

**MINUTES OF MEETING
MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS
MARCH 28, 2022**

1. Call to Order: The March 28, 2022 public meeting of the Montgomery Township Board of Supervisors was held at the Montgomery Township Municipal Building, 1001 Stump Road, Montgomeryville, PA. Chairwoman Tanya C. Bamford called the meeting to order at 7:00 p.m.

IN ATTENDANCE:

Chair Tanya C. Bamford
Supervisor Annette M. Long
Supervisor Beth A. Staab
Supervisor Audrey R. Ware
Township Manager, Carolyn McCreary
Township Solicitor Sean Kilkenny, Esq.

ALSO, IN ATTENDANCE:

Police Chief, J. Scott Bendig
Fire Chief, William Wiegman
Director of Finance, Brian Shapiro
Director of Public Works, Greg Reiff
Director of Information Technology, Rich Grier
Public Information Coordinator, Derek Muller
Deputy Zoning Officer, Marianne McConnell
Information Technology, Favian Zendejas

Vice Chairwoman, Candyce Fleuhr Chimera was not present at the meeting.

2. & 3. Pledge of Allegiance and Announcements: Following the Pledge of Allegiance, the following announcement was made by Ms. Bamford:

- Registration for Kids University began on Thursday, March 17th. We are pleased to announce that at the time of this update, 282 unique registrants will be attending Kids U, with 160 campers attending per week. While most of the weeks have reached full capacity, limited space remains for the week of July 5th through July 8th.
- Kids University is seeking individuals age 16+ who are looking for a fun, hand-on summer job experience to join us as Camp Counselors. Information about this position can be found at MontTwp.org/HR
- The Environmental Advisory Committee began a new battery recycling initiative in Summer 2021. Thank you to all of our residents who have contributed to over 600 lbs. of batteries being recycled through Montgomery Township. Batteries can be dropped off for recycling at the Township Building and the Community & Recreation Center. More information about this initiative can be found on our website.
- The Shade Tree Commission is holding its tree giveaway on Saturday beginning at 9 AM. Residents are encouraged to come early to claim one of 250 trees that will be available.

4. Public Comment – Franklin Ha, 104 Bishop Drive, spoke to the Board about the recent real estate tax increase, asking for an explanation of why it was necessary and had to be done at one time.

Rich Fusco, 109 Gwynmont Drive, addressed the Board about their plans to install bocce courts at two separate locations, stating he was pleased to see it in the budget. He noted he participates in five leagues and thinks a better option is to use all the money budgeted for William Maule Park at Windlestrae because of its location, the need for proper drainage, and the amenities already on site. He suggested the Township consider following the East Norriton model and revenue earned from league play could help offset construction and future maintenance costs. He offered to share mechanical drawings with the Township.

5. Consent Agenda:

MOTION: Upon motion by Ms. Bamford, seconded by Ms. Staab and unanimously carried (4-0), the minutes of the March 14, 2022 meeting, and the payment of bills for March 28, 2022 were approved as presented.

6. Recognition:

MOTION: Upon motion by Ms. Bamford, seconded by Ms. Staab and unanimously carried (4-0), the Board adopted Resolution 2022-17 recognizing April as Autism Awareness Month.

7. Introductions – Ms. McCreary introduced Shane Wheeler, the new Chief of the Volunteer Medical Service Corp. (VMSC). She noted Chief Wheeler was selected as the first paid chief of VMSC after a through recruitment process and she was a part of the interview committee. Chief Wheeler introduced himself, providing details on his background of 30 years in emergency services. He reported he is 90 days on the job and is pleased to report that VMSC is now at 100% staffing up from 49% when he was hired. He advised they are on firm financial standing and are now partnering with Jefferson to lead the way in clinical excellence. The Board welcomed Chief Wheeler and thanked him for coming to the meeting.

Ms. McCreary stated that Jon Love, a resident interested in serving on the Ready For 100 Committee was not present but had attended the committee's first meeting on March 24 and was an enthusiastic participant. Ms. Staab added he is retired military and a retired teacher, and his background will be an asset to the committee.

MOTION: Upon motion by Ms. Staab, seconded by Ms. Bamford and unanimously carried (4-0), the Board appointed Jon Love to the Ready For 100 Committee.

Planning and Zoning:

9. Westrum Land Development – Preliminary/Final Approval: Representatives from Westrum, their attorney and Engineer were present to answer questions about the project which had been previously presented to the Board and received a recommendation for approval from the Township Planning Commission. Mr. Maier reviewed the waivers requested with the Board, noting waiver No. 16E. of the resolution relating to fencing around the basin is being removed as

it is a will-comply. It was also noted there is a typo in the number of units which needs to be corrected. Mr. Kilkenny sought and received Board consensus on permitting the applicant to use a tri-party agreement as their escrow, noting this is common and he has not had any issues in other municipalities.

Franklin Ha of 104 Bishop Drive asked about firetruck access on the one side of the building.

MOTION: Upon motion by Ms. Bamford, seconded by Ms. Staab and unanimously carried (4-0), the Board adopted Resolution 2022-18 granting conditional preliminary/final approval for the Westrum land development project located at 13-17 Bethlehem Pike, removing the waiver request relating to installing a 4-foot high fence around the proposed bioretention area, amending the number of residential units to 224, and accepting a tri-party agreement for the required escrow for the project.

10. Krispy Kreme – Clarification on Vehicle Queuing: Amee Farrell, Esq. with Kaplin Stewart addressed the Board about the vehicular access and queuing at the proposed site, noting all access is internal to the shopping center. She stated they have received zoning relief, but not related to the queuing as there is nothing in the zoning ordinance outlining the plan being recommended by the Township's traffic engineer. She stated it is also not in the subdivision and land development ordinance. She noted unlike Dunkin Donuts or Starbuck, coffee sales here would be about 3.5% of sales. Ms. Farrell explained the rationale for her client's position that the current design is adequate and presented four conditions which they believe satisfy the Township's concerns and if approval is amended with these protections in place, it allows Krispy Kreme to move forward. Ms. Bamford suggested some wayfinding signs. Ms. Long asked if there were restrictions in place prohibiting the storage of materials or placement of excess snow from the parking lot. Damon Drummond, P.E., the Township's traffic engineer expressed his concerns about the design and revisions even with the four proposed conditions. Ms. Farrell suggested proposed language in response to Mr. Drummond's comments, additional striping and wayfinding signs, and additional language making the lane 10 feet vs. 8 feet at the queuing curve would allow the plan to be approved. She stated she would follow up with the Solicitor and work out the exact language with his office. The Board discussed the new conditions at length.

Franklin Ha, 104 Bishop Drive, expressed concerns about the plan. Vince Tulio, 101 Glasgow Circle, noted the proposed renovation is of a building that has been vacant for 2+ years and he has not seen traffic issues on Distribution Drive. He believes it is a positive project for the Township.

MOTION: Upon motion by Ms. Bamford, seconded by Ms. Staab and unanimously carried (4-0), the Board approved the queuing plan as presented conditioned on the inclusion of the four proposed conditions presented, additional striping and wayfinding signs, a 10 foot lane at the queuing curve with final amendment to the four conditions being written to the satisfaction of the Township Solicitor.

11. Review of Zoning Hearing Board Applications: Mr. Shoupe identified the three pending hearings before the Zoning Hearing Board (ZHB). Application 22030001 is for Pinecrest Golf Club, Inc., 101 Country Club Drive, where the applicant is appealing the enforcement notice the Township sent relating to violations concerning stormwater management. Application 22030002 is for Higher Rock Partners, 106 Witchwood Drive, where the applicant is seeking a variance from provisions of the zoning ordinance related to wall signs. Application 22030003 is for Perkasio Holding, LP, 701 Bethlehem Pike where the applicant is seeking a variance to utilize the property as a towing storage yard.

Board consensus was to have the Solicitor's office attend the Zoning Hearing Board and represent the Township in the Pinecrest appeal and not enter an appearance for the other two applications, allowing the Zoning Hearing Board to render a decision based on the testimony provided.

Public Works:

12. Award of Bid – Sassafras Stormwater Pipe Replacement Project:

MOTION: Upon motion by Ms. Bamford, seconded by Ms. Ware and unanimously carried (4-0), the Board awarded the contract for the Sassafras stormwater pipe replacement project to KBC Construction, LLC, the lowest responsible bidder, in the amount of \$387,730.00 per the recommendation of Gilmore & Associates, Township Engineer.

13. Award of Bid - 2022 Curb and Curb Ramp Project:

MOTION: Upon motion by Ms. Bamford, seconded by Ms. Staab and unanimously carried (4-0), the Board awarded the contract for the 2022 curb and curb ramp project to Drumheller Construction Co, Inc., the lowest responsible bidder, in the amount of \$115,664.00 per the recommendation of Gilmore & Associates, Township Engineer.

Public Safety:

14. Approval of Police Department's Canine Purchase: Chief Bendig advised the Board that with the unexpected passing of Canine Cody and the pending retirement of another member of the canine unit, the Township has received a quote from Tarheel Canine Training of Sanford North Carolina. The 2022 adopted budget includes \$29,500 for the purchase and training of the two canines.

MOTION: Upon motion by Ms. Bamford, seconded by Ms. Ware and unanimously carried (4-0), the Board awarded the contract for the purchase of the two new canines from Tarheel Canine Training in the amount of \$29,230.04 per their quote dated March 23, 2022.

15. Ratification of Communications Equipment Installation on NWWA Water Tower: Chief Wiegman informed the Board of an opportunity for the Township to have necessary equipment installed on the water tower currently being constructed behind the Airport Square Shopping Center. He reported the emergency communication upgrades are needed to replace aging infrastructure and increase the range and effectiveness of the current radio system utilized by the Police, Fire, and Public Works Departments. NWWA has agreed to install the conduit for \$58,472.28 with additional costs for mounting of an antenna and the installation of the repeater to follow in 2023 unless the timeline for the water tower project is accelerated.

MOTION: Upon motion by Ms. Bamford, seconded by Ms. Staab and unanimously carried (4-0), the Board approved the purchase and installation of the conduit on the new North Wales Water Authority's water tower located at Airport Square in the amount of \$58,472.28.

Administration and Finance:

16. Approval of Funds Transfer to Capital Reserves: Mr. Shapiro informed the Board that the Township had received \$275,000 representing its share of the real estate transfer tax related to the sale of the Montgomery Mall. He noted since this activity is atypical of the revenue normally run through the General Fund, noting an operating fund should account for recurring revenues and expenditures. He recommended the Board consider transfer this money into its capital reserves.

MOTION: Upon motion by Ms. Long, seconded by Ms. Bamford and unanimously carried (4-0), the Board authorized the transfer of \$275,000 from the General Fund into the Capital Reserves Fund.

Old Business:

18. Amendment to Autumn Festival Committee Bylaws: Ms. McCreary reminded the Board that at their February 28 public meeting they appointed Lisa Martin to serve on this committee. It was later discovered the current bylaws only permit residents to serve as members. She stated this committee works on a community event and will benefit by any township business representatives who wish to volunteer.

MOTION: Upon motion by Ms. Bamford, seconded by Ms. Staab and unanimously carried (4-0), the Board amended the bylaws to permit the owner or representative of a Township business to serve on the Autumn Festival Committee.

New Business:

18. Amendment to Senior Committee Bylaws: Ms. McCreary stated that Supervisor Ware and members of this Committee developed new language outlining the committee's purpose as a

way to revitalize the committee. Ms. Bamford commended Ms. Ware for her efforts in recruiting new members and looks forward to seeing the committee's work. Ms. McCreary read the new purpose, noting it reflects the committee's desired role. "The committee's goals include, but are not limited to, providing seniors with information and resources that help facilitate a sense of security, independence, self-sufficiency, health, and wellness. The committee will serve as Ambassadors to Service within the community by way of activity involvement and promoting healthy well-being for all."

MOTION: Upon motion by Ms. Bamford, seconded by Ms. Ware, and unanimously carried (4-0), the Board amended the Senior Committee bylaws per the recommendation of the Committee members.

19. Appointment of Tonya Lupinacci as Zoning Hearing Board Alternate: Ms. McCreary informed the Board that the Zoning Hearing Board currently has a vacancy for one of the alternate members. She stated Mike Lyon, a Zoning Hearing Board member, recommended the Board consider Tonya Lupinacci, and she has submitted her application and resume. She reminded the Board that Ms. Lupinacci currently serves on the Public Safety Committee. Mr. Kilkenny advised the Board that the Municipalities Planning Code (MPC) requires this appointment to be done by resolution, so the Board can make the appointment this evening and adopt the resolution at their next meeting.

MOTION: Upon motion by Ms. Bamford, seconded by Ms. Long, and unanimously carried (4-0), the Board appointed Tonya Lupinacci to serve as an alternate to the Zoning Hearing Board.

20. Township Representative to the Northern Montgomery County Recycling Commission: Ms. McCreary advised the Board she received a communication from the Commission's Solicitor expressing their condolences on Rich Roller's passing. As he served as the Township's representative on the Commission, the Board must appoint someone else. She noted the next meeting is April 14, and this allows the Board time to decide tonight or at their next meeting on April 11. Ms. Staab indicated she could represent the Township at these quarterly meetings.

MOTION: Upon motion by Ms. Bamford, seconded by Ms. Ware, and unanimously carried (4-0), the Board appointed Beth A. Staab to serve as the Township's representative on the Northern Montgomery County Recycling Commission.

21. Department Reports: Chief Wiegman updated the Board on the current relationship with Jefferson Health, stating there are currently three full-time firefighters and several volunteers who are trained EMTs. As part of the department's community risk reduction plan, there is an educational opportunity to have the other full-time staff receive EMT training which will involve a 15-week class/training conducted by Jefferson Health.

22. Committee Liaison Reports: Ms. Bamford advised the Shade Tree Commission is working on seeking proposals and designs for the various entranceways into the township. She also spoke

about the plans for the upcoming tree giveaway and planting a tree in memory of Rich Roller. Concerning the Montgomery Township Municipal Sewer Authority, Ms. Bamford informed the Board that the entire Township is now being monitored for COVID-19 in the wastewater by two labs, as MTMSA was chosen to participate in the CDC's National Wastewater Surveillance System program.

Ms. Staab spoke about the EAC's involvement in the upcoming e-recycling event being held at Windlestrae Park. She announced the Ready For 100 Committee held its first meeting, and they are looking at what other Townships have done to launch this initiative successfully.

Ms. Ware spoke about the Senior Committee's meeting, stating they held their reorganization and worked on the draft of the committee's purpose, describing it as "repurposed by purpose".

Ms. Long informed the Board that Phase II of the Korean War Memorial American-Korean Alliance Peace Park was discussed by the Committee. She provided renderings that depicted planters on the corners, a capping of granite, and planters on each side of the memorial. Construction could begin in late summer or early fall. She also advised the Committee would like to hold an event on June 25 commemorating the start of the Korean conflict.

23. Adjournment: Upon motion by Ms. Bamford and seconded by Ms. Long, the meeting was adjourned at 9:30 p.m.

Respectfully submitted,

Deborah A. Rivas, Recording Secretary