

AGENDA
MONTGOMERY TOWNSHIP
BOARD OF SUPERVISORS
DECEMBER 12, 2022
7:00 P.M.

www.montgomerytwp.org

Tanya C. Bamford
Candyce Fluehr Chimera
Annette M. Long
Beth A. Staab
Audrey R. Ware

Carolyn McCreary
Township Manager

1. Call Meeting to Order
2. Pledge of Allegiance
3. Announcements
4. **Recognition:** Retirement of Police Canine, Major
5. Public Comment
6. Announcement of Executive Session
7. Consent Agenda:
 - Minutes of November 28, 2022 Meeting
 - Payment of the December 12, 2022 Bills
 - Escrow Release No. 1 for Costco Wholesale (LDS 712)
 - Escrow Release and End of Maintenance for Montgomery Knoll

Planning and Zoning:

8. Review of Zoning Hearing Board Applications
9. Request to Accept Road Dedication – Higher Rock Partners, LP (Resolution 2022-42)

Administration and Finance:

10. Adoption of Resolution 2022-41, Setting the Volunteer Firefighter Stipend for 2022
11. Adoption of 2023 Budget
12. Establish Real Estate Tax Millage for 2023 (Resolution 2022-43)
13. Approval of Montgomery Township Municipal Sewer Authority (MTMSA) 2023 Budget
14. Approval of MTMSA 2022 Tapping Fee Agreements
15. Approval of Amended Settlement Stipulation – Airport Square Shopping Associates, LP

Parks and Recreation:

16. Authorize Advertisement of Bids for Fellowship Park Renovation Project

Public Safety:

- 17. Authorize Advertisement of Proposed Fireworks Ordinance
- 18. Authorize Advertisement of Proposed Ordinance Adopting the 2018 International Fire Code

Public Works:

- 19. Reauthorize the Purchase of Pickup Truck (Original Order Canceled)

Old Business:

New Business:

- 20. Adjournment

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS

BOARD ACTION SUMMARY

Item #03

SUBJECT: Announcements
MEETING DATE: December 12, 2022
BOARD LIAISON:
INITIATED BY: Tanya C. Bamford, Chairwoman

- **Gift certificates** to the Community & Recreation Center are on sale! They can be used toward memberships to the Center, programs, room rentals, and any other transactions at the Community & Recreation Center.

Now through January, special deals are available for CRC gift certificates:

- Spend \$50, and receive a gift certificate worth \$60
- Spend \$100, and receive a gift certificate worth \$120

Gift certificates must be completed in person at the front desk.

- **Letters to Santa** - The North Pole has designated the Montgomery Township Police Department as a Letter to Santa Drop off location again. You can download the letter that Santa created by visiting the Police Department page on our website. Once completed, you may drop off the letter at any time in the mailbox marked "Mail for Santa" which is located inside the lobby of the police department. There are also letter to Santa forms available for pick up inside the lobby. Letters must be placed in the mailbox by Sunday, December 18th, to deliver to Santa!

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS

BOARD ACTION SUMMARY

Item #04

SUBJECT: Recognition of Retirement of Police Canine Major
MEETING DATE: December 12, 2022
BOARD LIAISON: Supervisor Annette M. Long, Public Safety Committee Liaison
INITIATED BY: J. Scott Bendig, Chief of Police

BACKGROUND:

Earlier this year Canine Major retired after eight years of service to the Montgomery Township Police Department. Major entered service with the Township Police Department in 2015, serving as a dual-purpose canine, specializing in both patrol work and drug detection.

During his distinguished career, Canine Major and his handler, Officer Tim Woch, responded to over 800 calls for service, arresting numerous offenders and seizing significant quantities of drugs. This team also competed yearly in the United States Police Canine Associations Police field trials, obtaining numerous tracking, narcotic, Detector Dog, and PD1 Certifications.

Canine Major is well known to the Montgomery Township community, having been involved in over 60 public appearances/demonstrations during his years of service.

RECOMMENDATION:

It is recommended that the Board of Supervisors recognize Canine Major for his eight years of service to the Police Department and the citizens of Montgomery Township.

MOTION/RESOLUTION:

MOTION that we hereby recognize Canine Major for his eight years of service to the Police Department and citizens of Montgomery Township.

- 1) Motion by: _____ Second by: _____
- 2) Chairwoman will ask for public comment.
- 3) Chairwoman will call for a vote.

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS
BOARD ACTION SUMMARY

Item #05

SUBJECT: Public Comment
MEETING DATE: December 12, 2022
BOARD LIAISON:
INITIATED BY:

BACKGROUND:

Persons wishing to make public comment during this meeting on any items not listed on the agenda may do so at this time.

Please come forward to the microphone and state your name and address for the record.

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS
BOARD ACTION SUMMARY
Item #06

SUBJECT: Announcement of Executive Session
MEETING DATE: December 12, 2022
BOARD LIAISON: Tanya C. Bamford, Chairwoman
INITIATED BY: Sean Kilkenny, Esq.

BACKGROUND:

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

The Board of Supervisors met this evening at 6:30 PM in person at the Township building to discuss litigation and land acquisition matters.

The topic discussed is a legitimate subject of an Executive Session pursuant to the Commonwealth of Pennsylvania's Sunshine Law.

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS

BOARD ACTION SUMMARY

Item #07

SUBJECT: Consent Agenda
MEETING DATE: December 12, 2022
BOARD LIAISON:
INITIATED BY:

BACKGROUND:

MOTION TO APPROVE THE CONSENT AGENDA AS PRESENTED for the following:

- Minutes of the November 28, 2022 Board meeting
- Payment of Bills for December 12, 2022
- Escrow Release No. 1 – Costco Wholesale (LDS 712)
- Payment Release and End of Maintenance – Montgomery Knoll Landscaping

- 1) Motion by: _____ Second by: _____
- 2) Chairwoman will ask for public comment.
- 3) Chairwoman will call for a vote.

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

1. Call to Order: The November 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
Vice Chairwoman Candyce Fleuhr Chimera
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 F. Wiegman
Director of Finance, Brian Shapiro
Director of Information Technology Rich Grier
Recording Secretary, Deborah Rivas
Deputy Zoning Officer Marianne McConnell
GIS Analyst Jen Ames

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

- Current Community Outreach Drives:
 - Holiday Gift/Gift Card – now through December 9.
 - Winter Coat Drive - now through December 30.
 - Lt. Patty Simons 27th Annual Law Enforcement Food Drive – through December 14.
 - Toys for Tots – through December 15.
- Holiday Craft Fair at Community & Recreation Center – December 10, 9 am to 2 pm
- Winter Recreation Programs – Registration begins December 1st.

4. Public Comment – None.

5. Announcement of Executive Session – Township Solicitor Sean Kilkenny, Esquire, announced that the Board of Supervisors met this evening at 6:45 p.m. in person at the Township building to discuss personnel matters. Mr. Kilkenny stated that the topics discussed were legitimate subjects of an Executive Session under the Commonwealth of Pennsylvania's Sunshine Law.

6. Consent Agenda:

MOTION: Upon motion by Ms. Bamford, seconded by Ms. Chimera, and unanimously carried (5-0), the minutes of the November 14, 2022 meeting, the payment of bills for November 28, 2022, Escrow Release No. 2 for Montgomery Retirement Residence, LLC – Doylestown Road in the amount of \$1,364,051.50, Escrow Release No. 2 for CSW Luxor VII Montgomeryville, L.P. for Westrum Montgomeryville, 425 Stump Road in the

amount of \$31,201.50, and Escrow Release No. 13 for Higher Rock Partners, LP – Phase 2 in the amount of \$186,040.50, were approved as presented.

Planning and Zoning:

7. Review of Zoning Hearing Board Applications: Ms. McCreary identified the pending hearing before the December 7, 2022 Zoning Hearing Board meeting. Application 22110001 is for CSW Luxor Montgomeryville, LP, 425 Stump Road, for a third freestanding sign on the 425 Stump Road property.

Board consensus was not to enter an appearance for the application, allowing the Zoning Hearing Board to render a decision based on the testimony provided.

Public Works:

8. Authorization to Advertise for Bids for a Zero-Turn Infield Groomer: Mr. Shapiro reported that the Public Works Department is scheduled to replace the 2003 Smithco Super Rake, which is used to maintain the Township's parks infields. After researching several models, the department proposes purchasing a zero-turn infield groomer. The budgeted cost in the Capital Investment Plan is \$30,000.00. Currently, this item is not on COSTARS or Sourcewell and the Township would need to publicly bid this item.

MOTION: Upon motion by Ms. Bamford, seconded by Ms. Long, and unanimously carried (5-0), the Board authorized staff to prepare and advertise a bid for a new zero-turn infield groomer.

Recreation:

9. 2023 Winter Recreation Program and Fees: Mr. Shaffer presented the roster of Winter 2023 Recreation/Fitness Programs and the recommended fee schedules for the various activities. Registration for these programs will begin on December 1st.

MOTION: Upon motion by Ms. Long, seconded by Ms. Staab, and unanimously carried (5-0), the Board approved the 2023 Winter Recreation Programs and Fee Schedule as submitted.

Old Business: None.

New Business:

10. Department Reports: Monthly reports were submitted by each department for activity in the month of October. GIS Analyst Jen Ames shared insights into implementing the Township's new Geographic Information System (GIS). She highlighted three applications that are currently used by Township staff to enhance their workflows, communication, and record-keeping. The Public

Works Administration and Facilities Crew currently utilize a work order system to submit work orders reported either by the public or Public Works employees and track the status of those work orders. The Fire Department can track the locations of 9-1-1 incidents to which they have been dispatched, facilities they have inspected, and where they have performed community risk reduction activities such as smoke alarm installations. The GIS team is actively locating all of the Township's street signs. These include signs indicating the names of streets, stop signs, school zone signs, no parking signs, and much more. This data will play a key role in maintaining the necessary signage to keep drivers, bikers, and pedestrians safe, as well as be helpful to our Public Works Department in managing their inventory.

11. Committee Reports – Ms. Long reported that the Public Safety Committee discussed that activity appears to be back up to pre-COVID numbers. The committee also discussed several topics that will come up early next year involving dumpsters and other safety issues. There have been continued complaints about the deer population, but not much can be done about it. Ms. Bamford reported receiving a complaint from a resident regarding speeding on Gwynmont Drive and DeKalb Pike. Ms. Chimera reported that the Planning Commission did not have a meeting, and not much is happening with the Park and Recreation Board. Ms. Bamford reported that the Sewer Authority Board approved their budget and is continuing to monitor for the presence of COVID. Shade Tree Commission is continuing work on the monument signs that will be installed at the entrances to the Township. Ms. Staab reported that the Business Development Partnership did not meet. The Environmental Advisory Committee brought in the Penn State Extension to work on stormwater issues and to learn how property owners can mitigate flooding issues with native plants and shrubs to help fortify the soil. The EAC also discussed the beginnings of a survey regarding plastic and single-use plastic. Ms. Ware reported on the Senior Committee and their plans to attend and help out at the Breakfast with Santa event on December 17th. The committee will not have a meeting in December, and there is one member who will not be renewing their term on the committee for next year. Several residents have participated in recent meetings and may be interested in filling the upcoming vacant position.

Adjournment: Upon motion by Ms. Bamford and seconded by Ms. Chimera, the meeting was adjourned at 7:50 p.m.

Respectfully submitted,

Deborah A. Rivas, Recording Secretary

12/08/2022 01:47 PM
 User: msanders
 DB: Montgomery Twp

CHECK REGISTER FOR MONTGOMERY TOWNSHIP
 CHECK DATE FROM 11/29/2022 - 12/12/2022

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Check Date	Bank	Check	Vendor	Vendor Name	Amount	Status
Bank 01 UNIVEST CHECKING						
11/29/2022	01	93309	00000363	COMCAST	126.60	Open
11/30/2022	01	93310	100000580	BILL MEDVIC	150.00	Cleared
11/30/2022	01	93311	100002103	JAMES FARRELL	110.00	Cleared
11/30/2022	01	93312	MISC	Montgomery Township	9,220.96	Cleared
12/06/2022	01	93313	00000723	A TO Z PARTY RENTAL	237.20	Open
12/08/2022	01	93314	00000496	21ST CENTURY MEDIA NEWSPAPERS LL	115.71	Open
12/08/2022	01	93315	00000621	A & A SALES ASSOCIATES, LLC	3,266.13	Open
12/08/2022	01	93316	00000006	ACME UNIFORMS FOR INDUSTRY	634.22	Open
12/08/2022	01	93317	100000892	ADAM ZWISLEWSKI	280.00	Open
12/08/2022	01	93318	MISC	ALBRIGHT JOSEPH W & COSTELLO SAND	1,200.00	Open
12/08/2022	01	93319	100001754	ALEXANDER L. AVALLO III	100.00	Open
12/08/2022	01	93320	00000345	ALPHAGRAPHICS LANSDALE	213.82	Open
12/08/2022	01	93321	100000814	AMAZON.COM SERVICES, INC	3,502.44	Open
12/08/2022	01	93322	100000853	ANDREW HABER	344.99	Open
12/08/2022	01	93323	100000888	ANDREW WEINER	300.00	Open
12/08/2022	01	93324	100001890	ANGEL G. MEJIAS	450.00	Open
12/08/2022	01	93325	100001978	ANTHONY ZIRPOLI	550.00	Open
12/08/2022	01	93326	100000568	APMM	140.00	Open
12/08/2022	01	93327	100001828	ARAMSCO, INC.	27.00	Open
12/08/2022	01	93328	00000027	ARMOUR & SONS ELECTRIC, INC.	900.46	Open
12/08/2022	01	93329	00000031	AT&T	112.05	Open
12/08/2022	01	93330	100001718	ATLAS COPCO COMPRESSORS LLC	1,469.91	Open
12/08/2022	01	93331	00001997	AUTOMATIC SYNC TECHNOLOGIES, LLC	298.59	Open
12/08/2022	01	93332	00000340	B SAFE INC.	134.70	Open
12/08/2022	01	93333	100002115	BA SHIELDS	1,081.50	Open
12/08/2022	01	93334	100000979	BRANDON UZDZIENSKI	100.00	Open
12/08/2022	01	93335	100001080	BRIAN GRABER	100.00	Open
12/08/2022	01	93336	100001762	BRITTON INDUSTRIES, INC.	3,416.13	Open
12/08/2022	01	93337	100001762	VOID	0.00	Open
12/08/2022	01	93338	100000842	BRYAN WARYGA	150.00	Open
12/08/2022	01	93339	100000405	C.E.S.	335.95	Open
12/08/2022	01	93340	100000878	CARL F. HERR	150.00	Open
12/08/2022	01	93341	100001879	CARLOS A. GONZALEZ JR	200.00	Open
12/08/2022	01	93342	00002048	COLONIAL ELECTRIC SUPPLY CO, INC.	7,961.27	Open
12/08/2022	01	93343	00000363	COMCAST	10.52	Open
12/08/2022	01	93344	100001862	CUMMINS SALES AND SERVICE	1,831.28	Open
12/08/2022	01	93345	100001209	DALE ALDERFER	139.99	Open
12/08/2022	01	93346	00000111	DAVID H. LIGHTKEP, INC.	53.97	Open
12/08/2022	01	93347	00000118	DEL-VAL INTERNATIONAL TRUCKS, INC	2,573.17	Open
12/08/2022	01	93348	00000967	DVHT DELAWARE VALLEY HEALTH TRUST	160,810.52	Open
12/08/2022	01	93349	100001112	DYAN KRAJNIOVICH	600.00	Open
12/08/2022	01	93350	100000473	EAGLE POWER TURF & TRACTOR, INC	224.10	Open
12/08/2022	01	93351	00000171	FAST SIGNS	30.00	Open
12/08/2022	01	93352	00000169	FEDEX	27.32	Open
12/08/2022	01	93353	00002052	FOREMOST PROMOTIONS	1,626.79	Open
12/08/2022	01	93354	100001602	FRANK J. BLUSIEWICZ JR	150.00	Open
12/08/2022	01	93355	00001852	G.L. SAYRE, INC.	111.10	Open
12/08/2022	01	93356	00000193	GEORGE ALLEN PORTABLE TOILETS, IN	833.00	Open
12/08/2022	01	93357	00000817	GILMORE & ASSOCIATES, INC.	36,110.16	Open
12/08/2022	01	93358	00000817	VOID	0.00	Open
12/08/2022	01	93359	00000817	VOID	0.00	Open
12/08/2022	01	93360	00001323	GLICK FIRE EQUIPMENT COMPANY INC	2,111.54	Open
12/08/2022	01	93361	00001784	GOOGLE INC.	18.00	Open
12/08/2022	01	93362	00000608	GOOSE SQUAD L.L.C.	900.00	Open
12/08/2022	01	93363	00000215	HAVIS, INC.	16,011.38	Open
12/08/2022	01	93364	00903416	HEARTSMART.COM	518.98	Open
12/08/2022	01	93365	100000162	HERMAN GOLDNER COMPANY, INC.	3,246.00	Open
12/08/2022	01	93366	00000903	HOME DEPOT CREDIT SERVICES	346.64	Open
12/08/2022	01	93367	00441122	HORSHAM CAR WASH	228.00	Open
12/08/2022	01	93368	MISC	IMPRIANO R & S	320.00	Open
12/08/2022	01	93369	00000576	INDIAN VALLEY APPRAISAL COMPANY	1,500.00	Open
12/08/2022	01	93370	00000531	INTERSTATE GRAPHICS	695.00	Open
12/08/2022	01	93371	MISC	JANVILLE HOME IMPROVEMENTS INC	180.00	Open
12/08/2022	01	93372	MISC	JB ROOFING SYSTEMS	55.00	Open
12/08/2022	01	93373	100002107	JEFF VASEY	50.00	Open
12/08/2022	01	93374	100001994	JOHN BERESCHAK	200.00	Open
12/08/2022	01	93375	100000881	JOHN H. MOGENSEN	150.00	Open
12/08/2022	01	93376	100001911	JULIUS MACK	80.00	Open
12/08/2022	01	93377	100002111	KATIE MAMROL	75.00	Open
12/08/2022	01	93378	100001811	KEYSTONE MUNICIPAL SERVICES, INC.	6,900.00	Open
12/08/2022	01	93379	100001254	KILCOYNE & KELM, LLC	2,250.00	Open
12/08/2022	01	93380	100001592	KILKENNY LAW, LLC	8,805.45	Open
12/08/2022	01	93381	100002110	KRISTINE WILLARD	85.00	Open
12/08/2022	01	93382	100001661	KYLE W. STUMP	150.00	Open
12/08/2022	01	93383	00000738	LENNI ELECTRIC CORP	1,320.00	Open
12/08/2022	01	93384	00000284	LIZELL OFFICE FURNITURE	292.00	Open
12/08/2022	01	93385	100002117	MARINO CORPORATION	374,532.21	Open
12/08/2022	01	93386	00000201	MASTERTECH AUTO SERVICE, LLC	470.88	Open

12/08/2022 01:47 PM

User: msanders

DB: Montgomery Twp

CHECK REGISTER FOR MONTGOMERY TOWNSHIP

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CHECK DATE FROM 11/29/2022 - 12/12/2022

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12/08/2022	01	93387	00002016	MICHAEL D. SHINTON	100.00	Open
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12/08/2022	01	93389	100001926	MICHAEL J. KUNZIG	50.00	Open
12/08/2022	01	93390	00000306	MICHAEL JENKINS	1,048.74	Open
12/08/2022	01	93391	100000885	MICHAEL SHEARER	100.00	Open
12/08/2022	01	93392	100000188	MJ EARL	356.10	Open
12/08/2022	01	93393	00000324	MOYER INDOOR / OUTDOOR	147.75	Open
12/08/2022	01	93394	100002116	NATHAN SPEARS	300.00	Open
12/08/2022	01	93395	00905070	NORTH WALES LIBRARY	650.00	Open
12/08/2022	01	93396	100001969	ODP BUSINESS SOLUTIONS, LLC	236.92	Open
12/08/2022	01	93397	100001567	OMEGA SYSTEMS CONSULTANTS, INC.	4,235.00	Open
12/08/2022	01	93398	00000661	PAULA MESZAROS	1,113.00	Open
12/08/2022	01	93399	00000397	PECO ENERGY	14,344.74	Open
12/08/2022	01	93400	00000399	PECO ENERGY	7,209.44	Open
12/08/2022	01	93401	00001930	PENNBBC	85.00	Open
12/08/2022	01	93402	00000388	PENNSYLVANIA ONE CALL SYSTEM, INC	213.12	Open
12/08/2022	01	93403	100000754	PETROLEUM TRADERS CORP.	4,954.03	Open
12/08/2022	01	93404	100000755	PETROLEUM TRADERS CORP.	3,330.69	Open
12/08/2022	01	93405	00000009	PETTY CASH	219.99	Open
12/08/2022	01	93406	00000009	PETTY CASH	2,100.00	Open
12/08/2022	01	93407	00001689	PTM DOCUMENT SYSTEMS	332.40	Open
12/08/2022	01	93408	00000252	PURE CLEANERS	682.00	Open
12/08/2022	01	93409	100001010	RACHEL GIBSON	350.00	Open
12/08/2022	01	93410	100002112	RIVERSIDE CONSTRUCTION MATERIALS	7,977.08	Open
12/08/2022	01	93411	00000741	ROBERT E. LITTLE, INC.	1,274.03	Open
12/08/2022	01	93412	100000873	RYAN ALLISON	100.00	Open
12/08/2022	01	93413	100002106	SAMUEL MAUGANS	50.00	Open
12/08/2022	01	93414	00000556	SCOTT DEILEY	149.95	Open
12/08/2022	01	93415	00000041	SCOTT STUTZMAN	124.95	Open
12/08/2022	01	93416	100000874	SEAN ALLISON	100.00	Open
12/08/2022	01	93417	100001354	SELEX ES INC.	1,250.00	Open
12/08/2022	01	93418	00001939	SERVICE TIRE TRUCK CENTERS	110.00	Open
12/08/2022	01	93419	00000465	SHAPIRO FIRE PROTECTION COMPANY	437.70	Open
12/08/2022	01	93420	00000467	SNAP-ON INDUSTRIAL	44.55	Open
12/08/2022	01	93421	100000411	SPENCER D. BORINE	60.00	Open
12/08/2022	01	93422	100000701	STAPLES BUSINESS CREDIT	623.41	Open
12/08/2022	01	93423	100002104	STEVEN BRITT	20.00	Open
12/08/2022	01	93424	100001627	SUNWIZE POWER & BATTERY	2,501.00	Open
12/08/2022	01	93425	100002113	SYRENA TOWING	150.00	Open
12/08/2022	01	93426	100001324	TASHA PETERS	65.00	Open
12/08/2022	01	93427	00661122	TEES WITH A PURPOSE	655.00	Open
12/08/2022	01	93428	00002020	THOMSON REUTERS	265.08	Open
12/08/2022	01	93429	MISC	TIMOTHY SCHAEFFER ROOFING & SIDING	20.00	Open
12/08/2022	01	93430	00000570	TODD JASUTA	135.00	Open
12/08/2022	01	93431	100002108	TONI NATALE	110.00	Open
12/08/2022	01	93432	00000506	TRANS UNION LLC	90.00	Open
12/08/2022	01	93433	100000897	TREVOR DALTON	50.00	Open
12/08/2022	01	93434	100002071	TRM	100.00	Open
12/08/2022	01	93435	MISC	TRONOSKI TAMMY JOSPEH	1,200.00	Open
12/08/2022	01	93436	00000699	TURF EQUIPMENT AND SUPPLY CO.	25,976.77	Open
12/08/2022	01	93437	100001913	TYRONE C TATE	140.00	Open
12/08/2022	01	93438	03214643	UNWINED & PAINT	320.00	Open
12/08/2022	01	93439	100000408	VAULT HEALTH	6.14	Open
12/08/2022	01	93440	00000040	VERIZON	269.00	Open
12/08/2022	01	93441	00000040	VERIZON	354.37	Open
12/08/2022	01	93442	00000040	VERIZON	185.81	Open
12/08/2022	01	93443	00000040	VERIZON	574.61	Open
12/08/2022	01	93444	00000038	VERIZON WIRELESS SERVICES, LLC	3,091.37	Open
12/08/2022	01	93445	100000854	VINAY P. SETTY	210.00	Open
12/08/2022	01	93446	100000891	VINCENT ZIRPOLI	540.00	Open
12/08/2022	01	93447	100002100	WALL SHIELDS CO	2,500.00	Open
12/08/2022	01	93448	00001329	WELDON AUTO PARTS	230.58	Open
12/08/2022	01	93449	00000632	WEST GENERATOR SERVICES INC.	160.25	Open
12/08/2022	01	93450	100002105	WILLIAM H. RESCH MEMORIAL	100.00	Open
12/08/2022	01	93451	00001084	WITMER ASSOCIATES, INC.	4,499.20	Open
12/08/2022	01	93452	00000760	WM CORPORATE SERVICES, INC	1,801.50	Open

01 TOTALS:

Total of 144 Checks:

764,933.90

Less 3 Void Checks:

0.00

Total of 141 Disbursements:

764,933.90

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS
BOARD ACTION SUMMARY

Item #07

SUBJECT:	Construction Escrow Release 1 and Commencement of the 18-Month Maintenance Period – Costco Wholesale Corporation – Gasoline Filling Station (LDS 712)
MEETING DATE:	December 12, 2022
BOARD LIAISON:	Tanya C. Bamford, Chairwoman
INITIATED BY:	Carolyn McCreary, Township Manager

BACKGROUND:

Attached is a construction escrow release requested by Costco Wholesale Corporation for the Costco Gasoline Filling Station (740 Upper State Road) as recommended by the Township Engineer.

The original amount of the escrow was \$1,015,030.01, held as a Cash Escrow with the Township. This is the first release and is in the amount of \$1,015,030.01. The new balance would be \$0.00.

The applicant previously provided maintenance security in the amount of \$138,413.18 to the Township on September 15, 2022.

MOTION/RESOLUTION:

Motion to authorize as part of the consent agenda.



GILMORE & ASSOCIATES, INC.
ENGINEERING & CONSULTING SERVICES

December 6, 2022

File No. 2019-10114-01

Carolyn McCreary, Township Manager
Montgomery Township
1001 Stump Road
Montgomeryville, PA 18936-9605

Reference: Costco Wholesale – Gas Filling Station – 740 Upper State Road – LDS#712
Escrow Release 1 – Start of Maintenance Period

Dear Carolyn:

We have received and reviewed the Request for Escrow Release for the above-referenced project. This letter is to certify that the improvements noted on the enclosed escrow summary in the amount of \$1,015,030.01 have been completed. Please find enclosed a copy of our escrow calculations and the application for release of funds for your use.

It is our understanding that the applicant has provided maintenance security in an amount of \$138,413.18. Therefore, we recommend start of the 18-month maintenance period.

Please be advised that these improvements will be subject to a final inspection at the end of the maintenance period. Any deficiencies will be required to be corrected by the developer.

Should you have any further questions or require any additional information, please do not hesitate to contact our office.

Sincerely,

James P. Dougherty, P.E.
Senior Project Manager
Gilmore & Associates, Inc.

JPD/sl

Enclosure: Release of Escrow Form (12/6/22), Summary of Improvement Escrow Account (12/6/22),

cc: Bruce S. Shoupe, Director of Planning and Zoning
Marianne McConnell, Deputy Zoning Officer – Montgomery Township
Mary Gambino, Project Coordinator – Montgomery Township
Sean Kilkenny, Esq., Solicitor – Kilkenny Law
John Paul Andrews – Costco Wholesale Corporation

RELEASE OF ESCROW FORM

James P. Dougherty, P.E.
Senior Project Manager
Gilmore & Associates, Inc.
65 East Butler Avenue, Suite 100
New Britain, PA 18901
215-345-4330

Date: 12/06/2022

Development: Costco Fuel Facility - LDS-712

G&A Project #: 2019-100141-01

Release #: 1

Dear Mr. Dougherty:

This is an escrow release request in the amount of \$1,015,030.01. Enclosed is a copy of our escrow spreadsheet with the quantities noted.

ESCROW RELEASE REQUESTS ARE LIMITED TO ONE PER MONTH.

Ms. Carolyn McCreary
Township Manager
Montgomery Township
1001 Stump Road
Montgomeryville, PA 18936

Date: 12/06/2022

Dear Ms. McCreary

We have reviewed the developer's request for an escrow release. We therefore, recommend that \$1,015,030.01 be released. These improvements will be subject to a final observation prior to dedication and again at the end of the maintenance period. Any deficiencies will be required to be corrected by the developer.

James P. Dougherty 12/6/22
James P. Dougherty, P.E., Senior Project Manager, Gilmore & Associates, Inc.

Resolution # _____

WHEREAS, a request for release of escrow was received from Costco Wholesale Corporation for Costco Fuel Facility - LDS-712, in the amount of \$1,015,030.01, on the representation that work set forth in the Land Development Agreement to the extent has been completed and; WHEREAS, said request has been reviewed by the Township Engineer who recommends release of \$1,015,030.01; NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Montgomery Township that we do hereby authorize release of \$1,015,030.01; 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 contingent upon payment of any and all outstanding bills. BE IT FURTHER RESOLVED that Township records indicate that escrow has been deposited via Cash Escrow with Montgomery Township in total sum of \$1,015,030.01 pursuant to a signed Land Development Agreement and that \$0.00 has previously been released from escrow. Therefore, the action of the Board releasing said sum leaves a new balance of \$0.00 in escrow.

MOTION BY: _____

VOTE: _____

SECOND BY: _____

DATED: _____

RELEASED BY: _____

Department Director



ESCROW RELEASE NO.: 1

DATE PREPARED: 6-Dec-2022

PROJECT NAME: Costco Fuel Facility	TOTAL ENG/INSP/LEGAL (CASH ESCROW): \$ 45,000.00	MONTGOMERY TOWNSHIP
DEVELOPER: Costco Wholesale Corporation	TOTAL ADMINISTRATION (CASH ESCROW): \$ 5,000.00	TOWNSHIP NO.: LDS-712
ESCROW AGENT: Montgomery Township		G&A PROJECT NO.: 2019-100141-01
TYPE OF SECURITY: Cash Escrow	MAINTENANCE BOND AMOUNT (15%): \$ 138,413.18	AGREEMENT DATE: 25-Aug-2021

SUMMARY OF IMPROVEMENT ESCROW ACCOUNT	TOTAL COST	RELEASE REQUESTS			BALANCE
		CURRENT	PRIOR	TOTAL	
CONSTRUCTION	\$922,754.55	\$ 922,754.55	\$ -	\$ 922,754.55	\$ -
CONTINGENCY (10%)	\$ 92,275.46	\$ 92,275.46	\$ -	\$ 92,275.46	\$ -
TOTAL	\$ 1,015,030.01	\$ 1,015,030.01	\$ -	\$ 1,015,030.01	\$ -

CONSTRUCTION ITEMS	UNIT	QUANTITY	UNIT COST	TOTAL COST	CURRENT REQUEST		PRIOR REQUESTS		TOTAL REQUESTS (incl. current release)		AVAILABLE FOR RELEASE (incl. current release)	
					QTY	COST	QTY	COST	QTY	COST	QTY	COST
A. SOIL EROSION AND SEDIMENT CONTROL												
1. Construction Entrance	EA	1	\$ 2,500.00	\$ 2,500.00	1.00	\$ 2,500.00		\$ -	1.00	\$ 2,500.00		\$ -
2. Concrete Washout	EA	1	\$ 500.00	\$ 500.00	1.00	\$ 500.00		\$ -	1.00	\$ 500.00		\$ -
3. 12" Silt Socks	LF	250	\$ 6.50	\$ 1,625.00	250.00	\$ 1,625.00		\$ -	250.00	\$ 1,625.00		\$ -
4. 18" Silt Socks	LF	435	\$ 7.50	\$ 3,262.50	435.00	\$ 3,262.50		\$ -	435.00	\$ 3,262.50		\$ -
5. 24" Silt Socks	LF	505	\$ 9.75	\$ 4,923.75	505.00	\$ 4,923.75		\$ -	505.00	\$ 4,923.75		\$ -
6. NAG SC150	SF	1,230	\$ 0.21	\$ 258.30	1,230.00	\$ 258.30		\$ -	1,230.00	\$ 258.30		\$ -
7. Inlet Protection (Silt Sack)	EA	8	\$ 150.00	\$ 1,200.00	8.00	\$ 1,200.00		\$ -	8.00	\$ 1,200.00		\$ -
8. Filter Bags 15X15	EA	1	\$ 135.00	\$ 135.00	1.00	\$ 135.00		\$ -	1.00	\$ 135.00		\$ -
9. Soil Stockpiles	EA	1	\$ 750.00	\$ 750.00	1.00	\$ 750.00		\$ -	1.00	\$ 750.00		\$ -
				\$ -		\$ -		\$ -		\$ -		\$ -
B. EARTHWORK												
1. Strip Topsoil	SY	6,200	\$ 1.50	\$ 9,300.00	6,200.00	\$ 9,300.00		\$ -	6,200.00	\$ 9,300.00		\$ -
2. Site Excavation & Grading	LS	1	\$ 7,500.00	\$ 7,500.00	1.00	\$ 7,500.00		\$ -	1.00	\$ 7,500.00		\$ -
C. CURB AND PAVEMENT												
1. Concrete Curb On-Site	LF	2,875	\$ 18.00	\$ 51,750.00	2,875.00	\$ 51,750.00		\$ -	2,875.00	\$ 51,750.00		\$ -
2. Concrete Sidewalk, 4" Depth	SF	2,560	\$ 9.50	\$ 24,320.00	2,560.00	\$ 24,320.00		\$ -	2,560.00	\$ 24,320.00		\$ -
3. Concrete Curb Ramp	EA	5	\$ 2,000.00	\$ 10,000.00	5.00	\$ 10,000.00		\$ -	5.00	\$ 10,000.00		\$ -
4. Detectable Warning Surface	SF	31	\$ 80.00	\$ 2,480.00	31.00	\$ 2,480.00		\$ -	31.00	\$ 2,480.00		\$ -
5. Concrete Pavement, 6" Depth	SF	13,730	\$ 13.00	\$ 178,490.00	13,730.00	\$ 178,490.00		\$ -	13,730.00	\$ 178,490.00		\$ -
6. Superpave, WMA Wearing Course, PG 64-22, 3 to 10 Million Design ESALS, 9.5 mm Mixture, 1.5" Depth, SRL-E	SY	6,740	\$ 9.50	\$ 64,030.00	6,740.00	\$ 64,030.00		\$ -	6,740.00	\$ 64,030.00		\$ -
7. Superpave, WMA Binder Course, PG 64-22, 3 to 10 million Design ESALS, 19 mm Mixture, 2.0" Depth	SY	3,340	\$ 9.50	\$ 31,730.00	3,340.00	\$ 31,730.00		\$ -	3,340.00	\$ 31,730.00		\$ -
8. Superpave, WMA Binder Course, PG 64-22, 3 to 10 million Design ESALS, 19 mm Mixture, 2.5" Depth	SY	3,400	\$ 10.50	\$ 35,700.00	3,400.00	\$ 35,700.00		\$ -	3,400.00	\$ 35,700.00		\$ -
9. Subbase (No. 2A), 6" Depth	SY	3,340	\$ 8.00	\$ 26,720.00	3,340.00	\$ 26,720.00		\$ -	3,340.00	\$ 26,720.00		\$ -
10. Subbase (No. 2A), 8" Depth	SY	3,400	\$ 10.00	\$ 34,000.00	3,400.00	\$ 34,000.00		\$ -	3,400.00	\$ 34,000.00		\$ -
D. STRIPING AND SIGNAGE												
1. Signage and Striping Package	LS	1	\$ 5,000.00	\$ 5,000.00	1.00	\$ 5,000.00		\$ -	1.00	\$ 5,000.00		\$ -
E. LANDSCAPING												
1. Shade Tree (2 1/2" - 3" caliper)	EA	31	\$ 600.00	\$ 18,600.00	31.00	\$ 18,600.00		\$ -	31.00	\$ 18,600.00		\$ -
2. Evergreen Shrubs & Deciduous Shrubs (24" - 30")	EA	33	\$ 90.00	\$ 2,970.00	33.00	\$ 2,970.00		\$ -	33.00	\$ 2,970.00		\$ -
3. Groundcover Shrubs (15" - 18" spread)	EA	33	\$ 35.00	\$ 1,155.00	33.00	\$ 1,155.00		\$ -	33.00	\$ 1,155.00		\$ -
F. LIGHTING												
1. Pole Mounted Lights	EA	4	\$ 3,500.00	\$ 14,000.00	4.00	\$ 14,000.00		\$ -	4.00	\$ 14,000.00		\$ -
2. Double LED Setup with 30" Exposed Foundation (20' Mounting)	EA	2	\$ 5,200.00	\$ 10,400.00	2.00	\$ 10,400.00		\$ -	2.00	\$ 10,400.00		\$ -



PROJECT NAME: Costco Fuel Facility	TOTAL ENG/INSP/LEGAL (CASH ESCROW): \$ 45,000.00	MONTGOMERY TOWNSHIP
DEVELOPER: Costco Wholesale Corporation	TOTAL ADMINISTRATION (CASH ESCROW): \$ 5,000.00	TOWNSHIP NO.: LDS-712
ESCROW AGENT: Montgomery Township		G&A PROJECT NO.: 2019-100141-01
TYPE OF SECURITY: Cash Escrow	MAINTENANCE BOND AMOUNT (15%): \$ 138,413.18	AGREEMENT DATE: 25-Aug-2021

SUMMARY OF IMPROVEMENT ESCROW ACCOUNT	TOTAL COST	RELEASE REQUESTS			BALANCE
		CURRENT	PRIOR	TOTAL	
CONSTRUCTION	\$922,754.55	\$ 922,754.55	\$ -	\$ 922,754.55	\$ -
CONTINGENCY (10%)	\$ 92,275.46	\$ 92,275.46	\$ -	\$ 92,275.46	\$ -
TOTAL	\$ 1,015,030.01	\$ 1,015,030.01	\$ -	\$ 1,015,030.01	\$ -

CONSTRUCTION ITEMS	UNIT	QUANTITY	UNIT COST	TOTAL COST	CURRENT REQUEST		PRIOR REQUESTS		TOTAL REQUESTS (incl. current release)		AVAILABLE FOR RELEASE (incl. current release)	
					QTY	COST	QTY	COST	QTY	COST	QTY	COST
G. STORM DRAINAGE												
1. 4' Dia. Storm Manhole	EA	2	\$ 3,500.00	\$ 7,000.00	2.00	\$ 7,000.00		\$ -	2.00	\$ 7,000.00		\$ -
2. Standard Type 'C' Inlet	EA	4	\$ 2,500.00	\$ 10,000.00	4.00	\$ 10,000.00		\$ -	4.00	\$ 10,000.00		\$ -
3. FlexStorm Inlet Filters	EA	4	\$ 1,200.00	\$ 4,800.00	4.00	\$ 4,800.00		\$ -	4.00	\$ 4,800.00		\$ -
4. Yard Inlet	EA	1	\$ 1,200.00	\$ 1,200.00	1.00	\$ 1,200.00		\$ -	1.00	\$ 1,200.00		\$ -
5. 1,000 Gallon Oil Water Separator	EA	2	\$ 25,000.00	\$ 50,000.00	2.00	\$ 50,000.00		\$ -	2.00	\$ 50,000.00		\$ -
6. 15" HDPE	LF	470	\$ 34.00	\$ 15,980.00	470.00	\$ 15,980.00		\$ -	470.00	\$ 15,980.00		\$ -
I. MISCELLANEOUS												
1. Modular Block Wall	SF	3,565	\$ 45.00	\$ 160,425.00	3,565.00	\$ 160,425.00		\$ -	3,565.00	\$ 160,425.00		\$ -
2. Wooden Guide Rail	LF	190	\$ 80.00	\$ 15,200.00	190.00	\$ 15,200.00		\$ -	190.00	\$ 15,200.00		\$ -
3. 4' Aluminum Fence (inc. Sleeve-Its)	LF	350	\$ 45.00	\$ 15,750.00	350.00	\$ 15,750.00		\$ -	350.00	\$ 15,750.00		\$ -
4. Bollards	EA	27	\$ 800.00	\$ 21,600.00	27.00	\$ 21,600.00		\$ -	27.00	\$ 21,600.00		\$ -
5. As- Built Plans	LS	1	\$ 2,500.00	\$ 2,500.00	1.00	\$ 2,500.00		\$ -	1.00	\$ 2,500.00		\$ -
				\$ -		\$ -		\$ -		\$ -		\$ -
J. TRAFFIC												
1. NEMA TS-2; Type 2 Controller (inc. cabinet and battery BU)	EA	1	\$ 30,000.00	\$ 30,000.00	1.00	\$ 30,000.00		\$ -	1.00	\$ 30,000.00		\$ -
2. Pedestrian Push Button	EA	4	\$ 500.00	\$ 2,000.00	4.00	\$ 2,000.00		\$ -	4.00	\$ 2,000.00		\$ -
3. Video Detector	EA	4	\$ 5,000.00	\$ 20,000.00	4.00	\$ 20,000.00		\$ -	4.00	\$ 20,000.00		\$ -
4. Radar Dection System	EA	1	\$ 15,000.00	\$ 15,000.00	1.00	\$ 15,000.00		\$ -	1.00	\$ 15,000.00		\$ -
5. Optical Preemption System	EA	1	\$ 8,000.00	\$ 8,000.00	1.00	\$ 8,000.00		\$ -	1.00	\$ 8,000.00		\$ -
L. CONTINGENCY												
1. 10% Contingency	LS	1	\$ 92,275.46	\$ 92,275.46	1.00	\$ 92,275.46		\$ -	1.00	\$ 92,275.46		\$ -
(Released upon certification of completion and receipt of Maintenance Bond)												

NOTES:
7/26/201 Initial construction cost issued for Land Development Agreement.

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS

BOARD ACTION SUMMARY

Item #07

SUBJECT:	Landscaping Payment Release and End of Maintenance – Montgomery Knoll
MEETING DATE:	December 12, 2022
BOARD LIAISON:	Tanya C. Bamford, Chairwoman
INITIATED BY:	Carolyn McCreary, Township Manager

BACKGROUND:

Attached is a payment release for \$1,100 and a recommendation for End of Maintenance for the Cutler Landscape Restoration for Montgomery Knoll as recommended by the Township Engineer.

MOTION/RESOLUTION:

Motion to authorize as part of the consent agenda.



GILMORE & ASSOCIATES, INC.
ENGINEERING & CONSULTING SERVICES

December 9, 2022

File No. 2020-06037

Carolyn McCreary, Township Manager
Montgomery Township
1001 Stump Road
Montgomeryville, PA 18936-9605

Reference: Recommendation for End of Maintenance and for Payment Release
Cutler Landscape Restoration – Montgomery Knoll
Montgomery Township, Montgomery County, PA

Dear Ms. McCreary:

Please be advised that on December 1st, 8th and 9th, I performed an inspection of replacement landscaping at the Montgomery Knoll land development that was installed in order to close out the maintenance period. Additional replacements were made at additional expense to the Township to replace material that, while not meeting the threshold for replacement per the contract, was not satisfactory to the homeowners. It should be noted that there is no guarantee period for this additional replacement material.

At this time, all landscaping has been found to be acceptable to close out the maintenance period and to release payment for the additional plant material.

Therefore, we recommend the release of Payment in the amount of **One Thousand, One Hundred Dollars and No Cents (\$1,100.00)** which represents the cost for the additional replacement landscaping. In addition, we recommend that the maintenance period be closed out at this time.

A copy of the invoice submitted for the additional landscape replacements is attached herein.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Valerie L. Liggett, R.L.A., ASLA, ISA Certified Arborist®
Senior Landscape Architect

VLL/sl

Enclosures: Realty Landscaping Corporation Field Adjustment Proposal

cc: Colin Guerra – Realty Landscaping Corporation
Jason Carroll – Realty Landscaping Corporation
Brian Shapiro – Finance Director – Montgomery Township

65 East Butler Avenue | Suite 100 | New Britain, PA 18901 | Phone: 215-345-4330 | Fax: 215-345-8606

FIELD ADJUSTMENT PROPOSAL

Realty Landscaping Corporation

2585 Second Street Pike
Newtown, PA 18940
www.RealtyLandscaping.com

Date: 10/21/2022

P: (215) 598-7334
F: (215) 598-7345

Proposal Submitted To: Valerie Liggett
Gilmore & Associates, Inc.
65 East Butler Avenue, Suite 100
New Britain, PA 18901

Work To Be Performed At: **Montgomery Knoll**
Destiny Way
Montgomery Twp, PA 19454

Scope of Work:

We are pleased to submit our proposal for the above-referenced project. All work to be completed by our **non-union** labor force during normal business hours of Monday through Friday 7:00 AM to 5:30 PM. **Expected timeframe of Fall 2022**

NOTE: DUE TO PLANT MATERIAL SHORTAGES IN THE INDUSTRY PLANT SUBSTITUTIONS MAY BE REQUIRED ONCE APPROVED BY LANDSCAPE ARCHITECT

Additional Scope of Work

1	each	Add Ivory Silk Tree at 207 Harley Ct.	@	\$ 550.00	\$ 550.00
1	each	Add Kwanzan Cherry Tree at 209 Harley Ct.	@	\$ 550.00	\$ 550.00

Total \$ 1,100.00

Approved 10/21/22



The following are included in above cost:

- Bed edge all areas to receive mulch
- Triple ground mulch for all planting areas
- Deer guards black mesh 36"
- Maintain all plant material during the installation phase of the project, including watering.
- Water and Maintenance after completion during warranty timeline
- Notify the Owner or Owner's Representative prior to any installation of plant material.
- Contact local call service to mark location for all public utility lines on site. The Landscape Architect and Owner's representative would be responsible to locate all other lines including any Cable TV, low voltage lighting, irrigation lines, etc.
- Accompany the Landscape Architect to review and approve plant material with suppliers prior to commencement of planting.
- Submit to Landscape Architect and Owner's representative detailed maintenance instructions for the entire project.
- Provide a 12-month guarantee for all planted materials in accordance with the specifications. This is assuming proper maintenance is received to all plantings including watering.

The following are excluded from above cost:

- Stakeout, inspection or engineering costs.
- Land clearing or excess vegetation removal.
- Supplying or completing any rough grading work.
- Supplying soil amendments in addition to starter fertilizer.
- Supplying, relocating or hauling topsoil.
- Correcting compacted or poorly draining soils.
- Supplying or installing any material in excess of the size listed above.
- Supplying or installing erosion or sediment control improvements in addition to above items.
- Supplying or installing tree protection materials.
- Supplying or installing wood barricades or orange safety fencing around any plant material scheduled to remain.
- Securing any permits required by the municipality. Permits shall be the obligation of the owner.
- Supplying any performance, payment or maintenance bonds.
(Available upon at the cost of 2% each of contract total)

We assume no responsibility for the occurrence of or development of artillery fungus and we will not be held liable for its development or clean up. All material is guaranteed to be as specified, and the above work to be performed in accordance with the drawings and specifications submitted for above work and completed in a substantial workmanlike manner for the sum of **\$ 1,100.00** with payments to be made as follows: **per existing contract**

This price does not include any applicable state or local sales tax.

Any alteration or deviation from above specifications involving extra costs, will be executed only upon orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry flood, tornado and other necessary insurance upon above work. Workmen's Compensation and Public Liability Insurance on above work to be taken out by

Realty Landscaping Corporation

Respectfully submitted: **Realty Landscaping Corporation**
PA 001724 ♦ NJ 13VH04478500

Submitted By: **C. Guerra (267) 249-0813**

Note -- This proposal may be withdrawn by us if not accepted within 30 days



We accept the following major credit cards:

Payment by Credit Card: If Customer shall pay its obligation to Contractor by credit card, Customer shall not be permitted to cancel same after payment has been made by the credit card, except with the written consent of the Contractor's management and the granting or withholding of such consent shall be within the sole discretion of the Contractor.

ACCEPTANCE OF PROPOSAL

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payments will be made as outlined above. Attached items and conditions of this contract are binding and a part of this contract. Failure to make any payment due hereunder within 10 days of its due date constitutes a default, and if Realty Landscaping Corporation must retain an attorney for collection, then the undersigned agree to pay all reasonable attorney fees and the cost of collections. Payments not made within five days of due date shall be subject to a late charge of 5% of said payment. All payments hereunder shall be made to the above address of Realty Landscaping Corporation.

Print Name: _____

Signature: _____

Email Address: _____

Print Name: _____

Signature: _____

Email Address: _____

CONDITION

It is the customer's responsibility to locate, clearly identify, and notify Realty Landscaping of all underground conduits, wiring, pipes, septic systems, etc. Any damage to such underground conduits, wiring, pipes, septic systems, etc. shall not be the responsibility of Realty Landscaping. We have the right to substitute any plant under warranty. The landscape contractor shall not be held responsible for concealed conditions such as, but not limited to, rock, water, clay pan, asphalt or any other obstacles encountered which are not apparent at the time of estimating.

Once material is delivered and installed, the responsibility for disappearance, theft, or vandalism shall be the customer's.

It will be the customer's responsibility to clear the area to be landscaped of all debris, building materials and any other obstructions, unless Realty Landscaping is contracted to do so.

Substitutions of plant material may be necessary due to the availability of certain materials, with the client approval.

All materials installed by Realty Landscaping will be true to name, and up to or beyond industry standards. Plants will be free from disease, insects, and in healthy condition when planted. Proper watering, fertilizing, and pest control are necessary to maintain healthy plant growth. Once installed, we are not responsible for damage from acts of God or extreme weather conditions, theft, vandalism, or disappearance.

Before, during, or after installation excessive storm damage may cause erosion of mulching and planting areas, dry stream beds and groundcover areas. Realty Landscaping will not be held responsible for storm damage. We will restore the areas to their original condition after signing a work order to approve such restoration.

Contractor will perform for Customer, in a professional and workmanlike manner, grounds management and maintenance services as specified herein. Contractor will regularly inspect the landscape as part of our customer care program.

Contractor will furnish all supervision, labor, materials, equipment, supplies and services to maintain, in an attractive, healthy and safe condition those areas specified.

Damages must be reported to the Contractor within thirty (30) days. Failure to report damages within such time constitutes a waiver and the Contractor is released from liability.

Contractor is required to secure all permits necessary to perform the specified services and will comply with all applicable workman's compensation, employer's liability, and other federal, state, county and municipal laws, ordinances, rules and regulations applicable to Customer's location. Contractor shall not be responsible for delays caused by strikes, accidents or other contingencies beyond our control. Contractor assumes no responsibility for the development or occurrence of any fungus or mold and will not be held liable for related damage, injury, or cleanup. Customer to carry fire, tornado and other necessary insurance.

Customer will be responsible for payment to Contractor of all local, city and state taxes when applicable on landscape maintenance services.

Realty Landscaping reserves the right to impose a fuel surcharge to customers.

This contract may be terminated for any reason, by either party, provided thirty (30) days written notice is given via certified mail. Upon termination, Customer will be invoiced for work completed under this contract on a prorated basis.

This document defines pricing and specifications for labor, equipment, material, subcontractors or services to be provided by Realty Landscaping Corporation.

You may cancel this contract, without any penalty or obligation, within three days after the date the contract/transaction is signed. Please refer to the attached, Notice of Cancellation, for details.

INDEMNIFICATION

To the fullest extent permitted by law, Contractor, for itself and all parties acting under or through Contractor, shall indemnify and hold harmless Customer from and against all claims, damages, suits, losses and expenses of property, or bodily injury resulting from a negligent act on Contractor's part. Similarly, Customer shall indemnify and hold Contractor harmless from and against all claims, damages, suits, losses and expenses of property damage or bodily injury resulting from a negligent act or omission not caused by Contractor or Contractor's agents and/or employees.

WARRANTY

We will replace or credit all nursery stock supplied and installed by us that fail to survive for a period of one year from the date of invoice. Plants will only be replaced one time at no charge for materials and labor. Replacement plants are not warranted. Liability not to exceed plant value.

The following are expressly excluded from coverage by this warranty: Perennials, groundcover, other non-hardy plants, bare root plants, plants in containers above ground, client supplied plants, transplants, grass seed and sod. Transplanting, in most circumstances, is successful. However, to insure success we must prune each plant moderately to severely as we see fit before its relocation is started. Bare root groundcovers under 4" pot size are not warranted.

All construction shall, unless otherwise specified herein, carry a one year warranty from the date on the invoice on materials and workmanship excluding neglected maintenance, misuse, vandalism, or damage from acts of God. Where applicable manufacturers' warranties shall apply. Warranties will be voided in cases of physical and or chemical damage, neglect in watering or pest control, or in accounts over 60 days past due from date of invoice.

A service charge of 1.5% per month (18% per annum) will be added to all accounts 30 days or more past due.

All plant material and construction warranties will be voided after 60 days from date of invoice on past due accounts.

All material is warranted to be as specified. All work is to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements are contingent upon strikes, accidents or delays beyond our control. All our personnel are fully covered by Workman's Compensation Insurance.

Notice of Cancellation

(Enter Date of Transaction)

You may cancel this transaction, without any penalty or obligation, within three business days from the above date.

If you cancel, any property traded in, any payments made by you under the contract or sale, and any negotiable instrument executed by you will be returned within ten business days following receipt by the contractor of your cancellation notice and any security interest arising out of the transaction will be cancelled.

If you cancel, you must make available to the contractor at your residence in substantially as good condition as when received, any goods delivered to you under this contract or sale; or you may, if you wish, comply with the instructions of the contractor regarding the return shipment of the goods at the contractor's expense and risk.

If you do make the goods available to the contractor and the contractor does not pick them up within twenty days of the date of your notice of cancellation, you may retain or dispose of the goods without any further obligation. If you fail to make the goods available to the contractor, or if you agree to return the goods to the contractor and fail to do so, then you remain liable for performance of all obligations under the contract.

To cancel this transaction, certified mail or hand deliver a signed and dated copy of this cancellation notice to Realty Landscaping Corporation at 2585 Second Street Pike, Newtown, PA 18940 within three business days of contract date.

I hereby cancel this transaction.

Date: _____

Customer Signature

SIGN THIS FORM ONLY IF YOU WISH TO CANCEL THIS TRANSACTION

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS
BOARD ACTION SUMMARY

Item #08

SUBJECT:	Review of Zoning Hearing Board Applications
MEETING DATE:	December 12, 2022
BOARD LIAISON	Tanya C. Bamford, Chairwoman
INITIATED BY:	Carolyn McCreary, Township Manager

BACKGROUND:

Attached is the current agenda for the January 3, 2023 Zoning Hearing Board. The deadline for the applications is December 14th. There is a possibility of two additional applications to be submitted:

1. Residential – 112 Schreiner Drive – corner property, minimum setback side yard encroachment abutting street for proposed in-ground swimming pool
2. Residential – 100 Primrose Court – minimum rear yard setback encroachment for proposed Pergola on deck.

Potential Action of the Board:

The Board may remain neutral on the applications and let the Zoning Hearing Board render a decision based on the testimony presented.

The Board may send the Solicitor's office to oppose an application. This action would require a motion, second, and vote of the Board.



Montgomery Township Zoning Hearing Board

Meeting Date: January 4, 2023 – 6:30 pm

The agenda for the scheduled hearing is as follows:

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. REORGANIZATION
 - A. APPOINTMENT OF ZHB SOLICITOR
 - B. APPOINTMENT OF ZHB MEMBERS
 - a. Chairman
 - b. Vice Chairman
 - c. Members
 - d. Alternates
- IV. PROCEDURES FOR THE HEARING / HEARING OFFICERS
- V. APPLICATIONS:

1. Application #22120001 Nappen & Associates / 212 B,C,&D Progress Drive – The applicant, Nappen & Associates owns the 3.56 acre property located on Progress Drive within the LI – Limited Industrial District. The property is improved with a 25,000 square foot building divided into four tenant spaces with associated parking. Currently, 309 Automart, Inc. occupies 212D utilizing the space to detail, recondition, and prep used and new cars to be sold at their dealership (also located within the Township). The applicant received previous variances for the existing use in 2013 and 2016. The applicant proposes to expand into spaces B and C in order to perform cosmetic and structural damage repairs and warranty repair work in-house rather than continue to sub-contract the work out. Customers would drop off and pick up their vehicles at the dealership. Dealership employees would transport the vehicles from the dealership to the Progress Drive property and back. The applicant is seeking an additional variance from the provisions of Section 230-103 of the Code of Montgomery Township in order to permit the auto repair business on the property.

****Copies of the Application(s) and accompanying documents are on file in the Township's Planning and Zoning Department and may be seen upon request****

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS
BOARD ACTION SUMMARY

Item #09

SUBJECT:	Request to Accept Road Dedication – Higher Rock Partners, LP
MEETING DATE:	December 12, 2022
BOARD LIAISON:	Candyce Fluehr Chimera, Vice-Chairwoman
INITIATED BY:	Carolyn McCreary, Township Manager

BACKGROUND:

The developer requested the Township accept the dedication of Witchwood Drive and the Township Engineer and staff reviewed the project details and developed the attached resolution for the Board's consideration.

RECOMMENDATION:

Staff recommends the Board accept dedication of the road.

MOTION/RESOLUTION:

Motion to adopt Resolution No. 2022-42, accepting dedication of Witchwood Drive between Stump Road and Bethlehem Pike (SR 0309) from Higher Rock Partners, LP with the inclusions and exclusions described in the resolution.

- 1) Motion by: _____ Second by: _____
- 2) Chairwoman will ask for public comment.
- 3) Chairwoman will call for a vote.

MONTGOMERY TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA

RESOLUTION NO. 2022-42

A RESOLUTION OF MONTGOMERY TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA, ACCEPTING THE DEED OF DEDICATION OF WITCHWOOD DRIVE BETWEEN STUMP ROAD AND BETHLEHEM PIKE (STATE ROUTE 0309) FROM HIGHER ROCK PARTNERS, LP., INCLUDING THE ROAD SURFACE, CURBS, PAVEMENT MARKINGS, MEDIANS, AND OTHER TRAFFIC AND PEDESTRIAN RELATED IMPROVEMENTS WITHIN THE DEDICATED AREA; BUT NOT INCLUDING ANY WATER DISTRIBUTION, SANITARY SEWER, OR STORM SEWER UNDERGROUND, AT THE GROUND SURFACE, OR ABOVE GROUND WITHIN THE DEDICATED AREA; AND NOT INCLUDING THE TRAFFIC SIGNAL AND TRAFFIC SIGNAL EQUIPMENT AND SIGNAGE AT STUMP ROAD AND WITCHWOOD DRIVE

WHEREAS, Higher Rock Partners, LP has constructed Witchwood Road in accordance with the Land Development Agreement between Higher Rock Partners, LP and Montgomery Township and in accordance with the Preliminary/Final Land Development, Subdivision, and Conditional Use Plans for Higher Rock Partners, LP Proposed Retail and Mixed Use, prepared by Bohler Engineering, dated October 13, 2017, revision 15 dated October 8, 2018 approved by the Board of Supervisors of Montgomery Township; and,

WHEREAS, Exhibit A is the Metes and Bounds Description for Proposed Witchwood Drive, prepared by Control Point Associates, Inc. dated May 25, 2018, and revised October 8, 2018; and,

WHEREAS, Exhibit B is Sheet Number 7 of 81, entitled "Lot Consolidation & Subdivision Plan" from the Preliminary/Final Land Development, Subdivision, and Conditional Use Plans for Higher Rock Partners, LP Proposed Retail and Mixed Use, prepared by Bohler Engineering, dated October 13, 2017, revision 15 dated October 8, 2018; and,

WHEREAS, the Board of Supervisors of Montgomery Township wishes to accept the deed of dedication of Witchwood Drive between Stump Road and Bethlehem Pike (SR 0309) from Higher Rock Partners, LP ., including the road surface, curbs, pavement markings, medians, and other traffic and pedestrian related improvements within the dedicated area as described in Exhibit A and depicted in Exhibit B; but not including any water distribution, sanitary sewer, or storm sewer underground, at the ground surface, or above ground within the dedicated area; and not including the traffic signal and traffic signal equipment and signage at Stump Road and Witchwood Drive; and,

NOW, THEREFORE, BE IT RESOLVED by the Montgomery Township Board of Supervisors that we accept the Deed of Dedication from Higher Rock Partners, LP for Witchwood Drive between

Stump Road and Bethlehem Pike (SR 0309) including the road surface, curbs, and pavement markings, medians, and other traffic and pedestrian related improvements within the dedicated area as described in Exhibit A and depicted in Exhibit B; but not including any water distribution, sanitary sewer, or storm sewer underground, at the ground surface, or above ground within the dedicated area; and not including the traffic signal and traffic signal equipment and signage at Stump Road and Witchwood Drive; and,

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Township Solicitor is hereby authorized to record the deed in the Montgomery County Courthouse and the Township Manager and Township Engineer are authorized to add this road to the Township official street map and to advise the Pennsylvania Department of Transportation for the purpose is liquid fuels fund allocation.

RESOLVED, at the duly convened meeting of the Board of Supervisor of Montgomery Township conducted on the 12th day of December 2022.

Tanya C. Bamford, Chairwoman

Candyce Fluehr Chimera, Vice-Chairwoman

Annette M. Long, Member

Beth A Staab, Member

Audrey R. Ware, Member

Attest: Carolyn McCreary, Secretary

EXHIBIT A

Metes and Bounds Description for Proposed Witchwood Drive, prepared by Control Point Associates, Inc. dated May 25, 2018, and revised October 8, 2018



CONTROL POINT ASSOCIATES, INC.

traditional methods | modern approaches

New Britain Corporate Center
1600 Manor Drive, Suite 210
Chalfont, PA 18914
Tel. 215.712.9800
Fax. 215.712.9802
www.cpasurvey.com

May 25, 2018
Revised October 8, 2018
02-160218-00

METES AND BOUNDS DESCRIPTION
PROPOSED WITCHWOOD DRIVE
UNITS 3, 17, 20, 49; BLOCK 19
LANDS NOW OR FORMERLY
HIGHER ROCK PARTNERS, LP
MONTGOMERY TOWNSHIP, MONTGOMERY COUNTY
COMMONWEALTH OF PENNSYLVANIA

BEGINNING AT A POINT ON THE SOUTHWESTERLY REQUIRED RIGHT-OF-WAY LINE OF BETHLEHEM PIKE (A.K.A. PENNSYLVANIA STATE HIGHWAY ROUTE 309, A.K.A. S.R. 0309, A.K.A. L.R. 153, A.K.A. ROUTE 309, A.K.A. BETHLEHEM TURNPIKE, VARIABLE WIDTH RIGHT-OF-WAY), SAID POINT BEING DISTANT THE FOLLOWING THREE (3) COURSES AND DISTANCES FROM THE DIVIDING LINE BETWEEN LOT 1 AND UNIT 6, BLOCK 19, LANDS NOW OR FORMERLY NAPPEN ASSOCIATES:

- A. ALONG THE SOUTHWESTERLY LEGAL RIGHT-OF-WAY OF BETHLEHEM PIKE, NORTH 22 DEGREES 29 MINUTES 30 SECONDS WEST, A DISTANCE OF 106.48 FEET TO A POINT, THENCE;

THE FOLLOWING TWO (2) COURSES AND DISTANCES ALONG THE SOUTHWESTERLY REQUIRED RIGHT-OF-WAY OF BETHLEHEM PIKE:

- B. SOUTH 67 DEGREES 30 MINUTES 30 SECONDS WEST, A DISTANCE OF 6.00 FEET TO A POINT, THENCE;
- C. NORTH 22 DEGREES 29 MINUTES 30 SECONDS WEST, A DISTANCE OF 381.58 FEET TO THE TRUE POINT AND PLACE OF BEGINNING AND FROM SAID POINT OF BEGINNING RUNNING, THENCE;

THE FOLLOWING SEVEN (7) COURSES AND DISTANCE ALONG THE SOUTHWESTERLY PROPOSED RIGHT-OF-WAY LINE OF PROPOSED WITCHWOOD DRIVE:

1. ALONG THE ARC OF A CIRCLE CURVING TO THE LEFT, HAVING A RADIUS OF 105.00 FEET, A CENTRAL ANGLE OF 72 DEGREES 14 MINUTES 36 SECONDS, AN ARC LENGTH OF 132.39 FEET, A CHORD BEARING NORTH 78 DEGREES 04 MINUTES 44 SECONDS WEST AND A CHORD DISTANCE OF 123.80 FEET TO A POINT, THENCE;
2. SOUTH 65 DEGREES 47 MINUTES 58 SECONDS WEST, A DISTANCE OF 134.27 FEET TO A POINT OF CURVATURE, THENCE;
3. ALONG THE ARC OF A TANGENT CIRCLE CURVING TO THE RIGHT, HAVING A RADIUS OF 320.00 FEET, A CENTRAL ANGLE OF 87 DEGREES 44 MINUTES 20 SECONDS, AN ARC LENGTH OF 490.03 FEET, A CHORD BEARING NORTH 70 DEGREES 19 MINUTES 52 SECONDS WEST AND A CHORD DISTANCE OF 443.53 FEET TO A POINT OF TANGENCY, THENCE;
4. NORTH 26 DEGREES 27 MINUTES 42 SECONDS WEST, A DISTANCE OF 100.00 FEET TO A POINT OF CURVATURE, THENCE;

Corporate Headquarters 35 Technology Drive, Warren, NJ 07059 Tel: 908.668.0099 Fax: 908.668.9595

Professional Land Surveying, Geospatial and Consulting Services



5. ALONG THE ARC OF A TANGENT CIRCLE CURVING TO THE LEFT, HAVING A RADIUS OF 280.00 FEET, A CENTRAL ANGLE OF 03 DEGREES 28 MINUTES 49 SECONDS, AN ARC LENGTH OF 17.01 FEET, A CHORD BEARING NORTH 28 DEGREES 12 MINUTES 07 SECONDS WEST AND A CHORD DISTANCE OF 17.01 FEET TO A POINT OF COMPOUND CURVATURE, THENCE;
6. ALONG THE ARC OF A COMPOUND CIRCLE CURVING TO THE LEFT, HAVING A RADIUS OF 175.00 FEET, A CENTRAL ANGLE OF 22 DEGREES 21 MINUTES 37 SECONDS, AN ARC LENGTH OF 68.30 FEET, A CHORD BEARING NORTH 41 DEGREES 07 MINUTES 20 SECONDS WEST AND A CHORD DISTANCE OF 67.86 FEET TO A POINT OF COMPOUND CURVATURE, THENCE;
7. ALONG THE ARC OF A COMPOUND CIRCLE CURVING TO THE LEFT, HAVING A RADIUS OF 59.20 FEET, A CENTRAL ANGLE OF 89 DEGREES 41 MINUTES 51 SECONDS, AN ARC LENGTH OF 92.67 FEET, A CHORD BEARING SOUTH 82 DEGREES 50 MINUTES 57 SECONDS WEST AND A CHORD DISTANCE OF 83.49 FEET TO A POINT ON THE SOUTHEASTERLY LEGAL RIGHT-OF-WAY LINE OF STUMP ROAD (A.K.A. T-375, VARIABLE WIDTH RIGHT-OF-WAY), THENCE;

THE FOLLOWING TWO (2) COURSES AND DISTANCES ALONG THE SOUTHEASTERLY LEGAL RIGHT-OF-WAY LINE OF STUMP ROAD:

8. NORTH 38 DEGREES 00 MINUTES 01 SECONDS EAST, A DISTANCE OF 29.16 FEET TO A POINT, THENCE;
9. ALONG THE SOUTHEASTERLY LEGAL RIGHT-OF-WAY LINE OF STUMP ROAD, NORTH 37 DEGREES 54 MINUTES 46 SECONDS EAST, A DISTANCE OF 170.28 FEET TO A POINT OF CURVATURE, THENCE;

THE FOLLOWING ELEVEN (11) COURSES AND DISTANCES ALONG THE NORTHEASTERLY PROPOSED RIGHT-OF-WAY LINE OF PROPOSED WITCHWOOD DRIVE:

10. ALONG THE ARC OF A NON-TANGENT CIRCLE CURVING TO THE LEFT, HAVING A RADIUS OF 85.00 FEET, A CENTRAL ANGLE OF 81 DEGREES 02 MINUTES 52 SECONDS, AN ARC LENGTH OF 120.24 FEET, A CHORD BEARING SOUTH 02 DEGREES 36 MINUTES 40 SECONDS EAST AND A CHORD DISTANCE OF 110.46 FEET TO A POINT OF REVERSE CURVATURE, THENCE;
11. ALONG THE ARC OF A REVERSE CIRCLE CURVING TO THE RIGHT, HAVING A RADIUS OF 332.67 FEET, A CENTRAL ANGLE OF 08 DEGREES 48 MINUTES 40 SECONDS, AN ARC LENGTH OF 51.16 FEET, A CHORD BEARING SOUTH 38 DEGREES 43 MINUTES 46 SECONDS EAST AND A CHORD DISTANCE OF 51.11 FEET TO A POINT, THENCE;
12. ALONG THE ARC OF A NON-TANGENT CIRCLE CURVING TO THE RIGHT, HAVING A RADIUS OF 328.29 FEET, A CENTRAL ANGLE OF 07 DEGREES 58 MINUTES 08 SECONDS, AN ARC LENGTH OF 45.66 FEET, A CHORD BEARING SOUTH 24 DEGREES 10 MINUTES 25 SECONDS EAST AND A CHORD DISTANCE OF 45.62 FEET TO A POINT, THENCE;
13. SOUTH 19 DEGREES 37 MINUTES 08 SECONDS EAST, A DISTANCE OF 64.81 FEET TO A POINT, THENCE;
14. SOUTH 26 DEGREES 27 MINUTES 42 SECONDS EAST, A DISTANCE OF 35.58 FEET TO A POINT OF CURVATURE, THENCE;
15. ALONG THE ARC OF A TANGENT CIRCLE CURVING TO THE LEFT, HAVING A RADIUS OF 280.00 FEET, A CENTRAL ANGLE OF 87 DEGREES 44 MINUTES 20 SECONDS, AN ARC LENGTH OF 428.77 FEET, A CHORD BEARING SOUTH 70 DEGREES 19 MINUTES 52 SECONDS EAST AND A CHORD DISTANCE OF 388.09 FEET TO A POINT OF TANGENCY, THENCE;



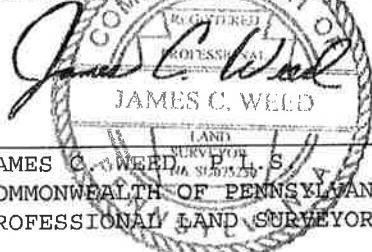
16. NORTH 65 DEGREES 47 MINUTES 58 SECONDS EAST, A DISTANCE OF 147.53 FEET TO A POINT, THENCE;
17. ALONG THE ARC OF A NON-TANGENT CIRCLE CURVING TO THE LEFT, HAVING A RADIUS OF 150.00 FEET, A CENTRAL ANGLE OF 25 DEGREES 32 MINUTES 26 SECONDS, AN ARC LENGTH OF 66.87 FEET, A CHORD BEARING NORTH 53 DEGREES 01 MINUTES 45 SECONDS EAST AND A CHORD DISTANCE OF 66.31 FEET TO A POINT OF COMPOUND CURVATURE, THENCE;
18. ALONG THE ARC OF A COMPOUND CIRCLE CURVING TO THE LEFT, HAVING A RADIUS OF 50.00 FEET, A CENTRAL ANGLE OF 37 DEGREES 30 MINUTES 34 SECONDS, AN ARC LENGTH OF 32.73 FEET, A CHORD BEARING NORTH 21 DEGREES 30 MINUTES 15 SECONDS EAST AND A CHORD DISTANCE OF 32.15 FEET TO A POINT, THENCE;
19. ALONG THE ARC OF A NON-TANGENT CIRCLE CURVING TO THE RIGHT, HAVING A RADIUS OF 2808.93 FEET, A CENTRAL ANGLE OF 02 DEGREES 52 MINUTES 25 SECONDS, AN ARC LENGTH OF 140.88 FEET, A CHORD BEARING SOUTH 23 DEGREES 55 MINUTES 43 SECONDS EAST AND A CHORD DISTANCE OF 140.86 FEET TO A POINT OF TANGENCY, THENCE;
20. SOUTH 22 DEGREES 29 MINUTES 30 SECONDS EAST, A DISTANCE OF 9.23 FEET TO THE POINT AND PLACE OF BEGINNING.

CONTAINING 45,622 SQUARE FEET OR 1.047 ACRES

THIS PROPERTY SUBJECT TO RESTRICTIONS, COVENANTS AND/OR EASEMENTS EITHER WRITTEN OR IMPLIED.

THIS DESCRIPTION WAS WRITTEN BASED UPON A MAP ENTITLED "PRELIMINARY/FINAL LAND DEVELOPMENT, SUBDIVISION & CONDITIONAL USE PLANS FOR HIGHER ROCK PARTNERS, LP, PROPOSED RETAIL AND MIXED USE, 1004 & 1010 BETHLEHEM PIKE, AND 316 STUMP ROAD, MONTGOMERY TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA", PREPARED BY BOHLER ENGINEERING, DATED 10.13.2017, LAST REVISED 10.8.18, SHEET 7 OF 81.

CONTROL POINT ASSOCIATES, INC.


JAMES C. WEED 10/8/2018
JAMES C. WEED, P.L.S. DATE
COMMONWEALTH OF PENNSYLVANIA
PROFESSIONAL LAND SURVEYOR # SU075250

S:\16\02-160218-Kahn&Co-BethlehemPk&StumpRd-Montgomery-PA-MFD\M&B\LOT CONSOL AND SUB PLAN\10.8.18\M&B_PROPOSED WITCHWOOD DRIVE.docx

PREPARED BY: JLA
REVIEWED BY: BAR

EXHIBIT B

Sheet Number 7 of 81, entitled “Lot Consolidation & Subdivision Plan” from the Preliminary/Final Land Development, Subdivision, and Conditional Use Plans for Higher Rock Partners, LP Proposed Retail and Mixed Use, prepared by Bohler Engineering, dated October 13, 2017, revision 15 dated October 8, 2018

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS

BOARD ACTION SUMMARY

Item #10

SUBJECT: Affirm Criteria for Qualified Active Member Status and Authorize
Resolution 2022-41, Setting the Volunteer Firefighter Stipend for 2022

MEETING DATE: December 12, 2022

BOARD LIAISON: Tanya C. Bamford, Chair

INITIATED BY: Brian Shapiro, Director of Finance

BACKGROUND:

The Township approved the First Responder Recruitment and Retention Stipend on April 13, 2020 to incentivize volunteer first responders for their service. Before adopting this resolution in 2022 for volunteer service in 2022, the Township must acknowledge the fire company's or EMS squad's written criteria for determining Qualified Active Member status.

Per the FDMT by-laws, active status is determined as follows:

The point system shall consist of Probationary, Active, Fire Police, Life, and Junior members (Administrative members will be exempt from this point system). Members will be able to accrue points as follows:

- 1 point for Fire Calls
- 1 point for Duty Crews (when any crew is in house)
- 1 point for Drills & Meetings
- 1 point for Stipend Shift
- 1 point for Public Relations/Community Events/Birthday Party
- 2.5 points for half day at Fundraisers
- 5 points for full day at Fundraisers

Members must achieve 20% of total points accumulated to be considered as an active member and status as a member in good standing. The 20% is calculated by the total points accumulated from the previous FDMT year, which will be November 1 to October 31. Everyone will reset their point status at the end of the FDMT year.

MOTION/RESOLUTION:

Motion to affirm FDMT criteria for determining Qualified Active Member status and adoption of Resolution 2022-41, setting the Volunteer Firefighter Stipend for 2022.

- 1) Motion by: _____ Second by: _____
- 2) Chairwoman will ask for public comment.
- 3) Chairwoman will call for a vote.

RESOLUTION #2022-41

WHEREAS, The Montgomery Township Board of Supervisors created a First Responder Recruitment and Retention Stipend to incentivize volunteer first responders who are Township Residents; and

WHEREAS, Township staff has created and developed an incentive program that allows for a lump sum distribution per "Qualified Active Member" in a local fire company or EMS squad; and

WHEREAS, a Qualified Active Member is a candidate that must be a resident of Montgomery Township during the qualifying eligibility period of January 1st through December 31st ("Eligibility Year") and who has met criteria established by his/her fire company/EMS squad for meeting "Active Member" status during the Eligibility Year; and

WHEREAS, each fire company or EMS squad must provide to the Township by January 31st of each year a certified, notarized list of Qualified Active Members; and

WHEREAS, each fire company or EMS squad must establish written qualifying criteria for achieving Active Member status and submit it to the Township by December 31st of each year and each fire company or EMS squad must determine the Qualified Active Member status of all its members which will then be certified and notarized by January 31st of each year; and

WHEREAS, the Township must vote to approve each fire company's or EMS squad's written criteria for determining Qualified Active Member status by December 31st of each year, and must vote to accept the certified and notarized list of Qualified Active Members by January 31st of each year; and

WHEREAS, the Township shall issue one lump-sum check to each fire company or EMS squad representing the First Responder Recruitment/Retention Stipend calculated in the amount of \$500.00 per Qualified Active Member in place by the fire company or EMS squad on the list accepted by the Township, and shall issue First Responder Recruitment/Retention Stipend within the first quarter of the year following the Qualifying Year; and

WHEREAS, the Township shall annually pass a resolution before the end of the year, setting the terms and conditions for the First Responder Recruitment and Retention Program, as well as setting the monetary amount per Qualified Active Member;

NOW THEREFORE BE IT RESOLVED that the Montgomery Township Board of Supervisors approves, by adoption of this resolution, responder recruitment and retention stipend for volunteer first responders on this 12th day of December, 2022.

Tanya C. Bamford, Chairwoman

Candyce Fluehr Chimera, Vice-Chairwoman

Beth A. Staab, Member

Annette M. Long, Member

Audrey R. Ware, Member

Attest: Carolyn McCreary, Secretary

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS

BOARD ACTION SUMMARY

Item #11

SUBJECT:	Consider Adoption of 2023 Budget
MEETING DATE:	December 12, 2022
BOARD LIAISON:	Tanya C. Bamford, Chairwoman
INITIATED BY:	Carolyn McCreary, Township Manager

BACKGROUND:

Department Heads drafted operating budgets which were reviewed by the Finance Director and Township Manager. The proposed capital expenditures were presented in September and the proposed operating budgets were presented by Department and discussed with the Board of Supervisors at worksessions held in October.

PREVIOUS BOARD ACTION:

The Board of Supervisors approved the preliminary budget at the November 14, 2022 public meeting. The budget was then made available for public inspection at the Township building and on the homepage of the Township website.

RECOMMENDATION:

Staff recommends the Board of Supervisors authorize the 2023 Final Budget as presented.

MOTION/RESOLUTION:

Motion to adopt the 2023 budget for all funds with expenditures totaling \$29,707,636

- 1) Motion by: _____ Second by: _____
- 2) Chairwoman will ask for public comment.
- 3) Chairwoman will call for vote.

2023 Proposed Budgeted Expenditures (all funds)

General	\$ 14,369,000
Fire	\$ 1,655,000
Parks & Recreation	\$ 556,500
Street Lights	\$ 122,500
Recreation Center	\$ 983,500
Debt Service	\$ 1,061,236
Capital Reserve	\$ 10,532,900
Liquid Fuels	\$ 264,000
Environmental	\$ 53,000
Replacement Tree	\$ 75,000
Autumn Festival	\$ 35,000
Total	<u>\$ 29,707,636</u>

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS

BOARD ACTION SUMMARY

Item #12

SUBJECT:	Establish Real Estate Tax Millage for 2023
MEETING DATE:	December 12, 2022
BOARD LIAISON:	Tanya C. Bamford, Chairwoman
INITIATED BY:	Carolyn McCreary, Township Manager

PREVIOUS BOARD ACTION:

The Board of Supervisors approved the preliminary budget at the November 14, 2022, public meeting. The budget was then made available for public inspection at the Township building and on the homepage of the Township website.

RECOMMENDATION:

Staff recommends the Board of Supervisors establishes the real estate tax millage for 2023 to remain at 2.49 mills.

MOTION/RESOLUTION:

Motion to adopt Resolution No. 2022-43, establishing the real estate tax millage for 2023 at 2.49 mills.

- 1) Motion by: _____ Second by: _____
- 2) Chairwoman will ask for public comment.
- 3) Chairwoman will call for a vote.

**MONTGOMERY TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

RESOLUTION NO. 2022-43

A RESOLUTION OF MONTGOMERY TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA, ESTABLISHING REAL ESTATE TAX RATES FOR THE CALENDAR YEAR 2023.

BE IT RESOLVED AND ENACTED by the Board of Supervisors of Montgomery Township, Montgomery County, Pennsylvania, as follows:

1. That taxes are hereby levied on all real property within the Township for the calendar year of 2023 as follows:
 - a. Tax rate for General Fund purposes shall be the sum of 1.14 mills on each dollar of assessed real estate valuation, or the sum of 11.4 cents per every \$100 of assessed value.
 - b. Tax rate for Fire Protection purposes shall be the sum of 0.5600 mills on each dollar of assessed real estate valuation, or the sum of 5.6 cents per every \$100 of assessed value.
 - c. Tax rate for Parks and Recreation purposes shall be the sum of 0.2700 mills on each dollar of assessed real estate valuation, or the sum of 2.7 cents per every \$100 of assessed value.
 - d. Tax rate for Debt Service purposes shall be the sum of 0.5200 mills on each dollar of assessed real estate valuation, or the sum of 5.2 cents per every \$100 of assessed value.
2. That any resolution or part of a resolution conflicting with this Resolution is hereby repealed insofar as the same affects this Resolution.

BE IT FURTHER RESOLVED by the Board of Supervisors of Montgomery Township that Montgomery Township establishes the Homestead Exclusion for the year 2023 at \$30,000, to be applicable to residential properties that are owner-occupied and have been approved by the Montgomery County Board of Assessments.

ADOPTED at a duly convened meeting of the Board of Supervisors of Montgomery Township conducted on this 12th day of December 2022.

Tanya C. Bamford, Chairwoman

Candyce Fluehr Chimera, Vice-Chairwoman

Beth A. Staab, Member

Annette M. Long, Member

Audrey R. Ware, Member

Attest: Carolyn McCreary, Secretary

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS

BOARD ACTION SUMMARY

Item #13

SUBJECT:	Approval of Montgomery Township Municipal Sewer Authority 2023 Budget
MEETING DATE:	December 12, 2022
BOARD LIAISON:	Tanya C. Bamford, Chair
INITIATED BY:	Carolyn McCreary, Township Manager

BACKGROUND:

Attached is a copy of the 2023 Montgomery Township Municipal Sewer Authority (MTMSA) budget for final consideration as it was presented at the November 14, 2022 Board meeting. The Board of the MTMSA approved this budget at their regular meeting in October 2022.

RECOMMENDATION:

Approval of the MTMSA 2023 Budget.

MOTION/RESOLUTION:

Motion to approve the Montgomery Township Municipal Sewer Authority budget for the fiscal year 2023.

- 1) Motion by: _____ Second by: _____
- 2) Chairwoman will ask for public comment.
- 3) Chairwoman will call for a vote.

Montgomery Township Municipal Sewer Authority Final Budget 2023

		MTMSA Board Approved
Revenue Summary		2023 Budget
	Sewer Rentals	5,629,250.00
	Auxiliary Waste Income	170,000.00
	Interest Income	115,000.00
	Other Income	89,000.00
	TOTAL REVENUE	6,003,250.00
Expense Summary		
	Personnel Expenses	2,031,500.00
	Consultant Fees	151,000.00
	Operation Expenses	1,380,000.00
	Treatment Fees	1,617,000.00
	Administrative and Other	221,000.00
	TOTAL EXPENSES	5,400,500.00
	NET OPERATING POSITION	602,750.00
	Less: CAPITAL EXPENSES	5,332,500.00
	TAPPING FEE REVENUE	1,000,000.00
	FUNDED FROM CAPITAL RESERVES	3,729,750.00
Net Budget		0.00

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS

BOARD ACTION SUMMARY

Item #14

SUBJECT:	Approval of Montgomery Township Municipal Sewer Authority 2022 Tapping Fee Agreements
MEETING DATE:	December 12, 2022
BOARD LIAISON:	Tanya C. Bamford, Chair
INITIATED BY:	Carolyn McCreary, Township Manager

BACKGROUND:

Attached is a listing of the Tapping Fee Agreements that the MTMSA Board approved in 2022.

RECOMMENDATION:

Confirmation of approval of the Authority's Tapping Fee Agreements as presented.

MOTION/RESOLUTION:


Motion confirming that we have reviewed and approved the Montgomery Township Municipal Sewer Authority agreements as presented at the public meeting of December 12, 2022.

- 1) Motion by: _____ Second by: _____
- 2) Chairwoman will ask for public comment
- 3) Chairwoman will call for a vote.



December 6, 2022

To: Montgomery Township Board of Supervisors

From: Shannon Q. Drosnock, MTMSA Executive Director 

Re: Tapping Fee and Development Agreements Approved in 2022

The following Tapping Fee and Development Agreements were approved by the Board of the Authority in 2022:

1109 Vilsmeier Road – Caracausa Acquisitions LP	
1 EDU	Hatfield Township Basin
440 Stump Road – Pan-X Services LLC	516 Stump Road
No EDUs	Eureka Basin
1231 Lower State Road - Samuel Garnick	
1 EDU	Eureka Basin
1281 Knapp Road – Sewer Service Agreement Krispy Kreme	
No EDUs	Eureka Basin
28 Airport Square – Sewer Service Agreement Shake Shack	
No EDUs	Eureka Basin
13-17 Bethlehem Pike – Westrum Development	
225 EDUs	Eureka Basin
1612 County Line Road – Sewer Service Agreement Bharatiya Temple Cultural and Learning Center	
No EDUs	Eureka Basin

Copies of the approved agreements are available upon request. If you have any questions, please feel free to contact me.

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS
BOARD ACTION SUMMARY

Item #15

SUBJECT:	Approval of Amended Settlement Stipulation – Airport Square Shopping Associates, L.P.
MEETING DATE:	December 12, 2022
BOARD LIAISON:	Candyce Fluehr Chimera, Vice-Chairwoman
INITIATED BY:	Carolyn McCreary, Township Manager

BACKGROUND:

At the July 25, 2022, public meeting, the Board of Supervisors granted preliminary/final land development approval with 18 waivers for the Village of Windsor project to be located behind Airport Square. After that meeting, the former Township Solicitor was instructed to draft an amended stipulation agreement with the applicant's attorney.

The draft of the land development plan was replaced with the approved plan and the agreement was amended to reflect the updated changes.

Changes include the increase of maximum building height for the assisted living facility from 40 to 45 feet. All other essential terms of the stipulation were previously approved by the Board.

The applicant proposes to construct a mixed-use development comprised of a three-story assisted senior living facility, a two-story, 31,500 SF medical office building, a three-story, 54,000 SF medical office building, and a 6,400 SF (220 seat) restaurant.

RECOMMENDATION:

The attorney representing the Township in this matter recommends the Board approve the agreement.

MOTION/RESOLUTION:

Motion to approve the Amended Settlement Stipulation between Airport Square Shopping Associates, L.P. and Montgomery Township Zoning Hearing Board, et al.

- 1) Motion by: _____ Second by: _____
- 2) Chairwoman will ask for public comment.
- 3) Chairwoman will call for a vote.

Attorney ID #89957
Dischell, Bartle & Dooley, PC
P.O. Box 107
1800 Pennbrook Parkway
Lansdale, PA 19446
215-362-2474

**IN THE COURT OF COMMON PLEAS OF
MONTGOMERY COUNTY, PENNSYLVANIA**

Docket No. 2014-03708

AMENDED SETTLEMENT STIPULATION

Parties

1. Appellant is Airport Square Shopping Associates, L.P. ("Airport Square")
2. Appellees are Montgomery Township Zoning Hearing Board ("Zoning Board") and Montgomery Township ("Township").

Background

3. Airport Square is the owner of approximately 28.5 acres of limited industrial zoned property located in the Township ("Property").¹
4. The Property is bounded by Horsham Road, North Wales Road, Airport Road, and Upper State Road/Route 202. A former quarry site also borders the Property.
5. On November 24, 2010, Airport Square filed a Substantive Validity Challenge to the Township's zoning ordinance and zoning map alleging that the Property's limited industrial zoning was arbitrary, irrational, and constituted reverse spot zoning. Airport Square further alleged that the Property was a "peninsula" surrounded by properties subject to different zoning classifications, including shopping center, commercial, and residential ("Airport Square Challenge").
6. The Township opposed the Airport Square Challenge.
7. During the hearings on the Airport Square Challenge, the Township requested the Zoning Board to quash the Challenge on the grounds that a virtually identical challenge was disposed of by this Court in *Goldenberg Development Corp. v. Montgomery Township Board of Supervisors, et al.*, in 1998.²
 - a. Specifically, in 1996, the Goldenberg Group, the equitable owner of the Property at the time, filed a Curative Amendment Challenge before the Township Board of Supervisors; specifically, Goldenberg sought to change the Property's residential and limited industrial zoning to shopping center zoning in an attempt to build a 280,000 square-foot retail shopping center. Goldenberg asserted that the zoning on the

¹ The Property is a portion of a 41.5 acre parcel further identified as Tax Parcel No. 46-00-01340-00-9. The remaining 13 acres of the parcel are zoned residential.

² See *Goldenberg Dev. Corp. v. Montgomery Twp. Bd. of Supervisors, et al.*, 136 Montg. Co. L.R. 261 (1998).

Property constituted spot zoning, confiscatory zoning, and arbitrary and irrational zoning ("Goldenberg Challenge").³

- b. On April 21, 1997, the Board of Supervisors denied the Goldenberg Challenge. On May 5, 1997, Goldenberg filed an appeal to this Court. On November 17, 1998, Judges Nicholas and Albright issued an Opinion finding that the Board of Supervisors' decision did not constitute an abuse of discretion or error of law; specifically concluding that the Property's zoning was not unconstitutional and the limited industrial zoned portion of the Goldenberg tract did not constitute spot zoning.
 - c. Goldenberg then appealed to the Pennsylvania Commonwealth Court, which ultimately affirmed this Court's decision on June 18, 1999. No further appeals were taken in *Goldenberg*.
8. On January 21, 2014, the Zoning Board denied the Airport Square Challenge finding that it was barred by res judicata/collateral estoppel. Additionally, the Zoning Board concluded that the Property's limited industrial zoning was neither unreasonable/arbitrary, nor did it constitute reverse spot zoning.
9. On February 20, 2014, Airport Square appealed to this Court from the Zoning Board's denial.
10. On October 28, 2015, this Court denied Airport Square's land use appeal and affirmed the Zoning Board's January 21, 2014 Decision.
11. On November 2, 2015, Airport Square appealed from this Court's denial to the Commonwealth Court of Pennsylvania.
12. While the Commonwealth Court appeal was still pending, the parties decided it was in their best interest to settle this matter based upon the certain settlement terms.
13. Accordingly, on May 3, 2016, at the parties' request, the Commonwealth Court returned jurisdiction to this Court.⁴
14. Shortly thereafter, the parties memorialized their settlement terms into a proposed Settlement Stipulation ("Stipulation").

³ Where Airport Square's Challenge only involved the Property's 28.5 acres of limited industrially zoned land, the Goldenberg Challenge included the entire Property – all 41.5 acres – including both the 28.5 acres of industrially zoned property and 13 acres of residentially zoned property.

⁴ See May 3, 2016 Commonwealth Court Order returning jurisdiction to this Court.

15. The Stipulation was subsequently presented to this Court and was approved on February 24, 2017 ("Stipulation").
16. The Airport Square's Concept Plan (attached to the Stipulation as Appendix 1) was amended while undergoing the Township's Subdivision and Land Development Process, including increasing the applicable maximum building height of the assisted living facility—from forty feet to forty-five feet ("Revised Concept Plan").
17. Ultimately, Airport Square's Revised Concept Plan received Preliminary and Final Land Development approval on July 25, 2022 ("Approved Master Site Plan"), subject to certain conditions ("Approval").
18. The Approval permits Airport Square to construct a mixed-use development, including:
 - a 3-story assisted senior living facility which includes 183 independent living units, 3 guest units, 41 assisted living units, 32 memory care units;
 - a 2-story 31,500 square-foot medical office building;
 - a 3-story 54,000 square foot medical office building; and
 - a 6,400 square-foot restaurant ("Project").

The Project, as depicted on the Approved Master Site Plan, includes associated parking; utility; stormwater management; landscaping; road widening; and intersection signalization to support the development.

19. One condition of the Approval required limited amendment to the Stipulation by (1) replacing the Concept Plan with the Approved Master Site Plan (reflecting the revisions to the Concept Plan) as Appendix 1—and (2) increasing the agreed upon maximum assisted living facility building height from forty feet to forty-five feet ("Stipulation Amendment Condition").
20. The parties agree to amend the Stipulation in accord with the Approval's Stipulation Amendment Condition ("Amended Stipulation").

Amended Settlement Terms

21. The parties, intending to be legally bound, and to bind their respective clients, agree to the following amended settlement terms:
 - a. Airport Square shall have the right to develop the Property in accord with the uses, dimensions, and road-widening

improvements set forth on the Approved Master Site Plan attached as Appendix 1, without the need of any zoning relief, subject to the Township's Subdivision and Land Development Ordinance application, review, approval, and development procedures, as well as the notes set forth on the Project's approved plans, including the Approved Master Site Plan.

- b. The Assisted Living Facility shall not exceed forty-five feet in height and there shall be two entrances to the site as depicted on the Approved Master Site Plan.
- c. In developing the Property in accord with this Amended Stipulation and the Approved Master Site Plan, Airport Square shall have the obligation to financially secure and complete all public improvements set forth on the Approved Master Site Plan, in accord with the Approval and applicable Pennsylvania law.
- d. All other applicable Stipulation terms and conditions, as amended, are incorporated by reference as though set forth in detail here, and shall remain in full force and effect, including:
 - (1) This Court shall retain jurisdiction until this Amended Stipulation's settlement terms have been satisfactorily completed, at which time the parties will jointly request this Court to mark this matter "settled, discontinued and ended." In the event that any issues arise under the terms of this Amended Stipulation, the parties shall immediately contact this Court and a conference shall be timely scheduled to address and resolve such issues;
 - (2) The attorneys executing this Amended Stipulation have been authorized by their clients to approve the terms of this settlement;
 - (3) Each party shall bear its own costs as incurred;
 - (4) This Amended Stipulation shall be binding upon the undersigned, their clients, successors, grantees, heirs, and assigns; and
 - (5) This Amended Stipulation may be executed in one or more counterparts and by facsimile or electronic mail, each of which shall be deemed an original and all of which when taken together shall constitute a single agreement.

ROBERT L. BRANT, ESQUIRE

Counsel for Appellant

AIRPORT SQUARE SHOPPING ASSOCIATES, L.P.

JOHN H. FILICE, ESQUIRE

MARYKATE KELLY, ESQUIRE

Counsel for Appellee

MONTGOMERY TOWNSHIP

ZONING HEARING BOARD

ROBERT J. IANNOZZI JR., ESQUIRE

Counsel for Appellee

MONTGOMERY TOWNSHIP

APPENDIX 1
[Approved Master Site Plan]

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS
BOARD INFORMATION SUMMARY
Item #16

SUBJECT: Authorization to Bid the Fellowship Park Improvement Project
MEETING DATE: December 12, 2022
BOARD LIAISON: Candyce Fluehr Chimera, Vice Chairwoman
INITIATED BY: Carolyn McCreary, Township Manager

BACKGROUND:

Fellowship Park is located at 125 Meadowood Drive and was the second Township park to be established. Its amenities include playground equipment, soccer fields with bleachers, volleyball, basketball court, picnic area, baseball field, and tennis courts. The park is utilized by residents in both Montgomery Township and Lansdale Borough.

This park was identified for refurbishment as part of the Township's Capital Investment Plan (CIP). The Township applied for and was awarded a \$250,000 grant from DCNR for this project.

To foster an environment where children of all abilities can play together, staff and Township professionals have worked to incorporate a variety of amenities into the playground.

Included in your packet are the sketch plan and renderings.

BUDGET IMPACT:

We have included \$650,000 in the 2023 budget for this project with the \$250,000 grant to offset it.

RECOMMENDATION:

Staff recommends the Board authorize the advertisement of the bid so we can ensure the work is awarded, and equipment is ordered in time for the spring/summer season.

MOTION/RESOLUTION:

Motion to authorize the advertisement of the Fellowship Park Improvement Project.

- 1) Motion by: _____ Second by: _____
- 2) Chairwoman will ask for public comment.
- 3) Chairwoman will call for a vote.

PRELIMINARY COST OPINION WORKSHEET

PROJECT: 21-03045 Fellowship Park (BRC-PRD-27-76)

PREPARED BY:

LOCATION: Montgomery Township, PA

DESCRIPTION: Proposed DCNR Grant Improvements



GILMORE & ASSOCIATES, INC.
ENGINEERING & CONSULTING SERVICES

DATE: 3/26/2021 REVISED 12/9/2022

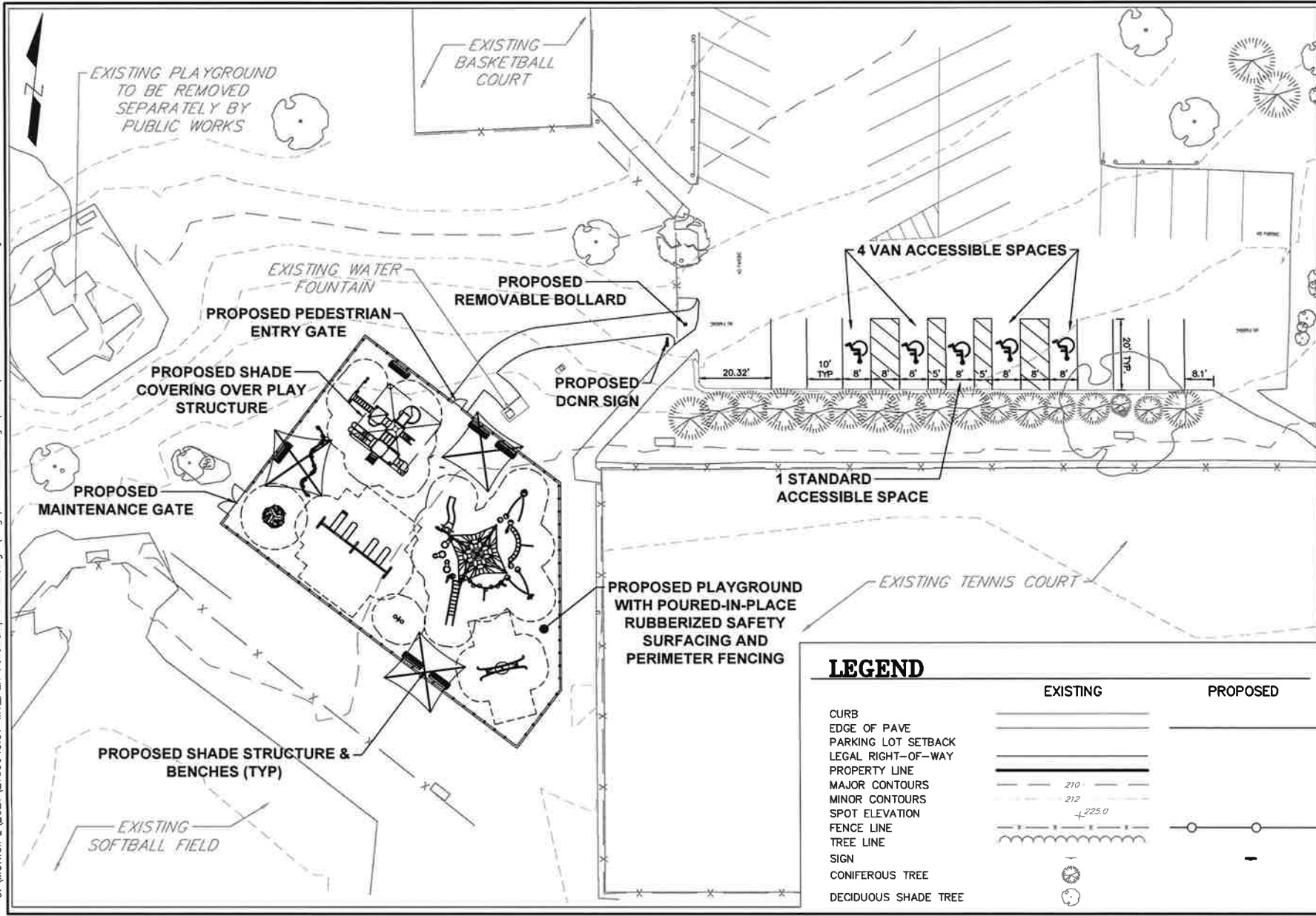
ITEM					TOTAL COST
NO.	DESCRIPTION	NO.	UNIT	\$/UNIT	
ALL WORK TO BE BID					
A	SITE WORK				
1	Site Grading Seeding & Restoration*	1	LS	\$10,000	\$ 10,000
2	Rock Construction Entrance	1	LS	\$4,500	\$ 4,500
3	Compost Filter Sock - 12"	210	LF	\$15	\$ 3,150
4	Tree Protection Fencing	100	LF	\$5	\$ 500
5	Excavation	6720	SF	\$2.00	\$ 13,440
TOTAL - SITE WORK					\$ 31,590
B	SITE/ADA ACCESS				
1	Parking/ADA - Striping and Signage (A)	1	L.S.	\$6,200	\$ 6,200
2	Asphalt Walkway (6' Wide)(A)	58	S.Y.	\$75	\$ 4,350
3	Collapsable Bollard	1	EA	\$2,000	\$ 2,000
TOTAL - SITE/ADA ACCESS					\$ 12,550
C	PLAYGROUND (A, G)				
1	Playbooster play structure featuring Cooltoppers full sail shade structure	1	LS	\$63,198	\$ 63,198
2	Double bobble rider	1	LS	\$2,525	\$ 2,525
3	Cozy Dome	1	LS	\$5,395	\$ 5,395
4	Oodle Swing	1	LS	\$6,698	\$ 6,698
5	Sensory Play Center	1	LS	\$16,498	\$ 16,498
6	Evos Playbooster Playstructure	1	LS	\$69,198	\$ 69,198
7	2-Bay Swingset with 3 belt seats and 1 bucket seat	1	LS	\$6,575	\$ 6,575
8	Skyways single post 16'x16' shade structure	3	EA	\$7,968	\$ 23,904
9	Landscape Structures Equipment Freight	1	LS	\$9,598	\$ 9,598
10	Play Equipment and Safety Surface Installation	1	LS	\$111,898	\$ 111,898
11	Safety Surfacing (poured in place TPV rubber)(A)	1	LS	\$159,900	\$ 159,900
12	Underdrains	143	LF	\$35	\$ 5,005
13	Fencing/Gates (4' Vinyl Coated Chainlink) (A)	317	LF	\$70	\$ 22,190
14	Fixed Benches (Including Freight)	6	EA	\$1,382	\$ 8,292
TOTAL - PLAYGROUND					\$ 510,874
D	MISCELLANEOUS SITE WORK				
1	DCNR Sign	1	LS	\$1,200	\$ 1,200
TOTAL - MISCELLANEOUS SITE WORK					\$ 1,200
CONSTRUCTION ITEM SUB-TOTAL					\$ 568,764
CONSTRUCTION CONTINGENCY (10%)					\$ 56,876
TOTAL COST					\$ 625,640

* Disturbance area is estimated to be less than 1 acre. Site work costs may increase should NPDES permitting be required.

A = Accessible

G = Green and Sustainable

O:\MUNICIPAL\2021\2103045.01-MT_PLN Fellowship Park Design\dwg\Source Drawings\Plans\210304501_DSGN-01.dwg

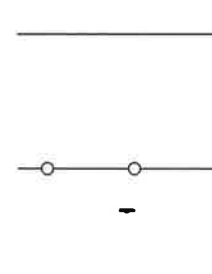
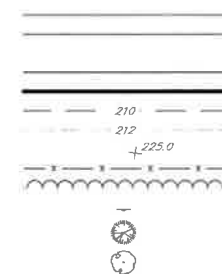


LEGEND

CURB
EDGE OF PAVE
PARKING LOT SETBACK
LEGAL RIGHT-OF-WAY
PROPERTY LINE
MAJOR CONTOURS
MINOR CONTOURS
SPOT ELEVATION
FENCE LINE
TREE LINE
SIGN
CONIFEROUS TREE
DECIDUOUS SHADE TREE

EXISTING

PROPOSED



GILMORE & ASSOCIATES, INC.
ENGINEERING & CONSULTING SERVICES
55 EAST BUTLER AVENUE, SUITE 103, NEW BRITAIN, PA 19001 • (717) 346-1330

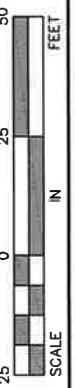
IMPROVEMENTS SKETCH
FELLOWSHIP PARK
MONTGOMERY TOWNSHIP, MONTGOMERY COUNTY,

JOB NO.:
2103045.01

DATE: 12/5/22

SCALE: 1"=25'

DRAWN BY:
EJP





Fellowship Park

1166846-01-04 • 10.12.2022



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Fellowship Park

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MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS
BOARD ACTION SUMMARY

Item #17

SUBJECT:	Authorize Advertisement of Proposed Fireworks Ordinance
MEETING DATE:	December 12, 2022
BOARD LIAISON:	Tanya C. Bamford, Chairwoman
INITIATED BY:	J. Scott Bendig, Police Chief and William F. Wiegman III, Fire Chief

BACKGROUND:

In 2017 the Pennsylvania legislature passed legislation permitting Pennsylvania residents over the age of 18 to purchase, possess and use consumer-grade fireworks. Many municipalities and fire service professionals expressed concern about the legislation and its impact.

In 2022 Act 74 was signed into law which amended the prior legislation and gave municipalities the power to enact conditions, prohibitions, and limitations on the use and sale of fireworks provided they do not conflict with this new legislation.

The PA Municipal League provided its members with model ordinances for elected officials to consider adopting. Staff reviewed the ordinances and presented them to the Public Safety Committee. The consensus of staff and the members of the committee is for the Board to consider adopting the use of consumer fireworks by exception involving a permit process.

RECOMMENDATION:

Staff recommends the Board authorize the advertisement of the proposed ordinance.

MOTION/RESOLUTION:

Motion to authorize the advertisement of the proposed fireworks ordinance.

- 1) Motion by: _____ Second by: _____
- 2) Chairwoman will ask for public comment.
- 3) Chairwoman will call for a vote.

[Use this version when the municipality wishes to prohibit generally the issuance of permits for the use of Consumer Fireworks, but allow for use by exception.]

ORDINANCE NO. _____ - 2022 [insert number]

AN ORDINANCE OF THE _____ [insert name of governing body] OF THE _____ [insert name and type of municipality]¹ REGULATING THE USE OF CONSUMER FIREWORKS AND DISPLAY FIREWORKS WITHIN THE _____ [insert type of municipality] AND PROVIDING FOR PERMITS IN CERTAIN CASES.

WHEREAS, Act 74 of 2022, House Bill 2157, P.N. 3332 was adopted by the General Assembly on July 6, 2022, was signed by the Governor on July 11, 2022, amends Title 3 Pa.C.S. Chapter 11 (hereafter, "Fireworks Law" or "Law"), and became effective on September 9, 2022; and

WHEREAS, the Fireworks Law governs the sale, purchase and use of Consumer Fireworks and Display Fireworks in the Commonwealth; and

WHEREAS, the Fireworks Law authorizes Pennsylvania municipalities to restrict or prohibit certain uses of Consumer Fireworks as defined in the Law if the municipality determines that certain conditions are met; and

WHEREAS, the Fireworks Law authorizes the adoption of local rules and regulations by the _____ [insert type of municipality] that govern permit approvals; and

WHEREAS, _____ [insert name of governing body] has determined that the full authority provided by the Fireworks Law should be exercised in the interests of public safety; and

WHEREAS, _____ [insert name of governing body] has determined after conducting appropriate inquiries during its meetings and after receiving public comment, that use of Consumer Fireworks within _____ [insert type of municipality] limits would violate the prohibition in the Fireworks Law and specifically Sections 1106(a)(1.2) and 1104(b)(5) (relating to use of consumer fireworks), and would be contrary to the public interest and harmful to public safety; and

WHEREAS, _____ [insert name of governing body] desires to regulate the use of Display Fireworks and Consumer Fireworks within _____ [insert type of municipality] limits.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED and enacted by the _____ of _____ [insert name and type of municipality], Pennsylvania, as follows:

¹ For Cities, Boroughs, Town and Townships, insert references to the type of municipality and the name of its governing body as appropriate.

SECTION 1.

Definitions

For purposes of this Ordinance, the definitions of "Consumer Fireworks" and "Display Fireworks" shall be that set forth in Section 1 of the Fireworks Law, appearing here as Attachment "A" to this Ordinance, and any successor legislation. As set forth therein, the term "Consumer Fireworks" shall not include devices such as "ground and hand-held sparkling devices," "novelties," or "toy caps."

SECTION 2.

Display Fireworks

2.1 In accordance with the Fireworks Law, a permit is required before any use of Display Fireworks within the _____ [insert type of municipality] limits. Permit application forms are available through the Office of _____ [insert name of the appropriate Office] during normal business hours. The application must include facts sufficient to establish that the Display Fireworks will not be ignited within 300 feet of sales locations for Consumer Fireworks and that the Display Fireworks will be handled by a competent operator at least 21 years of age who demonstrates evidence of fireworks handling and safety training, all in accordance with Sections 1102 and 1107 of the Fireworks Law. The application must include the approval of the chief of the fire department or other appropriate official as may be designated by the _____ [insert name of governing body] and that the Display Fireworks will not be located, discharged or fired in such a manner as to be hazardous to property or an endangerment to any person. The application shall be accompanied by a certificate of insurance in accordance with Subsection 1102(d) of the Law. The applicant must acknowledge acceptance of the requirements otherwise established by state and federal law. Permit extensions shall be permitted in accordance with Subsection 1102(e) provided the extension sought receives a renewed approval by the designated official that the extended use would not be hazardous to property or an endangerment to any person.

2.2 In accordance with Section 1105(a) of the Law, _____ [insert name of governing body] may under this Ordinance grant permits for the use of Display Fireworks for agricultural purposes in connection with the raising of crops and the protection of crops from bird and animal damage. The application for such a permit must meet the requirements of this Section. A permit under Section 1105 shall remain in effect for the calendar year in which it was issued. Sales, possession and use of Display Fireworks for the purpose stated in the permit shall be lawful for that purpose only.

2.3 Applications for use of Display Fireworks shall be submitted at least ____ weeks [insert number of weeks] prior to the date of proposed use. Permits for the use of Display Fireworks may be granted by the _____ [insert name of governing body], by _____ [insert the name of an official], or by such official or officials as are so designated by _____ [insert name of governing body], upon approval of the application and payment of a fee of _____ Dollars (\$____.00) [insert amount of required fee].

SECTION 3.

Consumer Fireworks

3.1 In accordance with the Fireworks Law, and based upon legislative findings that there is no location within the _____ [insert type of municipality] limits that meets statutory requirements, including but not limited to the prohibition of use within 150 feet of a building or vehicle, the use of Consumer Fireworks within those limits in accordance with Section 1104(b)(5) of the Law is hereby prohibited.

3.2 Upon proper application as hereafter prescribed, a use within the _____ [insert type of municipality] limits may be permitted as an exception when it is demonstrated that the proposed use by exception can be conducted without violating the prohibitions set forth in paragraph 3.1 and Section 1104(b)(5) of the Law.

3.3 Permit application forms for a use by exception are available through the Office of _____ [insert name of the appropriate Office] during normal business hours. The application for use by exception must include facts sufficient to establish in accordance with Section 1104 of the Law that the provisions relating to Consumer Fireworks will not be violated, including facts sufficient to demonstrate (1) that no one under the age of 18 will purchase, possess or use Consumer Fireworks; (2) that Consumer Fireworks will not be used on private property or on public property, including, but not limited to, streets, parking lots, sidewalks and parks, without the express permission of the owner or entity that controls the property; (3) that the Consumer Fireworks will not be used within, directed at or directed from a "vehicle" or "building" as those two terms are defined in the Law; (4) that the Consumer Fireworks will not be directed at another person; (5) that the Consumer Fireworks will not be used by a person who is under the influence of alcohol, a controlled substance or another drug; and (6) that the Consumer Fireworks will not be used within 150 feet of a building or vehicle, whether or not the building or vehicle is owned by the user of the Consumer Fireworks.

3.4 In accordance with Section 1104 of the Fireworks Law, no permit shall be granted for the use by exception of Consumer Fireworks within 150 feet of an Animal Housing Facility as defined in the Law, or a fenced area designed to confine livestock owned or managed by another person. A permit may be granted on the basis of an application that meets the requirements of Section 1104 for use of Consumer Fireworks at a distance of 150 to 300 feet if the prospective user of the Consumer Fireworks provides proof of notification in writing to the owner or manager of the animals or livestock of the prospective use at least 72 hours in advance.

3.5 Applications for use by exception of Consumer Fireworks shall be received at least ____ weeks [insert number of weeks] prior to the date of proposed use. Permits for the use by exception of Consumer Fireworks may be granted by the _____ [insert name of governing body], by _____ [insert the name of an official], or by such official or officials as are so designated by _____ [insert name of governing body] upon approval of the application and payment of a fee of _____ Dollars (\$____.00) [insert amount of required fee].

3.6 The permit shall restrict the use by exception of Consumer Fireworks to the day and

time listed in the application but in no event shall the permit allow use later than 10:00 P.M., provided however, that (1) on July 2, 3 and 4 and December 31, Consumer Fireworks may be used until 1:00 A.M. on the following day, and (2) when July 4 falls on a Tuesday, Wednesday, or Thursday, Consumer Fireworks may be used until 1:00 A.M. on the immediately preceding and following Friday and Saturday. Pursuant to Subsection 1106 (b) of the Law, the hours of use of Consumer Fireworks may not be restricted on the Monday of Memorial Day and the immediately preceding Saturday and Sunday, and the Monday of Labor Day and the immediately preceding Saturday and Sunday.

3.7 No permission is granted by the _____ [insert name and type of municipality] to any person to ignite or discharge Consumer Fireworks on the streets or sidewalks in the _____, [insert type of municipality] or on any property owned or occupied by the _____ [insert name and type of municipality] or other governmental entity, including without limitation, all of the _____ [insert type of municipality]'s parks and buildings.

SECTION 4.

Certified copies of this Ordinance shall be provided to the Judges of the Court of Common Pleas and all Magisterial Judges within the _____ [insert name and type of municipality], posted on the _____ [insert type of municipality]'s website, and made available to the public at the _____ [insert name of the appropriate Office].

SECTION 5.

Nothing in this Ordinance governs the sale of Consumer Fireworks for the period of one year from the effective date of the Fireworks Law in accordance with Section 1106(a)(2) of the Law.

SECTION 6.

6.1 In accordance with the provisions of Section 1114(1) of the Law, any person using Consumer Fireworks in violation of the provisions of this Ordinance, for the first offense commits a summary offense, and upon conviction shall, in addition or any other penalty authorized by law, be punishable by a fine of not more than Five Hundred (\$500.00) Dollars. A subsequent offense under this Ordinance committed within three years of a prior conviction shall constitute a summary offense, and upon conviction shall, in addition to any other penalty authorized by law, be punishable of a fine of not more than One Thousand (\$1,000.00) Dollars.

6.2 Any person selling Consumer Firework in violation of the Law is punishable in accordance with Section 1114(2) be punishable by a fine of not less than \$10,000.

6.3 Any person selling or using Display Fireworks in violation of the Law is punishable in accordance with Section 1114(3) by a fine of not less than \$10,000.

SECTION 7.

All ordinances or resolutions or parts ordinances or resolutions insofar as they are

inconsistent herewith are hereby repealed and rescinded.

SECTION 8.

In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not effect or impair any of the remaining provisions, sections, sentences, clauses or parts of this Ordinance; it being the intent of the _____ [insert type of municipality] that the remainder of the Ordinance shall be and shall remain in full force and effect.

SECTION 9.

This Ordinance shall take effect in accordance with the Laws of the Commonwealth of Pennsylvania.

INTRODUCED – _____, 2022

ADOPTED BY COUNCIL – _____, 2022

_____ [insert name and type of
municipality]

By: _____

_____, [insert title of official
certifying the Ordinance]

ATTEST:

_____, [insert title
of official attesting to the Ordinance]

Attachment “A”

Fireworks Law (Act 74 of 2022)

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS

BOARD ACTION SUMMARY

Item #18

SUBJECT: Authorize Advertisement of the Proposed Ordinance Adopting the 2018 International Fire Code
MEETING DATE: December 12, 2022
BOARD LIAISON: Annette M. Long, Supervisor
INITIATED BY: William Wiegman, Fire Chief

BACKGROUND:

The Commonwealth adopted the 2018 International Building Codes earlier this year. As a result of this adoption, the Department began researching the adoption of the 2018 International Fire Code. The Fire Department currently enforces the 1996 BOCA Fire Code and utilizes the 2015 International Fire Code when conducting Life Safety Fire Inspections. The Fire Department is seeking a new Ordinance that adopts the 2018 International Fire Code as well as establishing certification standards for those employees that conduct Life Safety and Fire Inspections in Montgomery Township. This new ordinance will streamline our current code set and provide the authority for the enforcement of the 2018 International Fire Code.

RECOMMENDATION:

It is the recommendation of Staff that the Board of Supervisors authorizes the advertisement of the new ordinance regarding the adoption of the 2018 International Fire Code.

MOTION/RESOLUTION:

Motion to authorize the advertisement of the proposed ordinance to adopt the 2018 International Fire Code.

- 1) Motion by: _____ Second by: _____
- 2) Chairwoman will call for public comment.
- 3) Chairwoman will call for a vote.

**MONTGOMERY TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 23-332

**AN ORDINANCE OF MONTGOMERY TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA, ADOPTING
THE 2018 INTERNATIONAL FIRE CODE AS THE TOWNSHIP FIRE PREVENTION CODE**

WHEREAS, the Board of Supervisors of Montgomery Township has enacted the Code of Ordinances of Montgomery Township which includes, inter alia, provisions governing fire & life safety in Montgomery Township; and

WHEREAS, said enacting Ordinance does prescribe a procedure for amendments to the code; and

WHEREAS, Montgomery Township Board of Supervisors enacted Ordinance No 96-70 which established a commercial fire inspection program to allow fire inspections of non-residential properties within Montgomery Township that is codified under Chapter 69 of the Montgomery Township Code;

and

WHEREAS, Montgomery Township Board of Supervisors authorizes the Township to conduct Life Safety & Fire Inspections, General Safety Inspections, and Fire & Code Inspections consistent with nationally recognized standards and the 2018 International Fire Code;

and

WHEREAS, Chapter 69 of the Montgomery Township Code authorizes the Township to charge inspection fees as part of the annual fire inspection program in order to cover the costs associated with the administration, inspection, and enforcement;

and

WHEREAS, Chapters 69 and 80 permit the Township to establish such inspection fees by resolutions; and

WHEREAS, Montgomery Township desires to set for the fees applicable to the fire inspection program as recommended by the Fire Marshal by amending the Township's Fee Schedule

WHEREAS, the Board of Supervisors has determined that the recommended adoption of the 2018 International Fire Code and its Appendices as the Township Fire Prevention Code to the Code of Ordinances, as recommended by the Fire Marshal, has merit and desires to implement this adoption in the best interest of the health, safety, and welfare of the residents of Montgomery Township;

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

I. That a certain document, copies of which are on file in the office of the Fire Marshal of Montgomery Township, being marked and designated as the *International Fire Code*, 2018 edition, including Appendix 1 & Chapters B, C, D, E, F (these are already adopted under the UCC adoption), as published by the International Code Council, be and is hereby adopted as the Fire Code of Montgomery

Township, in the Commonwealth of Pennsylvania regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code on file in the office of the Fire Marshal are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

Effect on New Construction; Conflicts with UCC

This Chapter shall not apply to new construction that is otherwise regulated or under construction through permits issues under the Pennsylvania Unified Construction Code and the International Codes which are mandatorily adopted by the Township of Montgomery thereunder (collectively the "UCC")

To limit the extent of any conflicts between the provisions of the UCC (including, without limitation, the International Fire Code to the extent that the International Fire Code is referenced by the International Building Code). The provisions of the UCC shall apply.

II. That the following sections are hereby revised:

- A. Section 101.1. Insert: Montgomery Township, Montgomery County
- B. Section 103.1, General, shall be modified and read as follows:
Add: The Department of Fire Services (Prevention) is established within the jurisdiction and under the direction of the Fire Marshal/ Fire Chief. The Fire Marshal/Fire Chief shall be in charge of the operation of this Department and its function shall be the implementation, administration, and enforcement of the provisions of this code.
- C. Section 103.2, Appointment, shall be deleted and the following language substituted:
Add: The Fire Marshal/Fire Chief position shall be filled as prescribed in the Code of the Township of Montgomery. The Fire Marshal/Fire Chief shall be appointed by the Montgomery Township Board of Supervisors, and the Fire Marshal/Fire Chief shall not be removed from office except for cause and after full opportunity to be heard on specific and relevant charges by and before the appointing authority. The Fire Marshal/Fire Chief will be the Township's Fire Code Official.
- D. Sections 105, Permits, shall read as follows:
Add: The Fire Chief is authorized to issue operational permits subsequent to Life Safety & Fire Inspections.
- E. Section 107 Inspections
Add: The Fire Chief is authorized to appoint Fire Inspectors to conduct Life Safety & Fire Inspections in Montgomery Township. Appointed Fire Inspectors will meet the following minimum qualifications
 - 1. Employee of Montgomery Township & the Montgomery Township Department of Fire Services.

2. Possession of a valid Commonwealth of Pennsylvania Department of Labor and Industry Uniform Construction Code Certification Card as a Fire Inspector.
3. Nationally Certified Fire Inspector 1 NFPA 1031

Add: The Fire Chief and appointed Fire Inspectors shall conduct Life Safety & Fire Inspections not less the 1 year since the occupancies last inspection. Additional inspections may be required based upon further investigation and or information received.

Add: The Fire Chief is authorized to conduct Re-Tenant Inspections of new Tenant spaces of commercial occupancies when there is a change of ownership and/or tenant.

Add: Businesses are required to send their annual sprinkler, fire alarm and NFPA inspections report to the Fire Chief.

- F. Section 110.4. Insert: Summary, not to exceed \$1,000, 30 days
Add: The Fire Chief and authorized Fire Inspectors may file Non-Traffic Summary Citations with the District Magistrate's Office for violations of a provision of this code.

- G. Section 202 shall have the following definitions added:

FIRE MARSHAL -- The Fire Marshal of Montgomery Township, who shall also be the Fire Chief and Fire Official as referred to in this code

(Ordinance Number 22-237, adopted 1-24-2022)

- H. Section 307 Recreational Fires
Add: Homeowners shall have an annual site inspection completed by the Fire Code Official or Fire Inspector. The Fire Chief will issue a Recreational Fire Permission Letter that expires 12 months after date that letter is issued. Homeowner must comply with the requirements on the letter as well as this code.

- I. Section 506 Lock Boxes
Add: The key box shall be a Knox Box. The Knox Box will be installed at a location that is that is approved by the Fire Chief.
Township Code 69-3 Knox Box

- J. *Current Codes Previously Adopted*
a. 69-8 & 9 BOCA Fire Code, 1996
b. 69- 16 NFPA Life Safety Code, 1994
c. Ordinance 04-188 Truss Placard

- K. *All geographic limits referred to in certain sections of the 2018 International Fire Code are to comply with the Montgomery Township Zoning Code.*

III. All ordinances of parts thereof inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency.

IV. The provisions of this Ordinance are declared to be severable. If any provision of this Ordinance is declared by a court of competent jurisdiction to be invalid or unconstitutional, such determination shall have no effect on the remaining provisions of this Ordinance or on the provisions of the Code of Ordinances of Montgomery Township.

V. This Ordinance shall become effective five (5) days following its legal enactment.

ENACTED and **ORDAINED** this Nth day of Month, 2022.

Attest:

**MONTGOMERY TOWNSHIP
BOARD OF SUPERVISORS**

Carolyn McCreary, Secretary

Tanya C. Bamford, Chair

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS

BOARD ACTION SUMMARY

Item #19

SUBJECT: Second Request for Authorization to Purchase a Pickup Truck
MEETING DATE: December 12, 2022
BOARD LIAISON: Tanya C. Bamford, Chair
INITIATED BY: Greg Reiff, Public Works Director

BACKGROUND:

In 2021, the Public Works Department proposed to purchase one 2022 Ford F-350 Pickup Truck and equipment as scheduled in the Capital Investment Plan from Whitmoyer Auto Group, an authorized vendor under the Co-Stars Cooperative Purchase Program (Contract # 025-162), at a cost of \$51,600.00. Due to supply chain issues, the Township was notified that this order has been canceled.

The Public Works Department is proposing to reorder this truck as a 2023 Ford F-350 Pickup Truck and equipment from Whitmoyer Auto Group, an authorized vendor under the Co-Stars Cooperative Purchase Program (Contract # 025-E22-456), to provide the requested vehicle.

BUDGET IMPACT:

\$50,000.00 was originally included in the Capital Investment Plan, and the total cost of this vehicle is now \$71,400.00.

RECOMMENDATION:

Staff recommends that the Board of Supervisors approve the awarding of the contract for the referenced purchase per the Capital Investment Plan.

MOTION/RESOLUTION:

Motion to award the contract for the purchase of one 2023 Ford F-350 Pickup Truck from Whitmoyer Auto Group, an authorized vendor under the Co-Stars Cooperative Purchase Program, at a cost of \$71,400.00 per their quote dated December 8, 2022.

- 1) Motion by: _____ Second by: _____
- 2) Chairwoman will ask for public comment.
- 3) Chairwoman will call for a vote.



Whitmoyer Auto Group

1001 E Main St.

Mount Joy, PA 17552

12/07/2022

To Whom It May Concern,

This letter serves as official notice that your order for the 2022 F-350 SuperCab 6.75' Bed, has been cancelled by Ford. A replacement order can be utilized at your convenience. Unfortunately Ford WILL NOT price protect cancelled 2022 orders. I apologize for the inconvenience throughout these unprecedented times in vehicle production. If you have any further questions, please do not hesitate to let me know.

Best Regards,

A handwritten signature in black ink, appearing to read 'Cody Stewart', is written over a light blue circular stamp that contains the text 'SALES' and 'MANAGER'.

Cody Stewart