\$515.00	\$412.00	\$824.00
1f	2	G51AU	ENH: SMARTZONE OPERATION APX6500	\$1,200.00	\$960.00	\$1,920.00
1g	2	QA01648AA	ADD: ADVANCED SYSTEM KEY - HARDWARE KEY	\$5.00	\$4.00	\$8.00
1h	2	G89AC	ADD: NO RF ANTENNA NEEDED	-	-	-
1i	2	G831AD	ADD: SPKR 13W WATER RESISTANT	\$60.00	\$48.00	\$96.00
1j	2	G444AF	ADD: CONTROL HEAD SOFTWARE	-	-	-
1k	2	G91AE	ADD: CONTROL STATION POWER SUPPLY	\$269.00	\$215.20	\$430.40
1l	2	W665BF	ADD: CONTROL STATION OPERATION	\$70.00	\$56.00	\$112.00
1m	2	G442AJ	ADD: APX O5 CONTROL HEAD	\$432.00	\$345.60	\$691.20
2	2	M25KSS9PW1AN	APX6500 VHF MID POWER	\$1,899.00	\$1,519.20	\$3,038.40
2a	2	W382AM	ADD: CONTROL STATION DESK GCAI MIC	\$169.00	\$135.20	\$270.40
2b	2	G24AX	ENH: 2 YEAR REPAIR SERVICE ADVANTAGE	\$121.00	\$121.00	\$242.00
2c	2	G241AP	ENH: SW ASTRO READY (ANALOG)	-	-	-
2d	2	G67BC	ADD: REMOTE MOUNT MID POWER	\$297.00	\$237.60	\$475.20
2e	2	G442AJ	ADD: APX O5 CONTROL HEAD	\$432.00	\$345.60	\$691.20
2f	2	G444AE	ADD: CONTROL HEAD SOFTWARE	-	-	-
2g	2	G91AE	ADD: CONTROL STATION POWER SUPPLY	\$269.00	\$215.20	\$430.40
2h	2	G607AC	ADD:CBL REMOTE MOUNT 75 FEET	\$45.00	\$36.00	\$72.00
2i	2	W665BF	ADD: CONTROL STATION OPERATION	\$70.00	\$56.00	\$112.00
2j	2	G48BD	ENH: CONVENTIONAL OPERATION APX6500	\$500.00	\$400.00	\$800.00
2k	2	G831AD	ADD: SPKR 13W WATER RESISTANT	\$60.00	\$48.00	\$96.00

Total Quote in USD**\$14,407.20**

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS
BOARD ACTION SUMMARY

SUBJECT: Consider Final Escrow Release– Nolan Self Storage LD/S #615

MEETING DATE: February 13, 2012

ITEM NUMBER: #18

MEETING/AGENDA: WORK SESSION ACTION XX NONE

REASON FOR CONSIDERATION: Operational: XX Information: Discussion: Policy:

INITIATED BY: Bruce Shoupe
 Director of Planning and Zoning

BOARD LIAISON: Candyce F. Chimera
 Chairman

BACKGROUND:

Attached is the final construction escrow release for Nolan Self Storage. The project has been inspected by the Township consultants and they recommend the release, as all public improvements have been completed. The original amount of the escrow was \$458,073.08, held as a cash escrow. \$453,062.24 had previously been released. This release is in the amount of \$5,010.84. The action of the Board in releasing said sum will deplete this escrow account.

The Land Development Agreement indicates that the cash escrow was to be held in an interest bearing account, with the interest benefiting the applicant. Therefore, we would also need to release any interest accrued on this account.

We also need to release any funds remaining in the application escrow account (legal and engineering.) The current balance is \$15,315.88.

ZONING, SUBDIVISION OR LAND DEVELOPMENT IMPACT:

None

PREVIOUS BOARD ACTION:

None

ALTERNATIVES/OPTIONS:

Approve or not approve the construction escrow release.

BUDGET IMPACT:

None.

RECOMMENDATION:

That this construction escrow be released.

MOTION/RESOLUTION:

The Resolution is attached.

MOTION _____

SECOND _____

ROLL CALL:

Robert J. Birch	Aye	Opposed	Abstain	Absent
Michael J. Fox	Aye	Opposed	Abstain	Absent
Jeffrey W. McDonnell	Aye	Opposed	Abstain	Absent
Joseph P. Walsh	Aye	Opposed	Abstain	Absent
Candyce Fluehr Chimera	Aye	Opposed	Abstain	Absent

DISTRIBUTION: Board of Supervisors, Frank R. Bartle, Esq.

Resolution #

WHEREAS, a request for final release of construction escrow was received from Nolan Capital, LLC, for Nolan Self Storage, in the amount of \$5,010.84, on the representation that work setforth in the Land Development Agreement to that extent has been completed, and;

WHEREAS, said request has been reviewed by the Township consultants, who recommend a release of \$5,010.84.

NOW, THEREFORE, BE IT RESOLVED BY the Board of Supervisors of Montgomery Township that we do hereby authorize the release of \$5,010.84, in accordance with the developer's request, and the officers of the Township are authorized to take the necessary action to obtain release of said sum.

BE IT FURTHER RESOLVED that this release is contingent upon all Township fees being paid.

BE IT FURTHER RESOLVED that the Township records indicate that escrow had been held as a Cash Escrow, pursuant to a signed Land Development Agreement to cover the costs of the public improvements, and that \$453,062.24 had previously been released. The action of the Board in releasing said sum will deplete this escrow account.

BE IT FURTHER RESOLVED that the Board of Supervisors of Montgomery Township also authorize the release of any funds remaining in the application escrow account (legal and engineering.) The current balance is \$15,315.88

MOTION BY:

SECOND BY:

VOTE:

DATE:

xc: Applicant, F. Bartle, B. Shoupe, Finance Department, M. Stoerrle, Minute Book, Resolution File, File

Bruce S. Shoupe
Director of Planning and Zoning

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS
BOARD ACTION SUMMARY

SUBJECT: Consider Request for Escrow Release for Landscape Improvements & Start of Maintenance Period – LDS # 627 – Montgomery Walk

MEETING DATE: February 13, 2012

ITEM NUMBER: #19

MEETING/AGENDA:

REASON FOR CONSIDERATION: Operational: ~~xx~~ Policy: Discussion: Information:

INITIATED BY: Bruce Shoupe
Director of Planning & Zoning

BOARD LIAISON: Candyce Fluehr Chimera,
Chairman

BACKGROUND:

The matter involves a request from the developer of the Montgomery Walk development for a change in the process for release of escrow funds and start of maintenance period for completed landscape improvements.

The Montgomery Walk development was approved in January 2006. Since that time there have been several revisions resulting in the project being split into four phases. Although the construction is broken down into four phases, the security posted to guarantee completion of the site improvements is covered under one agreement.

The site improvements include landscaping that has been planted for over 2 ½ years and the Township policy is to hold all security for landscaping improvements and not to start the 18 month maintenance period until the project is fully completed.

Due to current economic conditions in the housing market, the size of the project (174 units), it may be an additional 3-4 years before the entire Montgomery Walk development is built out. The Developer is requesting that the security for certain landscape improvements installed to date be released and that the 18 month maintenance period for these improvements be permitted to start as of December 14, 2011. The Developer is also requesting that as they complete future phases/courts within the development that they also be managed in the same manner.

Boucher & James has performed inspections of the landscaping installed to date. The landscaped areas requested for escrow release and start of maintenance period are located in Courts B, C, D, H, K, L, on the berm along Hartman Road and to the rear of Courts A, B and D and the Clubhouse as noted on the attached plans.

ZONING, SUBDIVISION OR LAND DEVELOPMENT IMPACT:

None

PREVIOUS BOARD ACTION:

None

ALTERNATIVES/OPTIONS:

Follow standard Start of Maintenance procedure.

BUDGET IMPACT:

None.

RECOMMENDATION:

That the Board approves the release of escrow upon submission and approval by the Township's Consultant and the areas identified above start the required 18 month maintenance period as of December 12, 2011.

MOTION/RESOLUTION:

BE IT RESOLVED by the Board of Supervisors of Montgomery Township that we agree to approve a partial release of the escrow for landscape improvements at the Montgomery Walk Land Development subject to approval by the Township's Landscape Architect; and,

BE IT RESOLVED that we hereby approve the start of the 18 month maintenance period for landscaping installed in Courts B, C, D, H, K, L and the rear of Courts A, B and D, the berm area along Hartman Road and the Clubhouse as of December 12, 2011 as identified by the attached plans.

MOTION: _____

SECOND: _____

ROLL CALL:

Candyce Fluehr Chimera	Aye	Opposed	Abstain	Absent
Michael J. Fox	Aye	Opposed	Abstain	Absent
Jeffrey W. McDonnell	Aye	Opposed	Abstain	Absent
Joseph P. Walsh	Aye	Opposed	Abstain	Absent
Robert J. Birch	Aye	Opposed	Abstain	Absent

DISTRIBUTION: Board of Supervisors, Frank R. Bartle, Esq.



Boucher & James, Inc.
CONSULTING ENGINEERS

INNOVATIVE ENGINEERING

Fountainville Professional Building
1456 Ferry Road, Building 500
Doylestown, PA 18901
215-345-9400
Fax 215-345-9401

910 Kim Rock Road
Stroudsburg, PA 18360
570-629-0300
Fax 570-629-0305

P.O. Box 799
4397 H. Iwan Valley Road
Suite 6
Morgantown, PA 19543
610-913-1212
Fax 215-345-9401

www.bjengineers.com

February 10, 2012

John O. Chambers, P.E.
Chambers Associates, Inc.
831 DeKalb Pike
Center Square, PA 19422

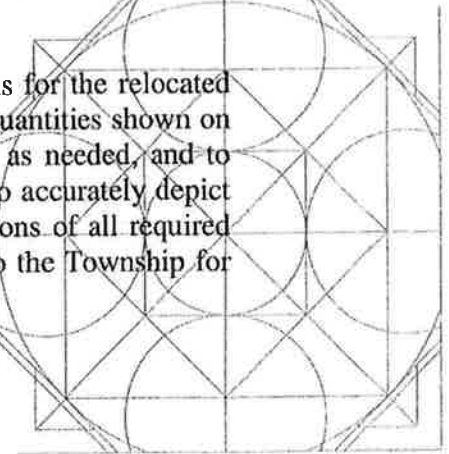
**SUBJECT: ENCLAVE AT MONTGOMERY- PHASE I
START OF MAINTENANCE PERIOD INSPECTION:
LANDSCAPE BERM AREAS ALONG HARTMAN ROAD AND TO
THE REAR OF COURTS A, B AND D
TOWNSHIP LD/S NO. 627
PROJECT NO. 0655224R**

Dear Mr. Chambers:

Please be advised that on October 4th through the 11th, November 30th, and December 12th of 2011, I conducted inspections of plant material within the berm area along Hartman Road and to the rear of Courts A, B and D, of the Phase I portion of the Enclave at Montgomery in accordance with the approved plan set prepared by Stout, Tacconelli & Associates, Inc. dated May 24, 2010 and last revised June 28, 2010. Inspected berm plant material included all berm evergreens existing at that time, several street trees shown as existing in the plan set within close proximity of the berm areas, and replacement tree plant material within the subject berm area.

During the course of the landscape inspections, a number of shrubs and trees used to meet tree replacement requirements in the berm area were found to be dead, missing, or in poor health and therefore unacceptable to enter the maintenance period. The applicant has requested permission to locate replacements for this plant material in other areas of the site. As this landscape material is to be used to meet tree replacement requirements and not a location specific requirement such as street trees or buffering, the new plant material may be installed in other areas of the site, provided that the following requirements have been met.

- The plan set should be revised to show the proposed locations for the relocated plant material, to adjust the existing and proposed plants and quantities shown on the plan, to revise the landscape calculations and tabulations as needed, and to adjust any other aspects of the plan set as necessary in order to accurately depict the existing plant material on the site and the proposed locations of all required landscape material. The revised plan set must be submitted to the Township for review and approval.



- This landscape material, which is not eligible to enter the subject maintenance period, must be accounted for in the adjustments to the escrow funds for Phase I.
- The removal of the invasive Rose of Sharon plants, which were mistakenly identified by the landscaper as Ninebark, should be addressed to satisfactorily insure that the plants and any seeds remaining in the soil have been eradicated.

Landscape material highlighted on the exhibits in green has been provided in accordance with the approved landscape plan and is of an acceptable size, species, and condition to begin the maintenance period, as of December 12, 2011, upon approval of the Board of Supervisors. Landscape material identified as "Permitted to be Relocated" is to be addressed in accordance with the above comments, is required to be replaced in another location, and is not eligible to be included with this maintenance period.

Lastly, several plant substitutions and relocations were made without prior approval. These changes have been detailed in the exhibits. While the substitutions and relocations shown in the exhibits have been determined to be acceptable, any additional plants found to be relocated or substituted without prior approval as part of any subsequent inspection will be rejected and will be required to be corrected. If a species substitution or plant relocation is required, the relevant information should be submitted for approval **PRIOR** to the installation of the plant material.

If you have any questions or require additional information, please do not hesitate to contact me.

Sincerely,



Valerie L. Liggett, ASLA, R.L.A.
Planner/Landscape Architect

VLL/bpa

cc: Board of Supervisors
Lawrence Grogan, Township Manager
Bruce Shoupe, Director of Planning and Zoning
Marita Stoerle, Development Coordinator
Marianne McConnell, Deputy Zoning Officer
Amy Saylor, Shade Tree Commission
Karyn Hyland, Gilmore & Associates
Richard P. McBride, Esq., McBride & Murphy
Susan A. Rice, P.E., Stout, Tacconelli & Associates, Inc.
David Cutler, The Cutler Group
Charles P. Splendore, ASLA, R.L.A., McBride & Murphy
The Rhoads Garden, 570 DeKalb Pike, Route 202, North Wales, PA 19454



Boucher & James, Inc.
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February 10, 2012

Mr. John O. Chambers, P.E.
Chambers Associates, Inc.
831 DeKalb Pike
Center Square, PA 19422

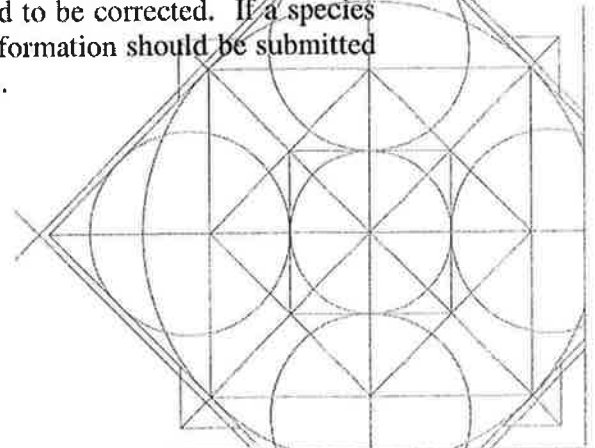
**SUBJECT: ENCLAVE AT MONTGOMERY- PHASE I
START OF MAINTENANCE PERIOD INSPECTION:
COURTS B, C, D, H, K, L AND CLUBHOUSE
TOWNSHIP LD/S NO. 627
PROJECT NO. 0655224R**

Dear Mr. Chambers:

Please be advised that on October 4th through the 11th, November 30th, and December 12th of 2011, I conducted inspections of plant material within courts B, C, D, H, K, L, and adjacent to the Clubhouse area of the Phase I portion of the Enclave at Montgomery in accordance with the approved plan set prepared by Stout, Tacconelli & Associates, Inc. dated May 24, 2010 and last revised June 28, 2010.

Landscape material highlighted on the attached exhibits in green has been provided in accordance with the approved landscape plan and is of an acceptable size, species, and condition to begin the maintenance period, as of December 12, 2011, upon approval of the Board of Supervisors.

It should be noted that several plant substitutions and relocations were made without prior approval. These changes have been detailed in the exhibits. While the substitutions and relocations shown in the exhibits have been determined to be acceptable, any additional plants found to be relocated or substituted without prior approval as part of any subsequent inspection will be rejected and will be required to be corrected. If a species substitution or plant relocation is required, the relevant information should be submitted for approval PRIOR to the installation of the plant material.



Mr. John O. Chambers, P.E.
February 10, 2012
Page 2

If you have any questions or require additional information, please do not hesitate to contact me.

Sincerely,

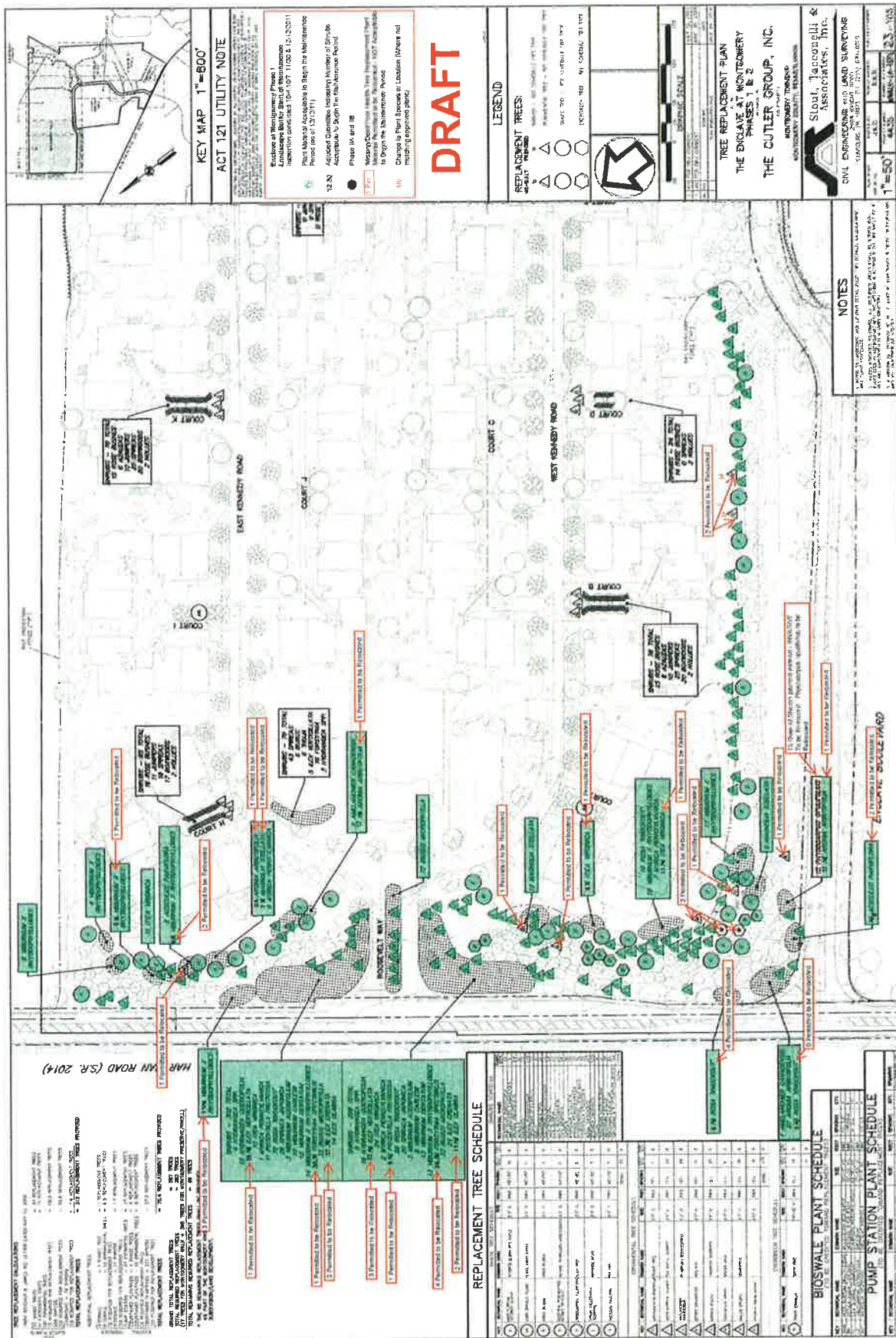


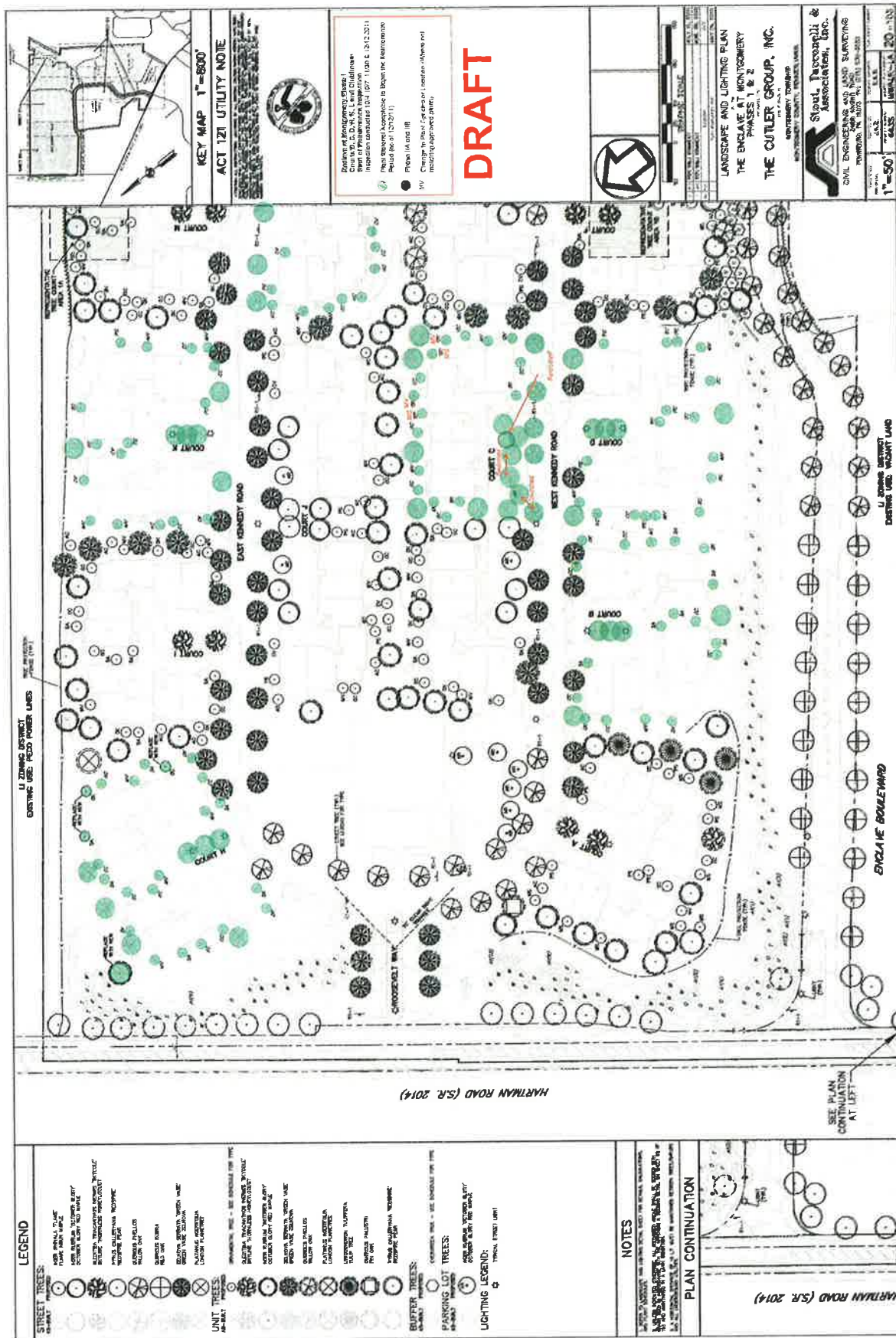
Valerie L. Liggett, ASLA, R.L.A.
Planner/Landscape Architect

VLL/bpa

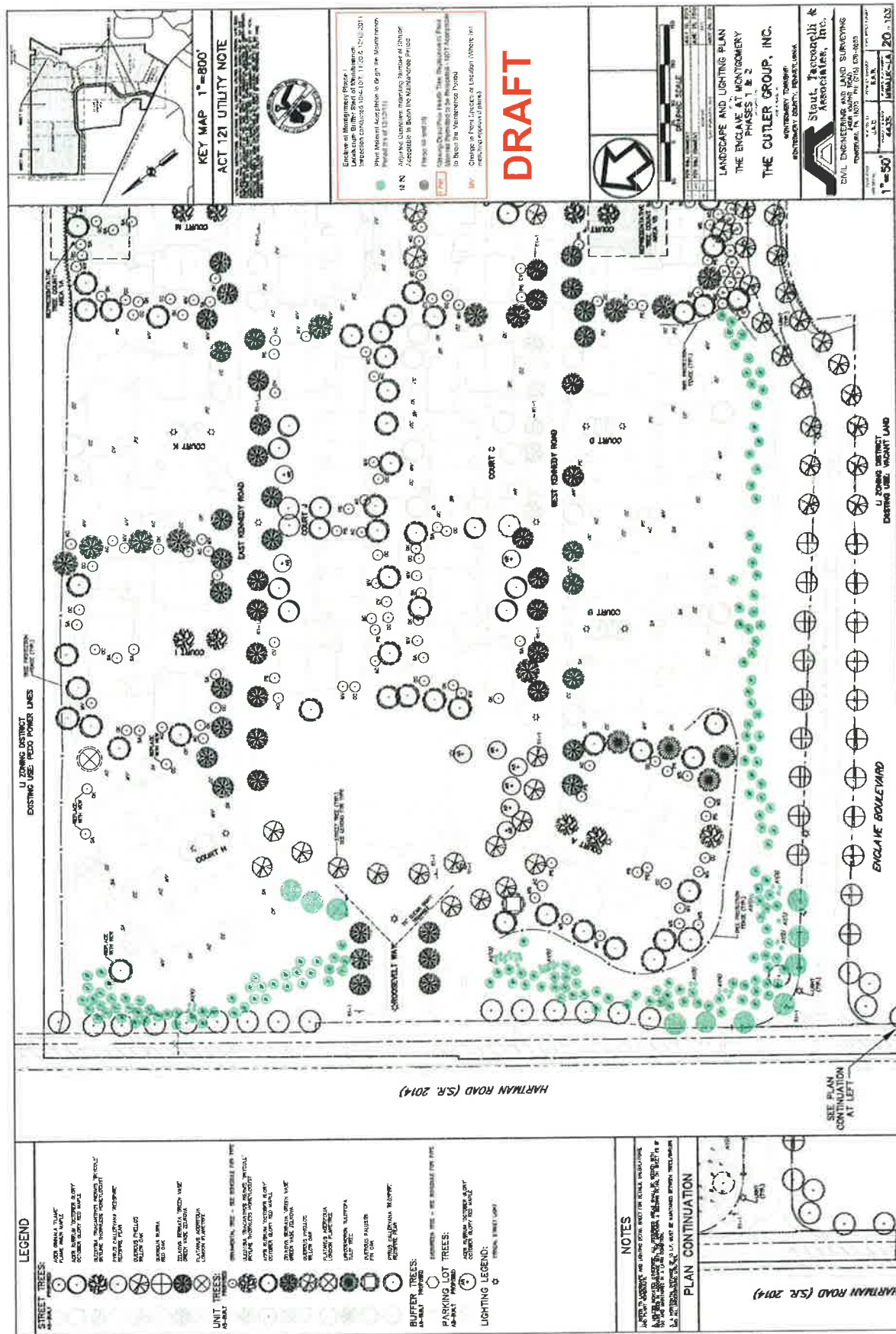
cc: Board of Supervisors
Lawrence Gegan, Township Manager
Bruce Shoupe, Director of Planning and Zoning
Marita Stoerrle, Development Coordinator
Marianne McConnell, Deputy Zoning Officer
Amy Saylor, Shade Tree Commission
Karyn Hyland, Gilmore & Associates
Richard P. McBride, Esq., McBride & Murphy
Susan A. Rice, P.E., Stout, Tacconelli & Associates, Inc.
David Cutler, The Cutler Group
Charles P. Splendore, ASLA, R.L.A., McBride & Murphy
The Rhoads Garden, 570 DeKalb Pike, Route 202, North Wales, PA 19454











MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS
BOARD ACTION SUMMARY

SUBJECT: Consider Application Escrow Release-- Montgomery Square United Methodist Church -
LDS#638

MEETING DATE: February 13, 2012

ITEM NUMBER: *#20*

MEETING/AGENDA: WORK SESSION ACTION XX NONE

REASON FOR CONSIDERATION: Operational: XX Information: Discussion: Policy:

INITIATED BY: Bruce Shoupe BOARD LIAISON: Candyce F. Chimera
 Director of Planning and Zoning Chairman

BACKGROUND:

Attached is correspondence received from Montgomery Square United Methodist Church asking for a release of their legal and engineering (application) escrow and administrative escrow accounts. They believe that if half of what has been utilized so far was kept in the accounts, it would be enough to cover the project until completion of the maintenance period, which is March 2013.

The original amount of the legal and engineering escrow was \$35,000.00, and the administrative escrow was \$5,000.00. To date, \$11,770.40 of the legal and engineering escrow account and \$823.93 of the administrative escrow account has been utilized. MSUMC proposes to retain \$5,885.20 in their legal and engineering escrow account and \$411.97 in their administrative escrow account.

If this request is approved the amount of the total release would be \$21,108.50. These funds are held as cash escrows.

ZONING, SUBDIVISION OR LAND DEVELOPMENT IMPACT:

None

PREVIOUS BOARD ACTION:

None

ALTERNATIVES/OPTIONS:

Approve or not approve the escrow release.

BUDGET IMPACT:

None.

RECOMMENDATION:

That this escrow be released.

MOTION/RESOLUTION:

The Resolution is attached.

MOTION _____

SECOND _____

ROLL CALL:

Robert J. Birch	Aye	Opposed	Abstain	Absent
Michael J. Fox	Aye	Opposed	Abstain	Absent
Jeffrey W. McDonnell	Aye	Opposed	Abstain	Absent
Joseph P. Walsh	Aye	Opposed	Abstain	Absent
Candyce Fluehr Chimera	Aye	Opposed	Abstain	Absent

DISTRIBUTION: Board of Supervisors, Frank R. Bartle, Esq.

Resolution #

WHEREAS, a request for a release of application escrow was received from Montgomery Square United Methodist Church, in the amount of \$17,344.40 and administrative escrow in the amount of \$3,764.10, for a total of \$21,108.50; and

WHEREAS, this project had been inspected by the Township consultants, who indicated that all public improvements have been completed and that the maintenance period could begin.

NOW, THEREFORE, BE IT RESOLVED BY the Board of Supervisors of Montgomery Township that we do hereby authorize the release of \$21,108.50, in accordance with the applicant's request, and the officers of the Township are authorized to take the necessary action to obtain release of said sum. The new balance in escrow accounts would be \$5,885.20 in the application escrow account and \$411.97 in the administrative escrow account.

MOTION BY:

SECOND BY:

VOTE:

DATE:

xc: Applicant, B. Shoupe, Finance Department, M. Stoerrle, Minute Book, Resolution File, File

Bruce S. Shoupe
Director of Planning and Zoning



MONTGOMERY SQUARE UNITED METHODIST CHURCH

Founded 1842

Pastor: Steven J. Handzel

1900 County Line Road, North Wales, PA 19454

Church Phone/Fax (215) 996-0640

E-mail: msqumc@verizon.net

www.montgomerysquareumc.org

January 30, 2012

Michael J. Fox, Chairman
Montgomery Township Board of Supervisors
1001 Stump Road
Montgomeryville, Pa 18936

Subject: Engineering & Legal Escrow
 Administrative Expense Escrow
 Montgomery Square United Methodist Church
 1900 County Line Road
 North Wales, Pa 19454
 Parcel No.: 46-00-00533-00-4
 Block 17 Unit 2

Dear Mr. Fox,

Montgomery Square United Methodist Church would like to request a reduction of the Engineering & Legal Escrow and the Administrative Expense Escrow.

On August 11, 2009, we deposited \$35,000 in the Engineering & Legal Escrow and \$5,000 in the Administrative Expense Escrow. To date we've used \$11,770.40 from the Engineering & Legal Escrow and \$823.93 from the Administrative Expense Escrow.

On September 1, 2011, we received our U & O and we are in the maintenance phase of our project.

If we left half of what we used so far in escrow, Engineering & Legal Escrow at \$5,885.20 and Administrative Expense Escrow at \$411.97, that would help us out immensely with the completion of our kitchen.

Engineering & Legal Escrow

Original Escrow	Used by 12/31/11	Proposed Escrow	Balance Released
\$35,000	\$11,770.40	\$5,885.20	<u>\$17,344.40</u>

Administrative Expenses Escrow

Original Escrow	Used by 12/31/11	Proposed Escrow	Balance Released
\$5,000	\$823.93	\$411.97	<u>\$3,764.10</u>

Thank you in advance for your consideration and we look forward to your response.

Best regards,



William E. Carling
President of Trustees

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS
BOARD ACTION SUMMARY

SUBJECT: Consider Adoption of Conditional Use Decision and Order – American
Gymnastics– 506 Stump Road

MEETING DATE: February 13, 2012

ITEM NUMBER: #21

MEETING/AGENDA: WORK SESSION ACTION XX NONE

REASON FOR CONSIDERATION: Operational: Information: Discussion: Policy:

INITIATED BY: Bruce Shoupe
Director of Planning and Zoning

BOARD LIAISON: Candyce F. Chimera
Chairman

BACKGROUND:

This matter involves adoption of the written "Decision and Order" for the conditional use application of American Gymnastics. On January 3, 2012, a conditional use hearing was held to consider the request of George Valdez, American Gymnastics, who proposes to use 15,530 square feet of an 86,700 square foot building, as an indoor athletic facility, located at 506 Stump Road. The applicant is not proposing any new improvements to the building or associated parking area. The space will be leased from Penn Holdings, Inc.

At its January 3, 2012, regular meeting, the Board adopted Resolution #19, granting the requested conditional use approval.

Under the MPC, the Board is required to render a written decision on a conditional use application within 45 days after the last hearing on the application.

Pursuant to the MPC, the Solicitor has prepared a formal decision and order memorializing the Board's grant of the requested conditional use.

ZONING, SUBDIVISION OR LAND DEVELOPMENT IMPACT:

None.

PREVIOUS BOARD ACTION:

A public hearing was held on January 3, 2012.

ALTERNATIVES/OPTIONS:

None

BUDGET IMPACT:

None

RECOMMENDATION:

Approve decision and order.

MOTION/RESOLUTION:

Motion is attached

MOTION _____

SECOND _____

ROLL CALL:

Robert J. Birch	Aye	Opposed	Abstain	Absent
Michael J. Fox	Aye	Opposed	Abstain	Absent
Jeffrey W. McDonnell	Aye	Opposed	Abstain	Absent
Joseph P. Walsh	Aye	Opposed	Abstain	Absent
Candyce Fluehr Chimera	Aye	Opposed	Abstain	Absent

DISTRIBUTION: Board of Supervisors, Frank R. Bartle, Esq.

Resolution #

The Board has prepared its decision and order on the conditional use application of American Gymnastics, George Valdez, No. C-57. The Order reads as follows:

ORDER

AND NOW, this 13th day of February, 2012, the application of American Gymnastics, for a conditional use approval pursuant to Article XXI, Section 230-156.2 of the Montgomery Township Zoning Ordinance is hereby **APPROVED**.

American Gymnastics is authorized to use 15,530 square feet of an 86,700 square foot building as an indoor athletic facility on the property located at 506 Stump Road, within Montgomery Township's LI-Limited Industrial Zoning District. This conditional use approval is subject to the following two conditions:

- 1) Applicant shall comply with all conditions set forth in the Township's review letters, marked as B-4, as amended, including, but not limited to (a) not relocating the outdoor pool at Applicant's existing location; and (b) limiting the occupancy of the indoor athletic facility to no more than 50 people; and
- 2) Applicant's proposed use and improvement of the Subject Property shall be in strict conformance with the testimony and exhibits presented at the hearing.

MOTION BY:

SECOND BY:

VOTE:

DATE:

xc: Applicant, F. Bartle, B. Shoupe, M. Stoerrle, MCPC, MTPC, Minute Book, Resolution File, File

THE BOARD OF SUPERVISORS OF MONTGOMERY TOWNSHIP

**IN RE: CONDITIONAL USE APPLICATION OF
AMERICAN GYMNASTICS/GEORGE VALDEZ**

PREMISES: 506 Stump Road

APPLICATION NO.: #CU-57

DECISION AND ORDER

NATURE OF THE APPLICATION

Applicant, American Gymnastics, proposes to use 15,530 square-feet of an 86,700 square-foot building, as an indoor athletic-facility, on the property located at 506 Stump Road, within Montgomery Township's LI-Industrial District Zoning District.¹ Applicant is not proposing any new improvements to the building or associated parking-area. Applicant will lease the space from Penn Holdings, Inc., the owner of the property.

In order to facilitate the proposed use and improvement of the property, Applicant has submitted an application for conditional use approval pursuant to Article XXI, Section 230-103(c)(2) of the Montgomery Township Zoning Ordinance of 1952, relating to applicable standards for conditional use approval.

FINDINGS OF FACT

1. Applicant, American Gymnastics, filed an application with the Board of Supervisors of Montgomery Township requesting a Conditional Use pursuant to Article XXI, Section 230-103(c)(2), of

¹ Property is further identified as Parcel No.46-00-02554-001, Block No.17, Unit No. 9.

the Montgomery Township Zoning Ordinance of 1952, relating to applicable procedures and standards for conditional use approval.

2. Applicant is a tenant with permission, and as such, has standing to file its application.
3. A duly advertised Hearing was held before the Board on January 3, 2012. At the Hearing, Applicant was represented by Mary Podlogar, Esquire.
4. No parties entered their appearances in opposition to the Application.
5. At the Hearing, the following Exhibits were entered into the Record:
 - B-1 Application;
 - B-2 Plan;
 - B-3 Proof of Publication and posting; and
 - B-4 Review Letters.
6. George Valdez, owner of American Gymnastics, testified in support of the application, his testimony, which is provided in pertinent part below, is incorporated herein as findings of fact:
 - Mr. Valdez, on behalf of Applicant, acknowledged that he has reviewed all of the Township's review letters, and will comply with all of the conditions set forth in them. (NT. Page 12).
 - Mr. Valdez acknowledged that he has reviewed the applicable standards for conditional use applications, specifically Section 230-156.2(C) and that he was familiar with them. (NT. Page 12).
 - Mr. Valdez testified that the application complies with all standards as set forth in the Ordinance. (NT. Page 12).
 - Under Section 230-103(c)(2) indoor athletic facilities are permitted when authorized by conditional use. Applicant's proposed indoor athletic facility complies with the description set forth in Section 230-103(c)(2).
 - Applicant's proposal will not be detrimental to the community health, safety and welfare.
 - American Gymnastics has been in the Township since the mid-1980's. During that time it has dealt with the community's young children up to highschool

students. Nothing about the American Gymnastic operation is changing; its location, however, is changing because Applicant's current location is being sold, thereby necessitating its need for another location. (NT. Page 14).

- Mr. Valdez specifically acknowledged that the Township Building Inspector's review letter raised two issues: (1) that the exterior swimming pool at Applicant's current location not be relocated; and (2) that the facility's occupancy be limited to 50 persons. Mr. Valdez further acknowledged of record that he intends to comply with both of these conditions. (NT. Page 15).

7. This Board found the testimony of Mr. Valdez to be credible.
8. At the conclusion of the Hearing, this Board adopted Resolution #19 granting Applicant's requested conditional use relief.

CONCLUSIONS OF LAW

9. Article XXI, Section 230-156.2(C) of the Township's Zoning Ordinance, authorizes this Board to grant Applicant's requested conditional use relief, provided that Applicant complies with the Section's conditional use standards.
10. In accord with this Section, this Board concludes as follows:
 - The Township's LI Limited Industrial District's use regulations, permit an indoor athletic-facility within the District when authorized by conditional use. Section 230-156.2(C)(1).
 - The proposed indoor athletic-facility will conform with all applicable Ordinance requirements. Section 156.2(C)(2).
 - Existing access to the property is provided at a distance from the intersection, thereby preventing undo traffic hazards and obstruction to the movement of traffic. Section 156.2(C)(3).
 - Given the indoor athletic-facility's 50 person occupancy limit, the expected traffic generated from the proposed use will not be out of character with the

normal traffic in the surrounding area. Section 156.2(C)(4).

- Given the indoor athletic-facility's 50 person occupancy limit, it will not have an unwarranted impact on traffic in the area. Section 156.2(C)(5).
- Given that Applicant's proposed use will be contained in an existing building, this Board need not consider screening of the proposed use from adjacent uses. 156.2(C)(6).
- Applicant's proposed use will not adversely affect or contradict Montgomery Township's Comprehensive Plan. Section 156.2(C)(7).
- Applicant's proposed use is consistent with the purpose described in Article I of the Zoning Ordinance, which is to promote the health, safety, morals, and the general welfare of the Township and, as such, this Board deems it an acceptable use of land in Montgomery Township. Section 156.2(C)(8).
- Applicant's proposed use is suitable for the character of the LI-Limited Industrial District, and the uses of the surrounding properties. Section 156.2(C)(9).
- Applicant's proposed use, which will be contained within an existing building, will not result in any impairment to the adjacent properties' adequate supply of light and air. Section 156.2(C)(10).
- Applicant's proposed use will not adversely affect the public health, safety or general welfare of Montgomery Township. Section 156.2(C)(11).
- Applicant's proposed use will not adversely impact transportation or unduly burden water, sewer, school, park and other public facilities in Montgomery Township. Section 156.2(C)(12).
- Applicant's proposed use shall not overcrowd land or create undue concentration of population or undue intensity of use in the LI-Limited Industrial District. Section 156.2(C)(12).

11. It is well-settled that once an applicant for conditional use bears the initial burden of proving compliance with the specific requirements of the zoning ordinance relative to that conditional

use, the governing body is obligated to approve the conditional use unless objectors (neighbors) present sufficient evidence to such a high risk of probability that the Applicant's use will cause a substantial threat to the community.²

12. Having considered the credible testimony presented in support of the Application, the exhibits entered into the record at the Hearing, and with no opposition from neighboring property owners, this Board concludes that Applicant has met its requisite burden. Specifically, this Board finds that Applicant satisfactorily established that (a) its proposed indoor athletic-facility is permitted when authorized by conditional use; and (b) it is in compliance with the Ordinance's Article XXI, Section 230-103(c)(2) conditional use standards.

[Order on Next Page]

² See, e.g., *In Re. Appeal of the Cutler Group, Inc.*, 880 A.2d 39,42 (Pa. Cmwlth. 2005); see also, *Borough of Perkasi v. Mouton Builders*, 850 A.2d 778, 781, Note 1 (Pa. Cmwlth. 2004).

THE BOARD OF SUPERVISORS OF MONTGOMERY TOWNSHIP

ORDER

AND NOW, this 13th day of February, 2012, the application of American Gymnastics, for a conditional use approval pursuant to Article XXI, Section 230-156.2, of the Montgomery Township Zoning Ordinance of 1952, is hereby **APPROVED**.

American Gymnastics is authorized to use 15,530 square-feet of an 86,700 square-foot building, as an indoor athletic-facility, on the property located at 506 Stump Road, within Montgomery Township's LI-Industrial District Zoning District.³ This conditional use approval is subject to the following two conditions:

- (1) Applicant shall comply with all conditions set forth in the Township's Review Letters, marked as B-4, as amended, including, but not limited to (a) not relocating the outdoor pool at Applicant's existing location; and (b) limiting the occupancy of the indoor athletic facility to no more than 50 people; and
- (2) Applicant's proposed use and improvement of the Subject Property shall be in strict conformance with the testimony and exhibits presented at the Hearing.

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS

CANDYCE FLUEHR CHIMERA, *Chairman*

JOSEPH P. WALSH, *Vice-Chairman*

³ Property is further identified as Parcel No.46-00-02554-001, Block No.17, Unit No. 9.

JEFFREY W. MCDONNELL, *Member*

MICHAEL J. FOX, *Member*

ROBERT J. BIRCH, *Member*

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS
BOARD ACTION SUMMARY

SUBJECT: Payment of Bills

MEETING DATE: February 13, 2012

ITEM NUMBER:

#22

MEETING/AGENDA: WORK SESSION

ACTION XX

NONE

REASON FOR CONSIDERATION: Operational: XX Information: Discussion: Policy:

INITIATED BY: Lawrence J. Gregan
Township Manager

BOARD LIAISON: Candyce Fluehr Chimera
Chairman



BACKGROUND:

Please find attached a list of bills for your review.

ZONING, SUBDIVISION OR LAND DEVELOPMENT IMPACT:

None.

PREVIOUS BOARD ACTION:

None.

ALTERNATIVES/OPTIONS:

None.

BUDGET IMPACT:

None.

RECOMMENDATION:

Approval all bills as presented.

MOTION/RESOLUTION:

None.

DISTRIBUTION: Board of Supervisors, Frank R. Bartle, Esq.

Montgomery Township Check Register

Check Number	Check Date	Vendor No	Payee	Amount
24175	2/1/12	00000967	DELAWARE VALLEY HEALTH INSURANCE	897.17
24176	2/2/12	650	HAB-EIT	335.92
24177	2/2/12	1264	MORGAN STANLEY SMITH BARNEY INC	5,729.68
49892	1/26/12	00001358	PENNSYLVANIA RECREATION AND PARK	199.00
49893	1/30/12	00001282	KENNETH AMEY	127.50
49894	1/30/12	00000356	NORTH WALES WATER AUTHORITY	24.00
49895	1/30/12	00000397	PECO ENERGY	1,673.76
49896	1/30/12	00000425	PSATS - UC GROUP TRUST FUND	805.24
49897	2/13/12	00000817	GILMORE & ASSOCIATES, INC.	18,707.67
49898	2/13/12	00001854	MARGARET STEINBACHER	932.15
49899	2/13/12	00000201	LAWRENCE J. MURPHY	49.95
49900	2/13/12	00000506	TRANS UNION LLC	10.00
49901	2/13/12	00000187	ABOUT FLAGS, INC.	69.00
49902	2/13/12	00000006	ACME UNIFORMS FOR INDUSTRY	748.20
49903	2/13/12	00000068	ADAM WEBSTER	15.00
49904	2/13/12	00000340	ADVENT SECURITY CORPORATION	813.66
49905	2/13/12	00001202	AIRGAS EAST, INC.	159.24
49906	2/13/12	00000053	ALLIED WASTE SERVICES #320	2,431.02
49907	2/13/12	00001505	ARBOR DAY FOUNDATION	15.00
49908	2/13/12	00000031	AT&T	205.61
49909	2/13/12	00001997	AUTOMATIC SYNC TECHNOLOGIES, LLC	366.52
49910	2/13/12	BT000061	BARBARA J. HERTLER	48.00
49911	2/13/12	00000043	BERGEY'S	915.58
49912	2/13/12	00001938	BILL WIEGMAN	60.00
49913	2/13/12	00000210	BOUND TREE MEDICAL, LLC	63.75
49914	2/13/12	00001903	BRIAN JANSSENS	15.00
49915	2/13/12	00000064	BUHNER MOTORS INC.	195.00
49916	2/13/12	00000069	C L WEBER CO INC.	111.30
49917	2/13/12	00000072	CANON FINANCIAL SERVICES, INC	1,197.00
49918	2/13/12	00001601	CDW GOVERNMENT, INC.	134.24
49919	2/13/12	00902461	CMC INC.	1,000.00
49920	2/13/12	00000363	COMCAST CABLE	216.90
49921	2/13/12	00000108	COUNTY ELECTRIC SUPPLY COMPANY, INC	179.72
49922	2/13/12	00001508	COUNTY LINE FENCE COMPANY, INC.	33.30
49923	2/13/12	00002007	YOON BROTHERS INC.	903.62
49924	2/13/12	00000111	DAVID H. LIGHTKEP, INC.	3.75
49925	2/13/12	00000024	DAVID P. BENNETT	15.00
49926	2/13/12	00001945	DAVID S. WOLFE	15.00
49927	2/13/12	00001941	DAVID W. VASCONEZ	120.00
49928	2/13/12	00000120	DELAWARE VALLEY WORKERS	32,697.00
49929	2/13/12	00000208	DELL MARKETING L.P.	4,847.76
49930	2/13/12	00001172	DETLAN EQUIPMENT, INC.	1,658.92
49931	2/13/12	00000967	DELAWARE VALLEY HEALTH INSURANCE	13,829.27
49932	2/13/12	00000967	DELAWARE VALLEY HEALTH INSURANCE	123,943.63

Montgomery Township Check Register

Check Number	Check Date	Vendor No	Payee	Amount
49933	2/13/12	00000092	E.M. KUTZ, INC.	872.92
49934	2/13/12	00001332	EAGLE POWER & EQUIPMENT CORP	55.14
49935	2/13/12	00001809	ECYNBRO TRUCKING LLC	240.00
49936	2/13/12	00001957	EDMOND SKRZAT	30.00
49937	2/13/12	00000644	FARM & HOME OIL COMPANY	1,095.97
49938	2/13/12	00001275	FBI NATIONAL ACADEMY ASSOCIATES	80.00
49939	2/13/12	00000227	FLIPPAD INTERNATIONAL INC.	609.00
49940	2/13/12	00001852	G.L. SAYRE, INC.	75.67
49941	2/13/12	00000188	GALLS, AN ARAMARK CO., LLC	87.00
49942	2/13/12	00000193	GEORGE ALLEN PORTABLE TOILETS, INC.	552.00
49943	2/13/12	00001842	GLEN ROETMAN	15.00
49944	2/13/12	00000229	GRAINGER	158.80
49945	2/13/12	00902462	GRECO'S CUSTOM CARPENTRY, INC.	1,000.00
49946	2/13/12	00000211	HAGEY COACH INC.	850.00
49947	2/13/12	00001510	HOLLY DAYS NURSERY, INC.	1,000.00
49948	2/13/12	00001672	L & J SUPPLY, LLC	161.99
49949	2/13/12	00000102	INTERSTATE BATTERY SYSTEMS OF	52.95
49950	2/13/12	00000901	ISA INTERNATIONAL SOCIETY OF	170.00
49951	2/13/12	00000890	JOHN H. MOGENSEN	45.00
49952	2/13/12	00000232	JOHN M. SANTARELLI	400.00
49953	2/13/12	00001042	JOHN MILLER AND SON, INC.	26.80
49954	2/13/12	00000257	JOHN R. YOUNG & COMPANY	689.77
49955	2/13/12	00001581	JOSEPH J. SIMES	60.00
49956	2/13/12	00001843	JOSEPH M. BENNETT	20.00
49957	2/13/12	00000740	K.J. DOOR SERVICES INC.	917.95
49958	2/13/12	00000264	KENCO HYDRAULICS, INC.	692.81
49959	2/13/12	00001667	MIDWEST MOTOR SUPPLY CO., INC	346.71
49960	2/13/12	00000269	KRUPP, MEYERS AND HOFFMAN	178.32
49961	2/13/12	00000270	JDN BLOCK INC.	953.55
49962	2/13/12	00000271	LANSDALE CHRYSLER PLYMOUTH INC.	103.00
49963	2/13/12	00001706	LOWE'S COMPANIES INC.	170.32
49964	2/13/12	00001065	MAILLIE, FALCONIERO & COMPANY, LLP	5,000.00
49965	2/13/12	00000201	LAWRENCE J. MURPHY	1,134.69
49966	2/13/12	00001330	MCCALLION STAFFING SPECIALISTS	585.00
49967	2/13/12	00001920	MICHAEL H. BEAN	60.00
49968	2/13/12	00001961	MICHAEL LONG	15.00
49969	2/13/12	00000867	MICHAEL SHEARER	30.00
49970	2/13/12	00002016	MICHAEL SHINTON	15.00
49971	2/13/12	00000315	MONTG CO CONSORTIUM OF COMMUNITI	250.00
49972	2/13/12	00001838	MONTGOMERY COUNTY LAW	100.00
49973	2/13/12	00001976	MONTGOMERY COUNTY MIRT	200.00
49974	2/13/12	00000324	MOYER INDOOR / OUTDOOR	136.00
49975	2/13/12	00901415	NAND TODI, PRESIDENT	14,516.15
49976	2/13/12	00001247	NELSON WIRE ROPE CORPORATION	177.20

Montgomery Township Check Register

Check Number	Check Date	Vendor No	Payee	Amount
49977	2/13/12	00001849	NORTH PENN LIFE	32.95
49978	2/13/12	00000175	OCEANPORT, LLC	2,732.19
49979	2/13/12	00001134	OFFICE DEPOT, INC	667.81
49980	2/13/12	00000186	JAROTH INC.	178.12
49981	2/13/12	00000379	PAUL B. MOYER & SONS, INC.	67.62
49982	2/13/12	00000095	PAUL SMITH	40.00
49983	2/13/12	00000397	PECO ENERGY	216.51
49984	2/13/12	00000402	PECO ENERGY COMPANY	500.00
49985	2/13/12	00000402	PECO ENERGY COMPANY	330.00
49986	2/13/12	00902460	PENNMARK MANAGEMENT CO., INC.	1,127.29
49987	2/13/12	00000388	PENNSYLVANIA ONE CALL SYSTEM, INC.	163.52
49988	2/13/12	00001358	PENNSYLVANIA RECREATION AND PARK	1,641.00
49989	2/13/12	00001055	PROMO DIRECT	8,357.50
49990	2/13/12	00000657	PUBLIC AGENCY TRAINING COUNCIL, INC	295.00
49991	2/13/12	00000439	RED THE UNIFORM TAILOR	2,011.95
49992	2/13/12	00000228	REGAL CINEMEDIA CORP	1,483.00
49993	2/13/12	00000430	REM-ARK ALLOYS, INC.	505.25
49994	2/13/12	00001662	RICHARD GRIER	102.00
49995	2/13/12	00000445	RICHARD J. BRADY	244.32
49996	2/13/12	00000117	RIGGINS INC	3,155.77
49997	2/13/12	00000115	RIGGINS, INC	6,678.80
49998	2/13/12	00000061	ROBERT MCMONAGLE	45.00
49999	2/13/12	00000653	SCATTON'S HEATING & COOLING, INC.	1,251.66
50000	2/13/12	00000365	SCOTT BENDIG	200.00
50001	2/13/12	00000833	THE SHERWIN WILLIAMS COMPANY	41.89
50002	2/13/12	00000467	SNAP-ON INDUSTRIAL	3,730.70
50003	2/13/12	00000469	SPRINT SPECTRUM, L.P.	59.99
50004	2/13/12	00001847	STAPLES CONTRACT & COMMERCIAL, INC	960.40
50005	2/13/12	00000238	STATUE CRUISES, LLC	352.50
50006	2/13/12	00001952	STEVEN COHEN	40.00
50007	2/13/12	00000483	SUBURBAN OFFICE SUPPLIERS, INC.	235.98
50008	2/13/12	00000939	SUNGARD PUBLIC SECTOR	8,192.00
50009	2/13/12	00001164	THE GOOSE GUYS INC.	250.00
50010	2/13/12	00001783	THE HOMER GROUP	2,140.56
50011	2/13/12	00000496	GOODSON HOLDING COMPANY	610.00
50012	2/13/12	00001273	TIM KUREK	337.50
50013	2/13/12	00000065	TIMOTHY MURRAY	30.00
50014	2/13/12	00000239	RONALD MAYRO & COMPANY	311.00
50015	2/13/12	00000680	ROBERT E. TRAIL	77.23
50016	2/13/12	00000506	TRANS UNION LLC	50.00
50017	2/13/12	00000327	U.S. MUNICIPAL SUPPLY, INC.	1,236.10
50018	2/13/12	00000615	UNIVEST INSURANCE, INC.	3,275.00
50019	2/13/12	00000040	VERIZON PENNSYLVANIA INC	860.81
50020	2/13/12	00000040	VERIZON PENNSYLVANIA INC	1,526.63

Montgomery Township Check Register

Check Number	Check Date	Vendor No	Payee	Amount
50021	2/13/12	00001033	VERIZON CABS	545.85
50022	2/13/12	00001492	VERIZON CABS	235.00
50023	2/13/12	00000170	VERIZON COMMUNICATIONS	104.99
50024	2/13/12	00000038	VERIZON WIRELESS SERVICES, LLC	336.21
50025	2/13/12	00000038	VERIZON WIRELESS SERVICES, LLC	178.09
50026	2/13/12	00001839	VINAY SETTY	75.00
50027	2/13/12	00001289	W. BYRON BATTLE, RPR	831.00
50028	2/13/12	00001191	WARREN FUCHS	15.00
50029	2/13/12	00000760	WASTE MANAGEMENT OF	429.14
50030	2/13/12	00001329	WELDON AUTO PARTS	287.98
50031	2/13/12	00001948	WILLIAM H. FLUCK IV	80.00
50032	2/13/12	00000545	DAVID A. WISMER	270.00
TOTAL				310,182.55

MONTGOMERY TOWNSHIP ELECTRONIC PAYROLL TAX PAYMENTS

<u>DATE</u>	<u>VENDOR NAME</u>	<u>REASON FOR PAYMENT</u>	<u>AMOUNT</u>
01/25/2012	Commonwealth of PA	State Tax Payment	\$9,784.61
01/31/2012	PA UC Fund	UC-2 4 th Quarter Payment	\$1,270.23
01/31/2012	Berkheimer	EIT 4 th Quarter Payment	\$16,087.15
02/01/2012	IRS	945 Payment	\$2,888.89
02/01/2012	ICMA	DROP Plan Payment	\$17,118.84
02/02/2012	IRS	941 Payment	\$65,140.60
02/02/2012	BCG	401/457 Plan Payment	\$22,371.26
02/02/2012	PA-SCDU	Withholding Payment	\$1,853.06
02/02/2012	City of Philadelphia	Jan Wage Tax Payment	\$626.00
02/08/2012	Commonwealth of PA	State Tax Payment	\$7,430.45
Total Paid as of 02/13/2012			\$144,571.09