

**MINUTES OF MEETING
MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS
DECEMBER 12, 2022**

1. Call to Order: The December 12, 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
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
Director of Rec & Community Ctr Floyd Shaffer
Recording Secretary, Deborah Rivas
Deputy Zoning Officer Marianne McConnell

ABSENT:

Supervisor Audrey R. Ware

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

- Gift certificates to the Community and Recreation Center are on sale! They can be used towards memberships to the Center, programs, room rentals, and any other transactions at the Community & Recreation Center.
- Letters to Santa – The North Pole has designated the Montgomery Township Police Department as a Letter to Santa Drop-off location again. For more information, visit the Police Department page on the Township website or stop by the Police Department lobby.

4. Recognition of the Retirement of Police Canine, Major: Chief Bendig announced that Canine Major retired earlier this year after eight years of service to the Montgomery Township Police Department. Major served as a dual-purpose canine, specializing in both patrol work and drug detection. Major and his handler, Officer Tim Woch, responded to over 800 calls for service, arresting numerous offenders and seizing significant quantities of drugs. The team also competed yearly in the United States Police Canine Associations Police field trials, obtaining numerous tracking, narcotic, Detector Dog, and PD1 Certifications.

MOTION: Upon motion by Ms. Bamford, seconded by Ms. Long, and unanimously carried (4-0), the Board recognized Canine Major for his eight years of service to the Police Department and Citizens of Montgomery Township.

5. Public Comment – None.

6. Announcement of Executive Session – Township Solicitor Sean Kilkenny, Esquire, announced that the Board of Supervisors met this evening at 6:30 p.m. in person at the Township building to discuss litigation and land acquisition matters. Mr. Kilkenny stated that the topics discussed were legitimate subjects of an Executive Session under the Commonwealth of Pennsylvania’s Sunshine Law.

7. Consent Agenda:

MOTION: Upon motion by Ms. Bamford, seconded by Ms. Chimera, and unanimously carried (4-0), the minutes of the November 28, 2022 meeting, the payment of bills for December 12, 2022, and Payment Release in the amount of \$1,100 and End of Maintenance Period for the Montgomery Knoll Landscaping project, were approved as presented.

Planning and Zoning:

8. Review of Zoning Hearing Board Applications: Ms. McCreary identified the pending hearing before the January 4, 2023 Zoning Hearing Board meeting. Application 22120001 is for Nappen and Associates for 212 B,C,&D Progress Drive, for an expansion to perform auto cosmetic and structural damage repairs and warranty work in-house and seek an additional variance to permit auto repair business on the 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 presented.

9. Acceptance of Road Dedication – Higher Rock Partners, LP – Ms. McCreary reported that the developer has requested that the Township accept the dedication of Witchwood Drive and the Township Engineer and staff reviewed the project details and recommend accepting dedication.

MOTION: Upon motion by Ms. Bamford, seconded by Ms. Chimera, and unanimously carried (4-0), the Board adopted Resolution No. 2022-42, accepting dedication of Witchwood Drive between Stump Road and Bethlehem Pike from Higher Rock Partners, LP with the inclusions and exclusions described in the resolution.

Administration and Finance:

10. Affirm Criteria for Qualified Active Member Status and Resolution 2022-41, Setting the Volunteer Firefighter Stipend for 2022: Mr. Shapiro reported that the Township approved the First Responder Recruitment and Retention Stipend on April 13, 2020, to incentivize volunteer first responders for their service. The Township must acknowledge the fire company’s written criteria for determining Qualified Active Member Service.

MOTION: Upon motion by Ms. Chimera, seconded by Ms. Staab and unanimously carried (4-0), the Board affirmed the FDMT criteria for determining Qualified Active Member status and authorized Resolution 2022-41, setting the Volunteer Firefighter Stipend for 2022 at \$500 per Qualified Active Member.

11. Adoption of the 2023 Budget: Ms. McCreary reported that the Township 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 Departments and discussed with the Board of Supervisors at worksessions held in October.

MOTION: Upon motion by Ms. Bamford, seconded by Ms. Staab and unanimously carried (4-0), the Board adopted the 2023 budget for all funds with expenditures totaling \$29,707,636.

12. Establish Real Estate Tax Millage for 2023: Ms. McCreary reported that 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. Staff is recommending that the Board establish the real estate tax millage for 2023 to remain at 2.49 mills.

MOTION: Upon motion by Ms. Long, seconded by Ms. Chimera and unanimously carried (4-0), the Board adopted Resolution 2022-43, establishing the real estate tax millage for 2023 at 2.49 mills.

13. Approve Montgomery Township Municipal Sewer Authority (MTMSA) 2023 Budget:

MOTION: Upon motion by Ms. Bamford, seconded by Ms. Chimera and unanimously carried (4-0), the Board approved the MTMSA budget for the fiscal year 2023.

14. Approve Montgomery Township Municipal Sewer Authority (MTMSA) 2022 Tapping Fee Agreements:

MOTION: Upon motion by Ms. Bamford, seconded by Ms. Chimera and unanimously carried (4-0), the Board confirmed that they have reviewed and approved the MTMSA tapping fee agreements as presented.

15. Approval of Amended Settlement Stipulation – Airport Square Shopping Associates, L.P. – Ms. McCreary reported that at the July 25 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 and is ready for the Board's approval.

MOTION: Upon motion by Ms. Bamford, seconded by Ms. Staab and unanimously carried (4-0), the Board approved the Amended Settlement Stipulation between Airport Square Shopping Associates, L.P. and Montgomery Township Zoning Hearing Board, et al.

Parks and Recreation:

16. Authorize Bid for Fellowship Park Improvement Project: Ms. McCreary reported that 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. This park has been 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. The 2023 budget includes \$650,000 for this project, with the \$250,000 grant to offset it. Staff is recommending that the Board authorize the advertisement of the bid so that it can be ensured that the work is awarded and equipment is ordered in time for the spring/summer season.

MOTION: Upon motion by Ms. Bamford, seconded by Ms. Long, and unanimously carried (4-0), the Board authorized the advertisement of the Fellowship Park Improvement Project.

Public Safety:

17. Authorization of the Advertisement of Proposed Fireworks Ordinance: Chief Bendig reported that 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 has 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. Discussion followed regarding the enforcement of a proposed ordinance and its impact on the community.

MOTION: Upon motion by Ms. Bamford, seconded by Ms. Chimera, and unanimously carried (4-0), the Board authorized the advertisement of the proposed fireworks ordinance.

18. Authorization of the Advertisement of the Proposed Ordinance Adopting the 2018 International Fire Code: Chief Wiegman reported that the Commonwealth adopted the 2018 International Building Codes earlier this year. 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.

MOTION: Upon motion by Ms. Long, seconded by Ms. Chimera, and unanimously carried (4-0), the Board authorized the advertisement of the proposed ordinance to adopt the 2018 International Fire Code.

Public Works:

19. Second Request for Authorization to Purchase a Pickup Truck: Mr. Shapiro reported that 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, at a cost of \$51,600.00. Due to supply chain issues, the Township was notified that this order has been canceled by Ford. The department is proposing to reorder the truck as a 2023 Ford F-350 Pickup Truck and equipment from Whitmoyer Auto Group. The cost of this vehicle is now \$71,400.00. Discussion followed regarding any consideration that the dealer might give for the canceled order, as well as the use of the vehicle in the Public Works fleet. Mr. Shapiro stated that the department has been looking at other makes of vehicles, such as Chevy, but preference is given to the same make/model equipment for ease of accessories and plow features.

MOTION: Upon motion by Ms. Chimera, seconded by Ms. Staab, and with a vote of 3 to 1, Ms. Long voting no, the Board awarded 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.

Old Business: None.

New Business: None.

Adjournment: Upon motion by Ms. Bamford and seconded by Ms. Chimera, the meeting was adjourned at 7:41 p.m.

Respectfully submitted,

Deborah A. Rivas, Recording Secretary