

AGENDA
MONTGOMERY TOWNSHIP
BOARD OF SUPERVISORS
APRIL 23, 2018

www.montgomerytwp.org

Tanya C. Bamford
Candyce Fluehr Chimera
Michael J. Fox
Jeffrey W. McDonnell
Matthew W. Quigg

Lawrence J. Gregan
Township Manager

ACTION MEETING – 8:00 PM

1. Call to Order by Chairman
2. Pledge of Allegiance
3. Public Comment
4. Announcement of Executive Session
5. Consider Approval of Minutes of April 9, 2018 Meeting
6. Welcome Recreation & Community Center Supervisor
7. Announce the Redesign Launch of the Township's Website
8. Consider Resolution in Support of Public Service Recognition Week
9. Consider Proclamation of Arbor Day for Tree City USA
10. Public Hearing Continuance – Conditional Use Application #C-68 – Pro Real Ventures LLC –
Shine Time Car Wash - DeKalb Pike and Welsh Road
11. Consider Request for Waiver of Landscape Screening Buffer – Pro Real Ventures LLC -
Shine Time Car Wash - DeKalb Pike and Welsh Road
12. Consider Approval of Opinion and Order for Conditional Use #C-67 – Firebirds Wood Fired
Grill Restaurant
13. Consider Waiver of Formal Land Development Application LDS-695W – Firebirds Wood
Fired Grill
14. Public Hearing - Inter-Municipal Liquor License Transfer – Firebirds Wood Fired Grill
Restaurant
15. Consider Approval of Amendment to Employee Handbook Policies – Drug and Alcohol Policy
for Employees with Commercial Driver's License (CDL) and Post-Offer, Pre-Employment
Medical Examination and Substance Abuse Policy
16. Consider Out of State Training Request – Delaware Valley Health Trust Meeting
17. Consider Authorization for Disposal of Township Property With Mutual Exchange
18. Consider Payment of Bills
19. Other Business
20. Adjournment

Future Public Hearings/Meetings:

04-24-2018 @ 7:00pm – Environmental Advisory Committee
05-02-2018 @ 7:30pm – Zoning Hearing Board
05-09-2018 @ 5:30pm – Autumn Festival Committee (CRC)

05-09-2018 @ 6:30pm – CRC Advisory Committee (CRC)
05-09-2018 @ 7:30pm – Park and Recreation Board (CRC)
05-14-2018 @ 8:00pm – Board of Supervisors

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS
BOARD ACTION SUMMARY

SUBJECT: Public Comment

MEETING DATE: April 23, 2018

ITEM NUMBER: #3

MEETING/AGENDA: WORK SESSION

ACTION XX

NONE

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

INITIATED BY: Lawrence J. Grogan
Township Manager

BOARD LIAISON: Candyce Fluehr Chimera,
Chairman of the Board of Supervisors

BACKGROUND:

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

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

ZONING, SUBDIVISION OR LAND DEVELOPMENT IMPACT:

None.

PREVIOUS BOARD ACTION:

None.

ALTERNATIVES/OPTIONS:

None.

BUDGET IMPACT:

None.

RECOMMENDATION:

None.

MOTION/RESOLUTION:

None.

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

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS
BOARD ACTION SUMMARY

SUBJECT: Announcement of Executive Session

MEETING DATE: April 23, 2018

ITEM NUMBER: #4

MEETING/AGENDA: WORK SESSION

ACTION XX

NONE

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

INITIATED BY: Lawrence J. Gregan
Township Manager

BOARD LIAISON: Candyce Fluehr Chimera,
Chairman of the Board of Supervisors

BACKGROUND:

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

ZONING, SUBDIVISION OR LAND DEVELOPMENT IMPACT:

None.

PREVIOUS BOARD ACTION:

None.

ALTERNATIVES/OPTIONS:

None.

BUDGET IMPACT:

None.

RECOMMENDATION:

None.

MOTION/RESOLUTION:

None.

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

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS
BOARD ACTION SUMMARY

SUBJECT: Consider Approval of Minutes for April 9, 2018

MEETING DATE: April 23, 2018 ITEM NUMBER: #5.

MEETING/AGENDA: WORK SESSION ACTION XX NONE

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

INITIATED BY: Lawrence J. Gregan
Township Manager  BOARD LIAISON: Candyce Fluehr Chimera,
Chairman of the Board of Supervisors

BACKGROUND:

Please contact Deb Rivas on Monday, April 23, 2018 before noon with any changes to the minutes.

ZONING, SUBDIVISION OR LAND DEVELOPMENT IMPACT:

None.

PREVIOUS BOARD ACTION:

None.

ALTERNATIVES/OPTIONS:

None.

BUDGET IMPACT:

None.

RECOMMENDATION:

None.

MOTION/RESOLUTION:

None.

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

**MINUTES OF MEETING
MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS
APRIL 9, 2018**

At 7:00 p.m. Chairman Candyce Fluehr Chimera called to order the executive session. In attendance were Supervisors Tanya C. Bamford, Michael J. Fox, Jeffrey W. McDonnell and Matthew W. Quigg. Also in attendance were Township Manager Lawrence J. Gregan and Township Solicitor Frank R. Bartle, Esquire.

Chairman Candyce Fluehr Chimera called the action meeting to order at 8:00 p.m. In attendance were Supervisors Tanya C. Bamford, Michael J. Fox, Jeffrey W. McDonnell and Matthew W. Quigg. Also in attendance were Township Solicitor Frank R. Bartle, Esquire, Township Manager Lawrence J. Gregan, Police Chief J. Scott Bendig, Director of Fire Services Richard Lesniak, Director of Finance Ami Tarburton, Director of Administration and Human Resources Ann Shade, Assistant to the Township Manager Stacy Crandell, Director of Planning and Zoning Bruce Shoupe, Director of Public Works Kevin Costello, Director of Recreation and Community Center Floyd Shaffer, Director of Information Technology Richard Grier, Public Information Coordinator Kelsey Whalen and Recording Secretary Deborah A. Rivas.

Following the Pledge of Allegiance, Chairman Candyce Fluehr Chimera called for public comment from the audience.

Under public comment, residents of the Montgomery Preserve development came before the Board of Supervisors to discuss their ongoing concerns with regard to their unfinished development and lack of action on the part of developer David Cutler to complete the project as promised. Residents who spoke on behalf of the neighbors were Tom Harker of 130 Bayhill Drive, Lisa Samaha of 105 Bayhill Drive, Lea Stein of 128 Bayhill Drive, and Joe Bernstein of 112 Bayhill Drive. Comments were made regarding concerns about the paving, caps coming off the water main valve during snow plowing, incomplete landscaping, piles of trash, wood and pieces of pipe, lack of concrete monuments or pins placed for properties, dead trees, unfinished streetlights, dug up side yards and unfinished driveways. The residents stated

that they believe that Mr. Cutler is not coming back to finish anything, there will be no negotiations because he will not do anything else to the development. The residents just want their development finished and made to look like a normal neighborhood. The Board of Supervisors and Township Solicitor Frank Bartle, Esquire explained that the efforts being undertaken by the Township to have the Cutler Group complete all unfinished improvement items as identified on the approved development plans and the engineers punch lists. The Board of Supervisors will be meeting in an executive session on Monday, April 16, 2018 to discuss this matter and make a final determination on what actions they wish to make going forward. The Board asked the residents to give them a week to attempt to solve as much of this situation as possible as the Board will plan to take action on April 23, 2018.

Solicitor Frank Bartle, Esquire announced that the Board had met in an executive session prior to this meeting and discussed a collective bargaining issue, two personnel matters and a matter of potential litigation which is the Cutler Development matter previously discussed. Mr. Bartle stated that these matters are legitimate subjects of executive session pursuant to Pennsylvania's Sunshine Law.

Chairman Candyce Fluehr Chimera made a motion to approve the minutes of the March 26, 2018 Board of Supervisors meeting, and Supervisor Tanya C. Bamford seconded the motion. The minutes of the meeting were unanimously approved as submitted.

Public Information Coordinator Kelsey Whalen reported that Montgomery Township is celebrating Local Government Week from April 9, 2018 to April 13, 2018. The event will bring area school children to the Township Building for outside demonstrations by the Fire Department, Public Works Department, Sewer Authority and Volunteer Medical Services of Lansdale. The students will also get a tour of the Police Department and learn about the Township's Government Activities. The Board is requested to recognize students from Montgomery Elementary and Bridle Path Elementary for taking an active role in learning more about the Township and how students can become further involved residents. Resolution #1,

made by Supervisor Tanya C. Bamford, seconded by Vice Chairman Michael J. Fox and adopted unanimously, recognized and honored Local Government Week and area elementary schools, Montgomery Elementary and Bridle Path Elementary, for sponsoring student government programs and for their commitment to developing the leaders of the future.

Police Chief J. Scott Bendig announced that on April 14, 2018 from 10:30 a.m. to 2:30 p.m., the Montgomery Township Police Department will be hosting Emergency Services Day at the Montgomery Mall. This free annual indoor event, held in the Macy's Courtyard, gives the general public the opportunity to interact with police, fire and emergency medical service professionals from throughout Montgomery and Bucks Counties. The event will include giveaways, displays, canine demonstrations, and child fingerprinting. Members of the general public are encouraged to stop by and visit.

Assistant to the Township Manager Stacy Crandell announced the Township's spring 2018 Curbside Leaf Waste Collection. In compliance with DEP regulations, the Township contracts with Advanced Disposal, Inc. to provide curbside leaf and yard waste collection twice a year in the fall and the spring from residential properties in the Township. The spring 2018 curbside leaf and yard waste collection is scheduled for Saturday, April 21, 2018. To participate, residents must place the collected leaf and yard waste materials in biodegradable paper bags at the curb prior to 7:00 a.m. that day for collection. In addition to the curbside collection, the Township conducts a monthly leaf and yard waste drop off collection at William F. Maule Park at Windlestrae from 8:00 a.m. to noon. This drop off occurs monthly on the third Saturday of every month.

Director of Public Works Kevin Costello reported that the approved 2018 Capital Budget included funding to replace HVAC Units #6 and #8 for the Administration/Police Building at a cost of \$17,176.00. These units were originally installed when the facility was built in 1995 and the equipment has a general life cycle of 20 – 25 years. In anticipation of the need for replacement, funding had been set aside since 2009 in the Capital Reserve Fund to replace

these units in 2018 and subsequently all the remaining units (10 total) as they reach the end of their life cycles. Resolution #2 made by Vice Chairman Michael J. Fox, seconded by Supervisor Tanya C. Bamford and adopted unanimously, approved the contract for the purchase and installation of two Carrier HVAC units to be installed at the Administration/Police Building by Scatton's Heating and Cooling, Inc. for a total projected cost of \$17,176.00.

Township Manager Lawrence J. Gregan reported that the Township built the Spray Park and Accessible Playground in conjunction with the construction of the Community and Recreation Center, which opened in October 2015. The Spray Park has proven to be a popular amenity during the summer months and the opening for the summer 2018 season is scheduled for Memorial Day weekend. During the course of the use of the spray park, Township staff identified a drainage problem within the parks spray field drainage area. The water used in the spray park is collected, recirculated and treated for reuse through an underground drainage system but at one location water was draining out of the spray field. Township Engineer, Gilmore and Associates, investigated and discovered that the slope of the concrete did not provide for the entire spray field to drain to the underground system. As a result, some of the water from the spray field was running off the site, affecting the adjacent walking trail and landscaping. Three quotes were obtained and the lowest quote was received from Cosimo Riccioli & Sons at a cost of \$14,897.00. The Township proposes to engage the contractor as soon as possible to ensure completion of the concrete repairs before the opening of the Spray Park on Memorial Day weekend. Resolution #3 made by Supervisor Tanya C. Bamford, seconded by Chairman Candyce Fluehr Chimera and adopted unanimously, authorized the Township to contact with Cosimo Riccioli & Sons in the amount of \$14,897.00 to perform the concrete repairs at the Spray Park.

At 9:10 p.m. Chairman Candyce Fluehr Chimera opened the Public Hearing for a proposed Conditional Use application for ProReal Ventures LLC – Shine Time Carwash C 68 – DeKalb Pike and Welsh Road. Township Solicitor Frank Bartle, Esquire reported that the Board

of Supervisors has received a request from the developer's counsel, Kim Friemuth, Esquire, to continue the hearing this evening. Ms. Friemuth has also granted a waiver of the time limitations Board action on the application required by the Pennsylvania Municipalities Planning Code. As the hearing is open, Mr. Bartle inquired if there was a motion from the Board to continue the hearing to April 23, 2018 after 8:00 p.m. and accept the waiver of time. Vice Chairman Michael J. Fox made a motion, seconded by Supervisor Matthew W. Quigg and adopted unanimously, to continue to the hearing to April 23, 2018 after 8:00 p.m. and accept the waiver of time.

In addition, the Board also agreed to continue the consideration of the request of ProReal Ventures LLC – Shine Time Car Wash at DeKalb Pike and Welsh Road for a waiver from the requirements of Section 230-78B of the Township Zoning Code to the next meeting on April 23, 2018 after 8:00 p.m.

A motion to approve the payment of bills was made by Chairman Candyce Fluehr Chimera, seconded by Vice Chairman Michael J. Fox, and adopted unanimously, approving the payment of bills as submitted.

There being no further business to come before the Board, the meeting adjourned at 9:12 p.m.

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS
BOARD ACTION SUMMARY

SUBJECT: Welcome Recreation & Community Center Supervisor

MEETING DATE: April 23, 2018

ITEM NUMBER: #6

MEETING/AGENDA:

ACTION

NONE

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

INITIATED BY: Floyd Shaffer, Recreation Director

BOARD LIAISON: Michael J. Fox

BACKGROUND:

Montgomery Township is pleased to announce that Derek J. Muller is being recommended for consideration for appointment to the position of Recreation and Community Center Supervisor effective April 23, 2018.

Derek is continuing his professional career with Montgomery Township after nearly six years of permanent employment with the City of Philadelphia Parks and Recreation Department. Most recently Derek was a Recreation Leader I (Facility Supervisor) at the Frank Glavin Playground in Port Richmond.

Derek holds a Bachelor of Arts degree in Communication from LaSalle University. Derek's education and employment experiences in the community recreation arena have prepared him quite well for his upcoming duties within Montgomery Township.

ZONING, SUBDIVISION OR LAND DEVELOPMENT IMPACT:

None.

PREVIOUS BOARD ACTION:

None.

ALTERNATIVES/OPTIONS:

None.

BUDGET IMPACT:

The salary for this position is budgeted at \$53,500.00 per year. It will be prorated through the end of 2018.

RECOMMENDATION:

Consider approval of the appointment of Derek Muller to the position of Recreation and Community Center Supervisor, effective April 23, 2018 and welcome him to the Montgomery Township community.

MOTION/RESOLUTION:

BE IT RESOLVED by the Board of Supervisors of Montgomery Township that we hereby approve the appointment of Derek Muller to the position of Recreation and Community Center Supervisor, effective April 23, 2018.

MOTION: _____ SECOND: _____

ROLL CALL:

Tanya C. Bamford	Aye	Opposed	Abstain	Absent
Michael J. Fox	Aye	Opposed	Abstain	Absent
Jeffrey W. McDonnell	Aye	Opposed	Abstain	Absent
Matthew W. Quigg	Aye	Opposed	Abstain	Absent
Candyce Fluehr Chimera	Aye	Opposed	Abstain	Absent

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

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS BOARD ACTION SUMMARY

SUBJECT: Announcement of Website Redesign Launch

MEETING DATE: April 23, 2018

ITEM NUMBER: #7

MEETING/AGENDA: WORK SESSION

ACTION XX

NONE

REASON FOR CONSIDERATION: Operational: XX

Information:

Discussion:

Policy:

INITIATED BY: Kelsey Whalen,
Public Information Coordinator



BOARD LIAISON: Candyce Fluehr Chimera,
Chairman, Board of Supervisors

BACKGROUND:

The Board of Supervisors approved a website redesign with eGov Strategies during the Board of Supervisors meeting on June 26, 2017, and I am excited to announce that the redesigned website is now live for all to enjoy, using the same URL of www.montgomerytp.org. The Township experienced a successful redesign with eGov Strategies in 2010, and is very pleased with the work they have completed during the most recent redesign as well.

The Township's main goal for the redesigned website was to give the community the following benefits:

- Mobile and tablet friendly experience
- Modern look
- More organized and user friendly site
- Social media integration
- A special focus on resident/community services and events

Over the course of the last 10 months, The Township and eGov Strategies have worked hard on meeting this goal, as well as collaborating on ideas, concepts, color schemes, design formats, and different content organization options, and we are very pleased with the final outcome.

We invite the residents of Montgomery Township to visit the redesigned website at www.montgomerytp.org and enjoy exploring some of the new options. This includes the capability to swipe (or click) through the Welcome, Government, Community, Residents Services, Contact Us, and I Want To pages using the arrows on the homepage. By using this new and modern function, you can find useful information fast. Some examples are as follows: information on Codes & Permits, the Township's social media channels, board and committee agendas, new resident information, ReadyMontco, and much more. Residents will also now enjoy the ability to find the building using Google Maps right from our website. They will also now be able to call the Township building from their mobile device in just one click.

The website redesign will also be announced on all of the Township's communication channels: Facebook, Twitter, E-News, cable channel, and press release.

In addition to the website redesign, the Board approved a Marketing Subsite add-on option, which will link from the new website. With this add-on option, the Township will be able to showcase special services, attractions, and events in one community focused sub-site. The subsite will be linked from the Montgomery Township website and have dedicated sections on the homepage for everything "community" in Montgomery Township: The Community & Recreation Center, township parks, playgrounds and trails, Summer Concert Series, Autumn Festival, free services the Township provides, and more. The subsite will be helpful for our residents, those moving to the Township, and visitors. The subsite will undergo a similar process to the website redesign, and will launch in the coming months.

ZONING, SUBDIVISION OR LAND DEVELOPMENT IMPACT:

None.

PREVIOUS BOARD ACTION:

The website redesign project was approved by the Board of Supervisors on June 26, 2017 during the Board of Supervisors Meeting.

ALTERNATIVES/OPTIONS:

None.

BUDGET IMPACT:

The cost for the basic redesign is \$7,750 and the cost for the Marketing Micro Site Design Add-On is \$2,450. The 2017 Capital Budget allocated for \$9,500 for a website redesign. The total for the website redesign is \$10,200.

RECOMMENDATION:

None.

MOTION/RESOLUTION:

None.

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS
BOARD ACTION SUMMARY

SUBJECT: Consider Resolution in Support of Public Service Recognition Week

MEETING DATE: April 23, 2018

ITEM NUMBER: #8.

MEETING/AGENDA: WORK SESSION

ACTION XX

NONE

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

INITIATED BY: Lawrence J. Gregan
Township Manager

BOARD LIAISON: Candyce Fluehr Chimera,
Chairman

BACKGROUND:

Since 1985, the Public Employees Roundtable (PER) and its member organizations have celebrated Public Service Recognition Week. This year it is being celebrated the week of May 6th through May 12th, 2018. Throughout the nation it is recognized as a time to show appreciation to the men and women who serve our nation as federal, state, county and local government employees for their contribution to the safety, security and efficiency of our communities.

ZONING, SUBDIVISION OR LAND DEVELOPMENT IMPACT: None

PREVIOUS BOARD ACTION: None

ALTERNATIVES/OPTIONS: None

BUDGET IMPACT: None

RECOMMENDATION:

It is recommended that the Board of Supervisors adopt the Resolution to recognize the week of May 6th through May 12th as Public Service Recognition Week.

MOTION/RESOLUTION:

BE IT RESOLVED by the Board of Supervisors of Montgomery Township that we hereby recognize the week of May 6th through May 12th, 2018 as Public Service Recognition Week and extend our appreciation to the employees of Montgomery Township for their efforts on behalf of the residents and visitors of Montgomery Township.

MOTION: _____ SECOND: _____

ROLL CALL:

Tanya C. Bamford	Aye	Opposed	Abstain	Absent
Michael J. Fox	Aye	Opposed	Abstain	Absent
Jeffrey W. McDonnell	Aye	Opposed	Abstain	Absent
Matthew W. Quigg	Aye	Opposed	Abstain	Absent
Candyce Fluehr Chimera	Aye	Opposed	Abstain	Absent

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

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS
BOARD ACTION SUMMARY

April 19, 2018

SUBJECT: Consider Proclamation of Arbor Day for Tree City USA

MEETING DATE: April 23, 2018

ITEM NUMBER: #9

MEETING/AGENDA: WORK SESSION ACTION **XX** CONSENT NONE

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

INITIATED BY: Marianne McConnell
Deputy Zoning Officer

BOARD LIAISON: Michael Fox, Liaison
Shade Tree Commission

BACKGROUND:

The Shade Tree Commission sponsors an annual event to celebrate Arbor Day. This year, the Annual Arbor Day Tree Give-Away will be held on Saturday, April 28th, 2018 at the Montgomery Township Community and Recreation Center. Montgomery Township has also been named as a 2017 Tree City USA recipient with a presentation of the award by our State Forester scheduled during the event as well. The Shade Tree Commission would request that the Board of Supervisors begin this celebration with the reading of the attached Arbor Day Proclamation on April 28th.

ZONING, SUBDIVISION OR LAND DEVELOPMENT IMPACT:

None

PREVIOUS BOARD ACTION:

The Board adopted a similar resolution on April 3, 2017.

ALTERNATIVES/OPTIONS:

None

BUDGET IMPACT:

\$5,000 has been budgeted for the event.

RECOMMENDATION:

The members of the Shade Tree Commission would like to extend an invitation to the Board of Supervisors to attend this annual event on Saturday, April 28, 2018 to celebrate Arbor Day and read the attached proclamation during the event.

MOTION/RESOLUTION:

Attached

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

Arbor Day Proclamation

Whereas, in 1872 J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

Whereas, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

Whereas, Arbor Day is now observed throughout the nation and the world, and

Whereas, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife, and

Whereas, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

Whereas, trees in our township increase property values, enhance the economic vitality of business areas, and beautify our community, and

Whereas, trees wherever they are planted, are a source of joy and spiritual renewal,

NOW, THEREFORE, the Board of Supervisors of Montgomery Township, Pennsylvania, do hereby proclaim Saturday, April 28, 2018 as

Arbor Day

in Montgomery Township, and we urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and

Further, we urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

Dated this the 28th day of April 2018.

MOTION: _____ SECOND: _____

ROLL CALL:

Tanya C. Bamford	Aye	Opposed	Abstain	Absent
Candace Fluehr Chimera	Aye	Opposed	Abstain	Absent
Michael J. Fox	Aye	Opposed	Abstain	Absent
Jeffrey W. McDonnell	Aye	Opposed	Abstain	Absent
Matthew W. Quigg	Aye	Opposed	Abstain	Absent

**MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS
BOARD ACTION SUMMARY**

March 26, 2018

SUBJECT: Consider Conditional Use Application – ProReal Ventures LLC – Shine Time Carwash C68 - DeKalb Pike and Welsh Road

MEETING DATE: April 23, 2018

ITEM NUMBER: #10.

MEETING/AGENDA: EXECUTIVE SESSION

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

INITIATED BY: Bruce Shoupe
Director of Planning & Zoning

BOARD LIAISON: Candyce Fluehr Chimera
Chairman

BACKGROUND:

The applicant, ProReal Ventures LLC, is seeking Conditional Use approval to construct a 4,594 square foot automatic car wash on 1.816-acre lot at the northeast corner of DeKalb Pike and Welsh Road, the former Atomic Tire property. The property is currently zoned C-Commercial and the use is permitted by Conditional Use approval. The applicant proposes to provide car stacking for approximately 66 vehicles and parking for employees and customers totaling 34 spaces. Access to the site is shown as a "right in only" driveway entrance an existing curb cut located on the Welsh Road frontage of the site and a "right in/right out only movement" driveway entrance and exit through an existing curb cut located on the DeKalb Pike frontage of the site.

The original hearing was continued to this date in order for the Applicant to address traffic concerns raised by the Township's traffic engineer, Traffic Planning and Design, updated review letter is included with this summary.

ZONING, SUBDIVISION OR LAND DEVELOPMENT IMPACT:

None

PREVIOUS BOARD ACTION:

The Public Hearing for the Conditional Use application was held on March 26, 2018 and continued until April 23, 2018. The Applicants attorney sent a letter dated April 9, 2018, attached, agreeing to waive all applicable time periods in the MPC in connection with this continuance.

ALTERNATIVES/OPTIONS:

None

BUDGET IMPACT:

None

RECOMMENDATION:

Provide Staff with any recommendations regarding this application.

MOTION/RESOLUTION:

The Resolution is attached.

MOTION _____ **SECOND** _____ **VOTE:** _____

ROLL CALL:

Tanya C. Bamford	Aye	Opposed	Abstain	Absent
Michael J. Fox	Aye	Opposed	Abstain	Absent
Jeffrey W. McDonnell	Aye	Opposed	Abstain	Absent
Matthew W. Quigg	Aye	Opposed	Abstain	Absent
Candyce Fluehr Chimera	Aye	Opposed	Abstain	Absent

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

Resolution #

WHEREAS, ProReal Ventures LLC, has submitted an application to the Township of Montgomery for Conditional Use approval to develop the property located at northeast corner of DeKalb Pike and Welsh Road, as a 4,594 square feet automatic car wash with associated car stacking and parking for employees and customers as represented during the Conditional Use Hearing; and

WHEREAS, said application was submitted in compliance with Section 230-75.A (1) and Appendix Table 230-A of the Zoning Code; and

WHEREAS, the Board has considered said application, the evidence presented at this hearing, and compliance with the recommendations of the Township staff and consultants, and the opinions of the citizens of the Township.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Montgomery Township that we hereby approve the Conditional Use Application for ProReal Partners LLC, subject to compliance with the all applicable Conditional Use review letters. This approved Conditional Use shall be in strict conformance with the testimony and exhibits presented at this hearing.

MOTION BY:

SECOND BY:

VOTE:

DATE:

xc: Applicant, F. Bartle, R. Dunlevy, B. Shoupe, M. Gambino, MCPC, MTPC, J. Goldstein, K. Amey, K. Johnson, Minute Book, Resolution File, File



Fox Rothschild LLP
ATTORNEYS AT LAW

Stone Manor Corporate Ctr.
2700 Kelly Road Suite 300
Warrington, PA 18976
Tel (215) 345-7500 Fax (215) 345-7507
www.foxrothschild.com

KIMBERLY A. FREIMUTH
Direct No: 215.918.3627
Email: KFreimuth@FoxRothschild.com

April 9, 2018

VIA E-MAIL

Robert J. Iannozzi, Jr., Esquire
Dischell, Bartle, Yanoff & Dooley
1800 Pennbrook Parkway, Suite 200
Lansdale, PA 19446

**Re: Conditional Use Application of Pro Real Ventures, LLC –
1274 Welsh Road, Montgomery Township, Montgomery County, PA**

Dear Bob:

As you know, this office represents Pro Real Ventures, LLC ("Pro Real"), which is the equitable owner of the above-referenced property. On February 5, 2018, Pro Real filed a conditional use application in connection with its proposal to develop and utilize the property for an automatic car wash facility. A hearing on this application was initially held March 26, 2018, and continued to this evening.

As you are aware, we received a review letter from TPD on Friday, April 6, 2018. In light of this letter and the comments contained therein, I would like to request that this application be further continued until the Board's next meeting scheduled for April 23, 2018. This letter will confirm that my client has agreed to waive all applicable time periods under the MPC in connection with this continuance.

In the meantime, we would like to request a meeting with Township staff, including representatives of TPD, in order to discuss and address the comments contained in the TPD letter of April 6, 2018.

Please arrange for this continuance to be announced at the hearing this evening so that this matter does not have to be re-advertised.

A Pennsylvania Limited Liability Partnership

California Colorado Connecticut Delaware District of Columbia Florida Illinois
Minnesota Nevada New Jersey New York Pennsylvania Texas Washington

ACTIVE\55092905.v1-4/9/18



Fox Rothschild LLP
ATTORNEYS AT LAW

April 9, 2018
Page 2

If you should have any questions regarding the above, please feel free to contact me. Thank you.

Sincerely,

Kimberly A. Freimuth

cc: Bruce Shoupe, Planning & Zoning Director (via e-mail)
Lawrence J. Gregan, Township Manager (via e-mail)
Andrey Shalaurov, Pro Real Ventures, LLC (via e-mail)
Christopher Jensen, P.E. (via e-mail)
Mark Roth, P.E. (via e-mail)



TRAFFIC PLANNING AND DESIGN, INC.

WWW.TRAFFICPD.COM

April 19, 2018

Mr. Bruce S. Shoupe
Township Director of Planning and Zoning
Montgomery Township
1001 Stump Road
Montgomeryville, PA 18936-9605

RE: ProReal Ventures, LLC – Carwash
1274 Welsh Road
Status Update Conditional Use
Montgomery Township, Montgomery County, PA
Montgomery Township C-68
TPD No. MOTO-00119

Dear Bruce:

While we anticipate receiving a plan submission directly from the applicant tomorrow, I wanted to supply you with a status report of what has transpired since our meeting with the applicant on April 11.

As requested at the meeting, the applicant submitted sketches on April 13 in an effort to address the three main areas of concern from a traffic perspective:

- Internal stacking and circulation
- Reducing the ability of completing an illegal left turn entry at the Welsh Road access
- Eliminating the left turn exit from the DeKalb Pike driveway

On April 18, we submitted an email to the applicant's team and staff addressing each of these areas. On April 19, the applicant's engineer (T&M Associates) stated that all of these areas of concern will be addressed on the plans they will be submitting on Friday. The results of the review as discussed in the April 18 email are presented below:

Internal Stacking and Circulation

In our opinion, we find the proposed internal changes to be acceptable except the parking space on each side of the parking aisle closest to the car wash exit needs to be eliminated so that vehicles backing out of these spaces do not need to back into the exiting lane itself.

Mr. Bruce S. Shoupe
April 19, 2018
Page 2

Welsh Road Access

The plan presented by T&M Associates was too restrictive, thus making it difficult for even right turn vehicles to enter the site. Therefore, the first attachment shows our redline markups on the original T& M plan of the site overlaid on an aerial. In our opinion, this attached design, combined with the PennDOT required sign package for Right-in-only driveways, will adequately address our desire to deter left turns into the site as much as is feasible. Obviously, this design is subject to review and approval by PennDOT.

DeKalb Pike Access

The plan presented by T&M Associates was not restrictive enough. Therefore, the second attachment (TPD Alt 1A Preferred) is our preferred alternative for this site with the exiting curb extending across the PECO frontage but remaining fully within the PennDOT right-of-way. Typically, PennDOT requires the applicant for an HOP to obtain permission from adjacent property owners when work required in the HOP extends across their frontage even when such work is entirely within the existing right-of-way. If the applicant is unable to obtain this permission, we have prepared a third attachment (TPD Alt 1B) showing all the curb work entirely on the applicant's frontage. This alternative will require relocation of three of the angled parking spaces located on the north end of the property and will require some redesign of the right turn entrance (and an associated elimination of one parking space) as well. In our opinion, either design combined with the PennDOT required sign package for Right-in/right-out only driveways, will adequately address our desire to deter left turns exiting the site as much as is feasible. Obviously, this design is also subject to review and approval by PennDOT.

Once we receive the revised site plan, we will submit a formal review letter with the normal ccs.

Please call if you have any questions.

Sincerely,

TRAFFIC PLANNING AND DESIGN, INC.



Kevin L. Johnson, P.E.

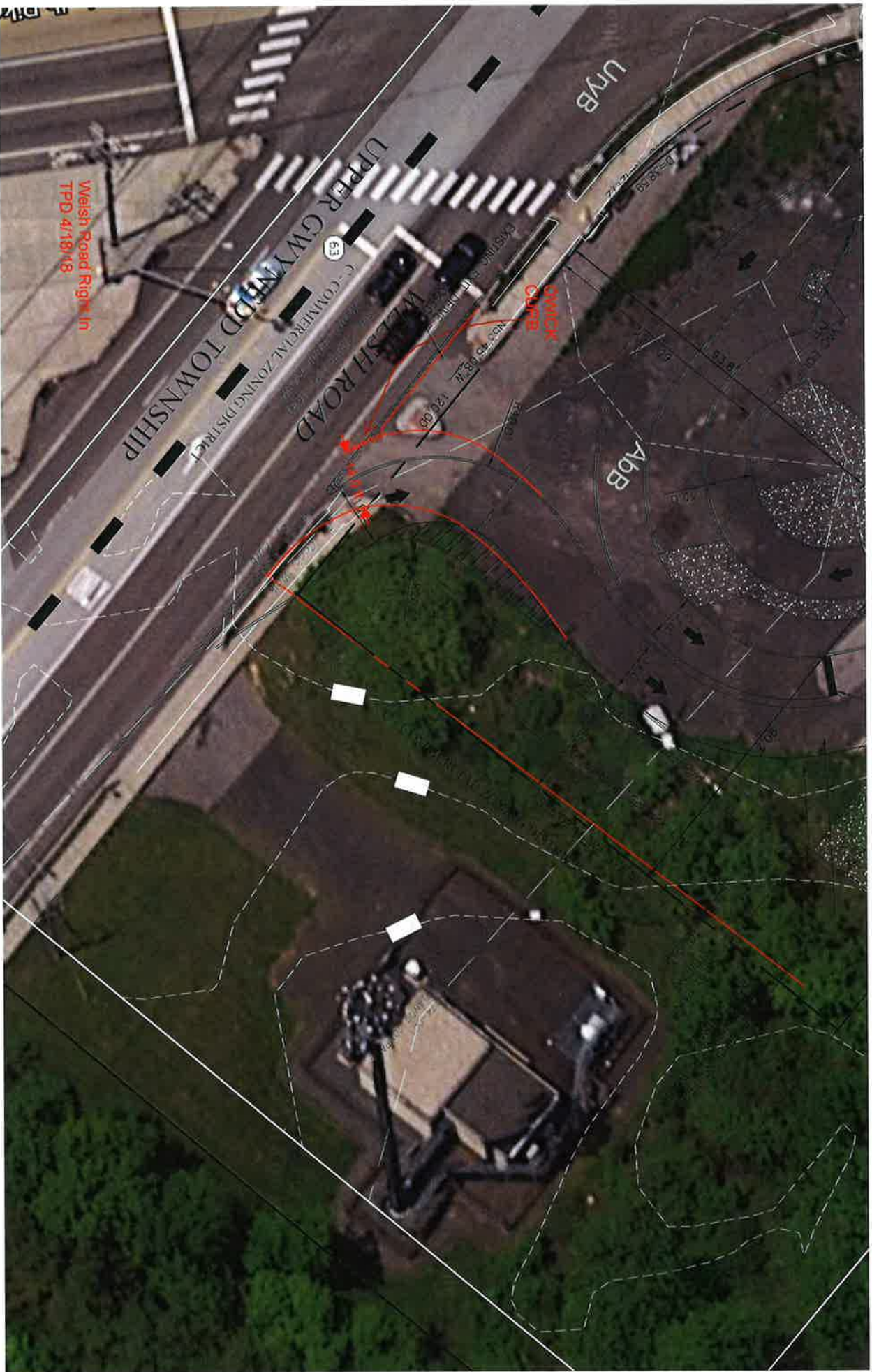
President

kjohnson@TrafficPD.com

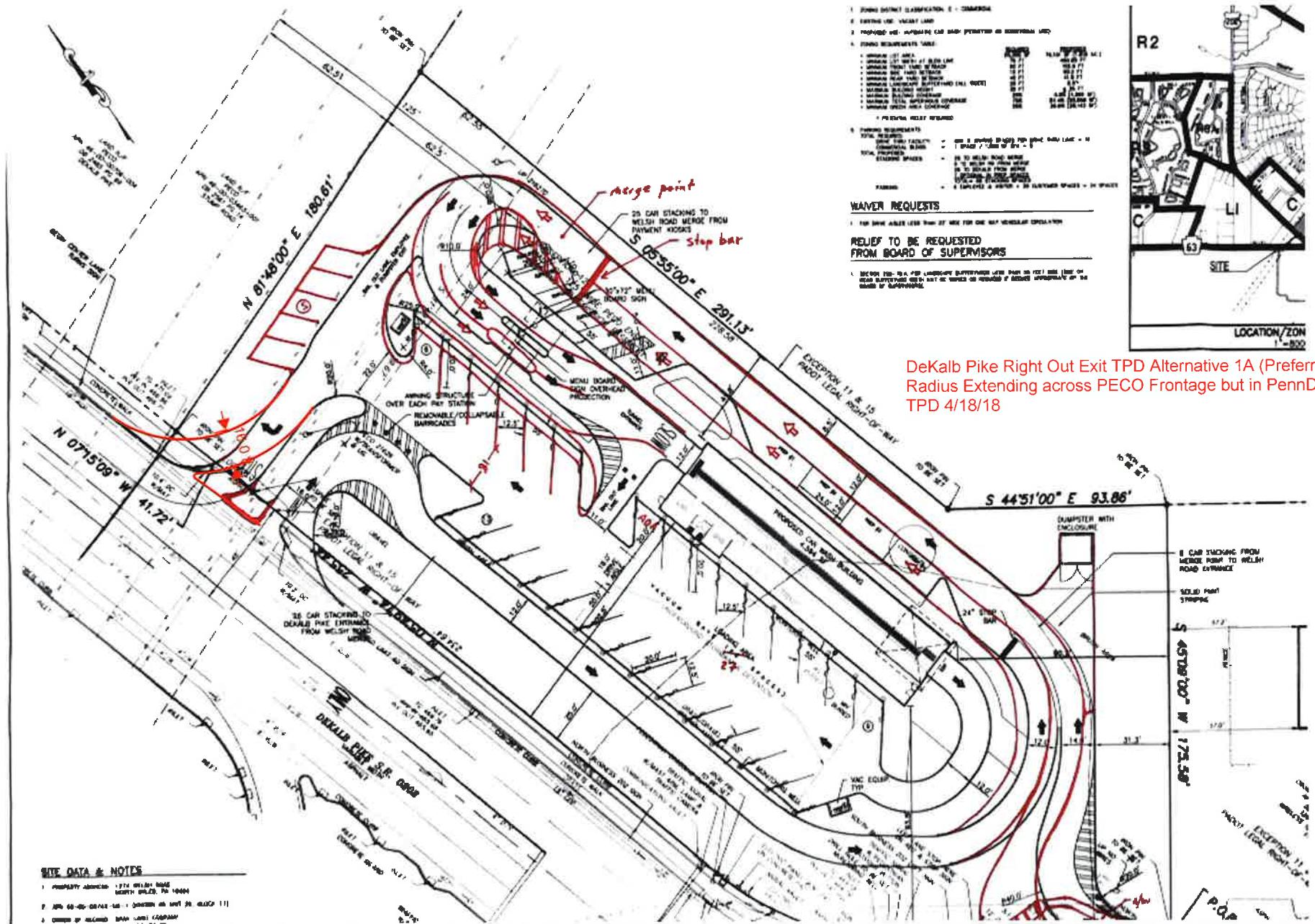
Mr. Bruce S. Shoupe
April 19, 2018
Page 3

Attachments: (1) Welsh Road Access Sketch by TPD
(2) DeKalb Pike Alternative 1A Access Sketch by TPD
(3) DeKalb Pike Alternative 1B Access Sketch by TPD

cc: Larry Gregan, Township Manager
Jerry Baker, P.E., TPD
Eric Hammond, TPD



Welsh Road Right In
TPD 4/18/18



1. ZONING DISTRICT CLASSIFICATION: E-1 COMMERCIAL
2. EXISTING USE: VACANT LAND
3. PROPOSED USE: ALTERNATE CAR RAMP PERMITTED IN COMMERCIAL USE
4. ZONING REQUIREMENTS TABLE:
- | REQUIREMENT | EXISTING | PROPOSED |
|------------------------------|----------------|----------------|
| 1. MINIMUM LOT AREA | 10,000 SQ. FT. | 10,000 SQ. FT. |
| 2. MINIMUM LOT FRONT SETBACK | 10 FT. | 10 FT. |
| 3. MINIMUM LOT SIDE SETBACK | 10 FT. | 10 FT. |
| 4. MINIMUM LOT REAR SETBACK | 10 FT. | 10 FT. |
| 5. MINIMUM LOT FRONT YIELD | 10 FT. | 10 FT. |
| 6. MINIMUM LOT SIDE YIELD | 10 FT. | 10 FT. |
| 7. MINIMUM LOT REAR YIELD | 10 FT. | 10 FT. |
| 8. MINIMUM LOT FRONT YIELD | 10 FT. | 10 FT. |
| 9. MINIMUM LOT SIDE YIELD | 10 FT. | 10 FT. |
| 10. MINIMUM LOT REAR YIELD | 10 FT. | 10 FT. |
5. PARKING REQUIREMENTS:
- TOTAL REQUIRED: 10 SPACES
- TOTAL PROVIDED: 10 SPACES
6. PARKING REQUESTS:
1. FOR DRIVE ABLES LESS THAN 27 FEET FOR ONE WAY VEHICULAR OPERATION
- RELIEF TO BE REQUESTED FROM BOARD OF SUPERVISORS
2. SECTION 100-10-A, FOR LANDSCAPE BUFFERING LESS THAN 30 FEET (SEE USE OF LAND BUFFERING USE IN ART OR VEHICLE OR REQUIRED IF BUFFER APPROPRIATE) BY THE BOARD OF SUPERVISORS.



DeKalb Pike Right Out Exit TPD Alternative 1A (Preferred)
Radius Extending across PECO Frontage but in PennDOT ROW
TPD 4/18/18

SITE DATA & NOTES

1. PROPERTY ADDRESS: 1274 WELSH ROAD
DEPT. BUILT, PA 10004

2. JUNE 68-69 DEPT. 100 - SECTION 100-10-A, BLOCK 111

3. OWNER OF RECORD: DEPT. 100 COMPANY



March 1, 2018

Mr. Bruce S. Shoupe
Township Director of Planning and Zoning
Montgomery Township
1001 Stump Road
Montgomeryville, PA 18936-9605

RE: ProReal Ventures, LLC – Carwash
1274 Welsh Road
Conditional Use Plan Review
Montgomery Township, Montgomery County, PA
Montgomery Township C-68
TPD No. MOTO-00119

Dear Bruce:

In our role as Township Traffic/Street Lighting Engineer, Traffic Planning and Design, Inc. (TPD) has reviewed the Conditional Use Plan prepared by T and M Associates, dated January 30, 2018, which was received in our office on February 14, 2018:

Based on our review, we offer the following comments:

Plan Comments

1. A PennDOT Highway Occupancy Permit (HOP) will be required for the proposed driveways on Welsh Road (S.R. 0063) and DeKalb Pike (S.R. 0202). The applicant plans to hold a scoping meeting with PennDOT to discuss this project. A representative of TPD should attend this meeting.
2. Copies of all TPD review letters should be included with any submissions to PennDOT. In addition, the Township and TPD should be copied on all submissions to PennDOT.
3. A traffic impact study will be required for the proposed carwash as part of the land development application for this project. At a minimum, the study must include the signalized intersection of DeKalb Pike and Welsh Road as well as the proposed unsignalized driveway intersections with these two roads. The study needs to include analyses of existing and projected queues on DeKalb Pike to determine the acceptability of permitting the proposed left turn exit movement. The scope and methodology needs to be discussed with TPD prior to commencing with the traffic study.

Mr. Bruce S. Shoupe
March 1, 2018
Page 2

4. The proposed driveway on Welsh Road consists of a 12 foot wide ingress lane with curbing on both sides and a corner radius of approximately 15 feet. The driveway needs to be increased to a 16 foot width with curbing on both sides and a larger ingress corner radius provided.
5. The following comments pertain to the proposed driveway on DeKalb Pike which is a full access driveway with one ingress lane and two egress lanes provided.
 - a. The ingress lane is 12 feet wide with curbing provided on the both sides and an ingress corner radius of approximately 15 feet. The ingress lane needs to be increased to 16 feet in width with curbing on both sides and a larger ingress corner radius provided.
 - b. Separate left and right turn egress lanes are proposed with a median separating the egress lanes. The egress lane widths need to be increased since curbing is provided on both sides of each lane. The required lane widths need to be discussed with PennDOT and the Township. In addition, the median flare needs to be increased in width to ensure that vehicles in the right lane do not obstruct sight distance for drivers in the left turn lane.
6. The following comments pertain to vehicle tracking throughout the site:
 - a. The lane widths throughout the site are narrow (12 feet) with curbing provided on both sides and tight radii. Vehicle tracking templates must be provided to demonstrate that larger vehicles such as full-size pickup trucks can be accommodated without encroaching on the curb.
 - b. Truck turning templates must be provided indicating how fire trucks, trash trucks, and delivery trucks will circulate through the site.
7. The one-way parking aisle that runs through the center of the site is 18 feet wide with angled parking provided on both sides of the drive aisle. In addition, the one-way parking aisle located on the eastern side of the site is approximately 15 feet wide. Section 205-10.H(4) of the Montgomery Township Subdivision and Land Development Ordinance requires the parking aisles to be a minimum width of 22 feet.
8. Traffic entering the site from DeKalb Pike runs parallel to the traffic entering from Welsh Road for a short distance before encountering a merge area. In our opinion, this internal intersection needs to be controlled with a standard 24" wide stop bar on the drive from DeKalb Pike at this merge point. Also, the striped gore area should be changed to a curbed area so that a standard two lane to one lane left merge sign can be installed in this area.

Mr. Bruce S. Shoupe
March 1, 2018
Page 3

9. The applicant met with Township Staff on January 19, 2018 and made the following statements regarding the application that, in our opinion, need to become part of the conditions of approval from a traffic perspective:
- a. The hours of operation will be from 8 AM to 8 PM. *See 9am-7pm*
 - b. No detailing will be provided on site.
 - c. Employees will shut off the Welsh Road entrance if queues extend toward Welsh Road beyond the merge point in Comment 8. The method for this closure needs to become part of an Incident Management Plan for the site for TPD's review and approval.
 - d. Dumpster pick-ups will only occur between 6-8 AM.
 - e. Parking spaces are provided at the end of the tunnel for customers to vacuum their cars and provide further drying if they wish. Employees will not vacuum cars for customers nor will they hand dry vehicles for customers.

We reserve the right to make additional comments as additional information is submitted.

Please call if you have any questions.

Sincerely,



President

kjohnson@TrafficPD.com

cc: Larry Gregan, Township Manager
Marita Stoerrle, Township Development Coordinator
Kevin Costello, Township Public Works Director
Russ Dunlevy, P.E., Township Engineer
Frank Falzone, P.E., TPD
Joseph Platt, P.E., TPD
Jerry Baker, P.E., TPD
Eric Hammond, TPD
Keith Lieberman, P.E.
Kimberly Freimuth, Esq.



Boucher & James, Inc.
CONSULTING ENGINEERS

AN EMPLOYEE OWNED COMPANY

INNOVATIVE ENGINEERING

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

2738 Rimrock Drive
Stroudsburg, PA 18360
570-629-0300
Fax 570-629-0306

559 Main Street, Suite 230
Bethlehem, PA 18018
610-419-9407
Fax 610-419-9408
www.bjengineers.com

February 26, 2018
Revised March 5, 2018

Lawrence Gregan, Township Manager
Montgomery Township
1001 Stump Road
Montgomeryville, PA 18936

**SUBJECT: PROREAL VENTURES CAR WASH
CONDITIONAL USE APPLICATION
TOWNSHIP LD/S NO. C-68
PROJECT NO. 1855323R**

Dear Mr. Gregan:

Please be advised that we have reviewed the Conditional Use Application and Sketch Plan for the proposed Shine Time Carwash prepared by T and M Associates for ProReal Ventures, LLC, dated January 30, 2018.


The application seeks conditional use approval to locate a 4,594 sf +/- automatic car wash within the C Commercial district. The proposed site is located north of the intersection of DeKalb Pike and Welsh Road.

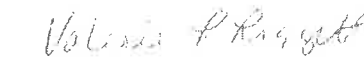
It does not appear that there are any issues related to landscape requirements with regard to the request for Conditional Use Approval. However, in light of the Applicant's request that their buffer yard relief request be heard at the same time as the Conditional Use hearing, we offer the following for your consideration:

ZO 230-78.A permits the reduction or elimination of required 25' buffer areas for Commercial District properties where the side or rear property lines abut commercial or industrial uses or zoning districts, and where deemed appropriate by the Board of Supervisors. The sketch plan submitted indicates that the Applicant is requesting relief from this requirement in the form of a reduced (8.5' width) rear yard buffer. No Landscape Plan has been submitted for review at this time. Therefore, there is not sufficient information to determine whether or not the proposed buffer reduction is appropriate.

Please do not hesitate to contact us if you have any questions or require further information.

Sincerely,

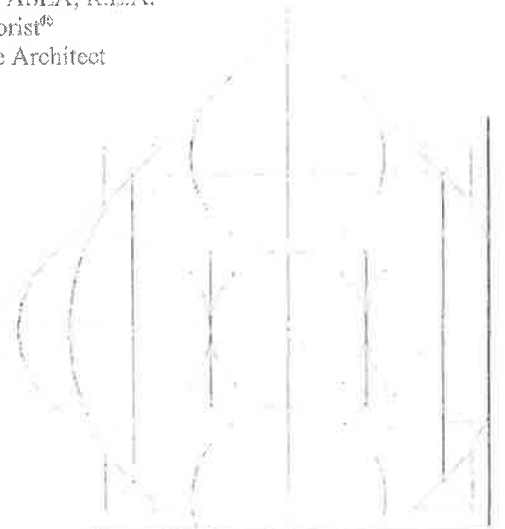

Judith Stern Goldstein, ASLA, R.L.A.
Managing Director


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

JSG/vll/kam

cc: Board of Supervisors
Planning Commission
Bruce Shoupe, Director of Planning and Zoning
Marianne McConnell, Deputy Zoning Officer
James P. Dougherty, P.E., Gilmore & Associates, Inc.
Kevin Johnson, P.E., Traffic Planning & Design
Ken Amey, AICP
Pro Real Ventures, LLC
Kelly A. Freimuth, Esq., Fox Rothschild
Keith A Lieberman, P.E., T and M Associates

P:\2018\1855323R\Documents\Correspondence\Review Letters\CUReview.001REVISED.docx



**MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS
BOARD ACTION SUMMARY**

April 9, 2018

SUBJECT: Consider Waiver of Screening Buffer Requirement – ProReal Ventures LLC – Shine Time Carwash - DeKalb Pike and Welsh Road

MEETING DATE: April 23, 2018

ITEM NUMBER: #11.

MEETING/AGENDA: EXECUTIVE SESSION

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

INITIATED BY: Bruce Shoupe
Director of Planning & Zoning

BOARD LIAISON: Candyce Fluehr Chimera
Chairman

BACKGROUND:

The applicant, ProReal Ventures LLC, is seeking Conditional Use approval to construct a 4,594 square foot automatic car wash on 1.816-acre lot at the northeast corner of DeKalb Pike and Welsh Road, the former Atomic Tire property. Under Section 230-78A of the Zoning Ordinance, it permits the Board of Supervisors to waive or reduce the required 25-foot planting area if the side or rear boundary lines abuts commercial or industrial uses or zoning districts. The side and rear property lines abuts the C-Commercial zoning district.

ZONING, SUBDIVISION OR LAND DEVELOPMENT IMPACT:

None

PREVIOUS BOARD ACTION:

None

ALTERNATIVES/OPTIONS:

None

BUDGET IMPACT:

None

RECOMMENDATION:

Provide Staff with any recommendations regarding this application.

MOTION/RESOLUTION:

The Resolution is attached.

MOTION _____ **SECOND** _____ **VOTE:** _____

ROLL CALL:

Tanya C. Bamford	Aye	Opposed	Abstain	Absent
Michael J. Fox	Aye	Opposed	Abstain	Absent
Jeffrey W. McDonnell	Aye	Opposed	Abstain	Absent
Matthew W. Quigg	Aye	Opposed	Abstain	Absent
Candyce Fluehr Chimera	Aye	Opposed	Abstain	Absent

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

Resolution #

WHEREAS, ProReal Ventures LLC, has requested a waiver per Section 230-78A, to reduce the required rear yard landscaping screening buffer which abuts C-Commercial zoning district from the required 25-foot buffer to 8.5 foot buffer;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Montgomery Township that we hereby approve a waiver to reduce the rear landscaping screening buffer to 8.5 feet, in strict conformance with Boucher & James review letter dated April 4, 2018.

MOTION BY:

SECOND BY:

VOTE:

DATE:

xc: Applicant, F. Bartle, R. Dunlevy, B. Shoupe, M. Gambino, MCPC, MTPC, J. Goldstein,
K. Amey, K. Johnson, Minute Book, Resolution File, File



Fox Rothschild LLP
ATTORNEYS AT LAW

Stone Manor Corporate Ctr.
2700 Kelly Road Suite 300
Warrington, PA 18976
Tel (215) 345-7500 Fax (215) 345-7507
www.foxrothschild.com

KIMBERLY A. FREIMUTH
Direct No: 215.918.3627
Email: KFreimuth@FoxRothschild.com

March 1, 2018

VIA E-MAIL

Robert J. Iannozzi, Jr., Esquire
Dischell, Bartle, Yanoff & Dooley
1800 Pennbrook Parkway, Suite 200
Lansdale, PA 19446

**Re: Conditional Use Application of Pro Real Ventures, LLC –
1274 Welsh Road, Montgomery Township, Montgomery County, PA**

Dear Bob:

As you know, this office represents Pro Real Ventures, LLC (“Pro Real”), which is the equitable owner of the above-referenced property. On February 5, 2018, Pro Real filed a conditional use application in connection with its proposal to develop and utilize the property for an automatic car wash facility.

This letter will confirm that Pro Real is seeking conditional use approval pursuant to Section 230-75.A(1) and Appendix Table 230-A of the Zoning Ordinance, to permit an automatic car wash use on the property. It is my understanding that a conditional use hearing on this application is being scheduled for March 26, 2018.

It is also my understanding that the Board of Supervisors will be holding its regularly scheduled meeting following the conditional use hearing on March 26, 2018. This letter will further confirm Pro Real’s request to place on the agenda for that meeting its request for approval pursuant to Section 230-78.A of the Zoning Ordinance, which permits the Board of Supervisors to allow a reduction of the required 25 foot landscape and screening buffer along rear and side property lines. Specifically, Pro Real is proposing only an 8.5 foot buffer along the rear of the subject property which abuts the C – Commercial zoning district and lands owned by the Commonwealth of Pennsylvania.

A Pennsylvania Limited Liability Partnership

California Colorado Connecticut Delaware District of Columbia Florida Illinois
Minnesota Nevada New Jersey New York Pennsylvania Texas Washington

ACTIVE\53919115.v1-3/1/18



Fox Rothschild LLP
ATTORNEYS AT LAW

March 1, 2018

Page 2

If you should have any questions regarding the above, please feel free to contact me. Thank you.

Sincerely,

Kimberly A. Freimuth

cc: Bruce Shoupe, Township Manager (via e-mail)
Andrey Shalaurov, Pro Real Ventures, LLC (via e-mail)
Christopher Jensen, P.E. (via e-mail)
Mark Roth, P.E. (via e-mail)
Jessica L. Rice, Paralegal (via e-mail)



Boucher & James, Inc.
CONSULTING ENGINEERS

AN EMPLOYEE OWNED COMPANY

INNOVATIVE ENGINEERING

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

2738 Rimrock Drive
Stroudsburg, PA 18360
570-629-0300
Fax 570-629-0306

559 Main Street, Suite 230
Bethlehem, PA 18018
610-419-9467
Fax 610-419-9408
www.bjengineers.com

February 26, 2018
Revised March 5, 2018

Lawrence Gregan, Township Manager
Montgomery Township
1001 Stump Road
Montgomeryville, PA 18936

**SUBJECT: PROREAL VENTURES CAR WASH
CONDITIONAL USE APPLICATION
TOWNSHIP LD/S NO. C-68
PROJECT NO. 1855323R**

Dear Mr. Gregan:

Please be advised that we have reviewed the Conditional Use Application and Sketch Plan for the proposed Shine Time Carwash prepared by T and M Associates for ProReal Ventures, LLC, dated January 30, 2018.

The application seeks conditional use approval to locate a 4,594 sf +/- automatic car wash within the C Commercial district. The proposed site is located north of the intersection of DeKalb Pike and Welsh Road.

It does not appear that there are any issues related to landscape requirements with regard to the request for Conditional Use Approval. However, in light of the Applicant's request that their buffer yard relief request be heard at the same time as the Conditional Use hearing, we offer the following for your consideration:

ZO 230-78.A permits the reduction or elimination of required 25' buffer areas for Commercial District properties where the side or rear property lines abut commercial or industrial uses or zoning districts, and where deemed appropriate by the Board of Supervisors. The sketch plan submitted indicates that the Applicant is requesting relief from this requirement in the form of a reduced (8.5' width) rear yard buffer. No Landscape Plan has been submitted for review at this time. Therefore, there is not sufficient information to determine whether or not the proposed buffer reduction is appropriate.

Please do not hesitate to contact us if you have any questions or require further information.

Sincerely,

Judith Stern Goldstein, ASLA, R.L.A.
Managing Director

Valerie L. Liggett, ASLA, R.L.A.
ISA Certified Arborist[®]
Planner/Landscape Architect

JSG/vll/kam

cc: Board of Supervisors
Planning Commission
Bruce Shoupe, Director of Planning and Zoning
Marianne McConnell, Deputy Zoning Officer
James P. Dougherty, P.E., Gilmore & Associates, Inc.
Kevin Johnson, P.E., Traffic Planning & Design
Ken Amey, AICP
Pro Real Ventures, LLC
Kelly A. Freimuth, Esq., Fox Rothschild
Keith A. Lieberman, P.E., T and M Associates

P:\2018\1855323R\Documents\Correspondence\Review Letters\CURewiew.001REVISED.docx



Boucher & James, Inc.
CONSULTING ENGINEERS

AN EMPLOYEE OWNED COMPANY
INNOVATIVE ENGINEERING

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

2756 Rimrock Drive
Stroudsburg, PA 18360
570-629-0300
Fax 570-629-0306

Mailing:
P.O. Box 699
Bartonsville, PA 18321

559 Main Street, Suite 230
Bellevue, PA 18018
610-419-9407
Fax 610-419-9408

www.bjengineers.com

April 4, 2018

Lawrence Gregan, Township Manager
Montgomery Township
1001 Stump Road
Montgomeryville, PA 18936

**SUBJECT: PROREAL VENTURES CAR WASH
CONDITIONAL USE APPLICATION &
REQUESTED BUFFER WIDTH RELIEF
TOWNSHIP LD/S NO. C-68
PROJECT NO. 1855323R**

Dear Mr. Gregan:

Please be advised that as requested by the Board of Supervisors at their regularly scheduled meeting on March 25, 2018, we have reviewed the schematic landscape plan for Shine Time Carwash prepared by T and M Associates for ProReal Ventures, LLC, dated January 30, 2018.

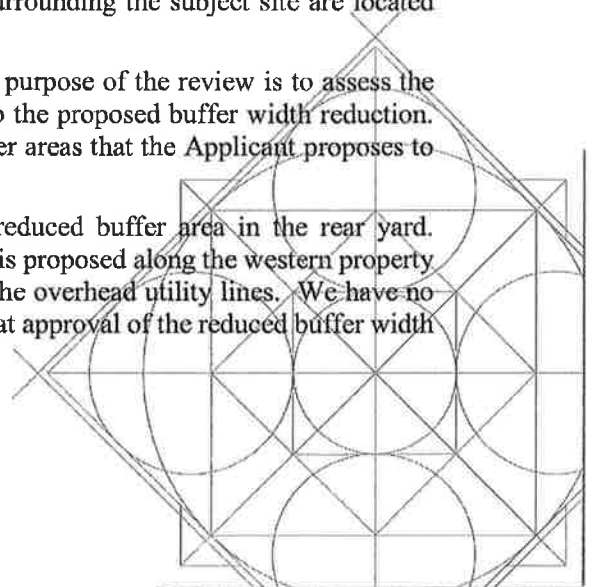
The application seeks conditional use approval to locate a 4,594 sf +/- automatic car wash within the C Commercial district. The proposed site is located north of the intersection of DeKalb Pike and Welsh Road. In addition, the Applicant is requesting a relief from ZO Section 230-78.A concurrent with the Conditional Use Application, which permits the Board of Supervisors to allow a reduction of the required 25' landscape and screening buffer along the side and rear property lines.

The Applicant proposes to reduce the required 25' buffer to 8.5' along the rear property line to accommodate a circulation lane for the carwash; in addition, the right-turn exit lane on DeKalb Pike is proposed to intrude into the required buffer area. This portion of the side yard buffer is proposed to be reduced from 25' to approximately 14'.

Two properties are located to the rear of the site. One parcel is open space owned by the PA Department of Transportation. The second is owned by PECO and contains overhead utility lines that also overlap the subject property via a Transmission Easement. One parcel is located along the northwest property line, is also owned by PECO and contains overhead utility lines. It appears unlikely that any additional development will take place on these three parcels. All parcels surrounding the subject site are located within the C Commercial district.

While the submitted plan shows more than buffer landscaping, the purpose of the review is to assess the proposed landscaping within the reduced buffer area as it relates to the proposed buffer width reduction. Therefore, this review is limited to the landscaping within the buffer areas that the Applicant proposes to reduce.

The required amount of vegetation has been shown within the reduced buffer area in the rear yard. However, proposed species have not been provided. No vegetation is proposed along the western property line, and the plans indicate that a waiver is to be requested due to the overhead utility lines. We have no objection to the proposed buffer width reduction, but recommend that approval of the reduced buffer width be contingent upon the following:



Mr. Lawrence Gregan, Township Manager
ProReal Ventures Carwash
April 4, 2018
Page 2 of 2

1. Selection of plant material appropriate for location beneath and near utility lines in order to meet the softening buffer landscape requirements for the western buffer. The Subdivision and Land Development Ordinance recommended plant list provides a list of small street trees appropriate for planting near overhead utility lines. The SLDO permits the use of small street tree in the vicinity of overhead lines; it appears that the use of small trees within this buffer area would also be appropriate.
2. The selection of appropriate buffer landscape material, to be approved by the Township Landscape Architect. Trees and shrubs should provide effective screening while not impeding the progress of passing vehicles or causing conflict with utility lines. In addition, the vegetation should be able to deal with harsh conditions such as vehicle emissions, salt, and heat from the surrounding asphalt.
3. We recommend that perpetual maintenance of the softening buffer be required and be noted on the plans and in the land development agreement. Should any trees and/or shrubs die at any time after construction, they should be removed and replaced in-kind during the next planting season.
4. We recommend that a post and rail or other fence be installed between the buffer and the drive aisle, to provide additional visual separation from the adjacent properties, and to prevent people from compacting the soil around the trees or opening vehicle doors into the vegetation in the process of preparing to go through the car wash.
5. We also recommend that the land development agreement and plans require that no additional intrusion, aside from the fence and the required landscaping, be permitted within the buffer areas.

Please do not hesitate to contact us if you have any questions or require further information.

Sincerely,



Judith Stern Goldstein, ASLA, R.L.A.
Managing Director



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

JSG/vll/kam

cc: Board of Supervisors
Planning Commission
Bruce Shoupe, Director of Planning and Zoning
Marianne McConnell, Deputy Zoning Officer
James P. Dougherty, P.E., Gilmore & Associates, Inc.
Kevin Johnson, P.E., Traffic Planning & Design
Ken Amey, AICP
Pro Real Ventures, LLC
Kimberly A. Freimuth, Esq., Fox Rothschild
Keith A Lieberman, P.E., T and M Associates

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS
BOARD ACTION SUMMARY

SUBJECT: Consider Approval of Conditional Use Written Decision and Order – Firebirds Wood
Fired Grill – 1210 Bethlehem Pike - Application #C-67

MEETING DATE: April 23, 2018

ITEM NUMBER: #12.

MEETING/AGENDA: WORK SESSION ACTION XX NONE

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

INITIATED BY: Bruce Shoupe
Director of Planning and Zoning

BOARD LIAISON: Candyce F. Chimera
Chairman

BACKGROUND:

Applicant Montgomery Crossing Associates owns Gwynedd Crossing Shopping Center located at 1210 Bethlehem Pike. They propose to construct a new freestanding Firebirds Wood Fired Grill restaurant near the signalized entrance off Welsh Road.

This matter involves adoption of the written "Decision and Order" for the conditional use application of Firebirds Wood Fired Grill restaurant.

The Board of Supervisors adopted a Resolution, granting the requested conditional use approval on March 26, 2018.

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

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

ZONING, SUBDIVISION OR LAND DEVELOPMENT IMPACT:

None.

PREVIOUS BOARD ACTION:

A public hearing was held on March 26, 2018.

ALTERNATIVES/OPTIONS:

None

BUDGET IMPACT:

None

RECOMMENDATION:

Approve decision and order.

MOTION/RESOLUTION:

Motion is attached

MOTION _____ SECOND _____ VOTE _____

ROLL CALL:

Tanya C. Bamford	Aye	Opposed	Abstain	Absent
Michael J. Fox	Aye	Opposed	Abstain	Absent
Jeffrey W. McDonnell	Aye	Opposed	Abstain	Absent
Matthew W. Quigg	Aye	Opposed	Abstain	Absent
Candyce Fluehr Chimera	Aye	Opposed	Abstain	Absent

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

Resolution #

BE IT RESOLVED by the Board of Supervisors of Montgomery Township that we hereby approve the Memorandum, Findings of Fact, Decision and Order regarding the Conditional Use application of Montgomery Crossing Associates. The applicant proposes to construct a new freestanding satellite Firebirds Wood Fired Grill restaurant at 1210 Bethlehem Pike, which is zoned C-Commercial, which is a permitted by conditional use.

MOTION BY:

SECOND BY:

DATE:

VOTE:

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

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS

IN RE: CONDITIONAL USE APPLICATION OF MONTGOMERY CROSSING ASSOCIATES

PREMISES: 1210 BETHLEHEM PIKE

PARCEL NOS.: 46-00-00259-00-1; 36-00-00712-02-6; 36-00-00712-00-8; AND 36-00-00712-10-7

APPLICATION NO.: C-67

DECISION AND ORDER

NATURE OF THE APPLICATION

Applicant proposes to construct a 7,026 square-foot freestanding restaurant on the Property located at 1210 Bethlehem Pike, within the Township's C-Commercial District.¹

In order to facilitate the Property's proposed use and improvement, Applicant seeks conditional use relief from Article VIII, Section 230-78.1[C-Commercial District/Satellite Uses], in accord with Article XXI, Section 230-156.2 [Miscellaneous Provisions/Procedures and Standards for Conditional Use Approval], of the Montgomery Township Zoning Ordinance, as amended.

¹ The Property is further identified as tax parcel numbers 46-00-00259-00-1; 36-00-00712-02-6; 36-00-00712-00-8; and 36-00-00712-10-7.

FINDINGS OF FACT

1. Applicant is Montgomery Crossing Associates (“Applicant”).
2. Applicant filed an application with this Board requesting conditional use relief under Article VIII, Section 230-78.1 [C-Commercial District/Satellite Uses], in accord with Article XXI, Section 230-156.2 [Miscellaneous Provisions/Procedures and Standards for Conditional Use Approval], of the Montgomery Township Zoning Ordinance, as amended (“Ordinance”), to construct a 7,026 square-foot freestanding restaurant on the Property located at 1210 Bethlehem Pike, within the Township’s C-Commercial District² (“Property”).
3. Applicant is the legal owner of the Property.
4. A properly advertised hearing was held before this Board on March 26, 2018 (“Hearing”). At the Hearing, Applicant was represented by Craig Robert Lewis, Esquire.
5. No party protestants entered their appearances in opposition of the application.
6. At the Hearing, the exhibits listed on Appendix 1 were entered into the record.
7. Bruce Goodman, accepted by this Board as an expert in commercial property development and management, testified in support of the application. The following Findings of Fact are taken from his testimony:
 - Applicant proposes to construct a 7,026 square-foot freestanding restaurant on the Property.
 - All access to the proposed restaurant will be from within the Montgomery Crossing Shopping Center; there will be no access from Welsh Road and as such, there will be ample off-parking to serve the proposed satellite use.

² The Property is further identified as tax parcel numbers 46-00-00259-00-1; 36-00-00712-02-6; 36-00-00712-00-8; and 36-00-00712-10-7.

- The proposed use is permitted as a conditional use in the District.
 - The proposed use will conform to the regulations of the District.
 - The proposed use will not have a negative impact on traffic in the surrounding area or create any traffic hazard dangerous to public safety.
 - The screening of the proposed use from adjacent properties is sufficient to prevent negative impact.
 - The proposed use is suitable for the character of the neighborhood and the uses of the surrounding property.
 - The proposed use will not impair adequate supply of light and air to the properties.
 - The proposed use will not adversely affect the public health, safety or general welfare or Montgomery Township.
 - The proposed use will not overcrowd the land or create an undue concentration of population or undue intensity of use.
8. This Board found Mr. Goodman's testimony in support of the application to be credible.
 9. The complete Hearing testimony and exhibits are incorporated by reference as though fully set forth here as Findings of Fact.
 10. At the Hearing's conclusion, this Board issued a verbal same-night decision granting Applicant's requested conditional use relief. This Decision and Order constitutes a written memorialization of this Board's same-night decision.

CONCLUSIONS OF LAW

1. It is well-settled that once an applicant for conditional use bears the initial burden of proving compliance with the specific requirements of the zoning ordinance relative to that conditional use, the governing body is obligated to approve the conditional use unless objectors (neighbors) present sufficient evidence to such a high risk

of probability that the Applicant's use will cause a substantial threat to the community.³

2. Here, conditional use relief is sought under Article VIII, Section 230-78.1 [C-Commercial District/Satellite Uses], in accord with Article XXI, Section 230-156.2 [Miscellaneous Provisions/Procedures and Standards for Conditional Use Approval] of the Ordinance, to permit the construction of the proposed 7,026 square-foot freestanding restaurant on the Property.
3. In considering this requested relief, Section 230-156.2 of the Ordinance sets forth the following criteria that this Board should be guided by when considering a conditional use application:
 - The proposed use is permitted by conditional use, and it will conform to the applicable regulations of the district in which it is located or any district regulations which may relate to or apply to the use, including but not limited to setbacks, building coverage, open space and buffering.
 - The proposed use will conform to the regulations applicable according to use and/or district, including but not limited to regulations contained in Article XVIII, Signs, Article XIX, Off-Street Parking and Loading, Article XX, Nonconforming Uses and Article XXI, Miscellaneous Provisions.
 - Points of vehicular access to the lot are provided at a distance from the intersections and other points of access and in number sufficient to prevent undue traffic hazards and obstruction to the movement of traffic.
 - The location of the site with respect to the existing public roads giving access to it is such that the safe capacity of the public roads is not exceeded by the estimated traffic attracted or generated by the proposed use, and the traffic generated or attracted is not out of character with the normal traffic using said public roads.
 - A determination that the proposed use will not have an unwarranted impact on traffic in the area, either creating significant additional congestion in an area of existing congestion or posing a threat of significant additional congestion where there is a high probability of future

³ See e.g., *Borough of Perkasio v. Moulton Builders, Inc.*, 850 A.2d 778 (Pa. Commw. Ct. 2004).

congestion. In addition, the Board shall consider whether the proposed use will create any traffic hazard dangerous to the public safety.

- Screening of the proposed use from adjacent uses is sufficient to prevent the deleterious impact of the uses upon each other, considering the type, dimension and character of the screening.
 - The proposed use does not adversely affect or contradict Montgomery Township's Comprehensive Plan.
 - The proposed use meets the purpose of the Ordinance, as set forth in Article I.
 - The proposed use is suitable for the character of the neighborhood and the uses of the surrounding properties.
 - The proposed use will not impair an adequate supply of light and air to adjacent property.
 - The proposed use will not adversely affect the public health, safety or general welfare.
 - The proposed use will not adversely affect transportation or unduly burden water, sewer, school, park or other public facilities.
 - The proposed use shall not overcrowd land or create undue concentration of population or undue intensity of use.⁴
4. Having considered the credible testimony and exhibits presented at the Hearing in support of the application, which demonstrates compliance with the applicable conditional use criteria above; and with no substantial evidence offered to the contrary, this Board concludes that Applicant met its requisite burden of establishing an entitlement to the requested conditional use.
5. Specifically, this Board concludes that Applicant has satisfactorily established compliance with the Ordinance's Conditional Use requirements, as set forth above, and as such is permitted to develop the Property as proposed.

⁴ See Article XXI, Section 230-156.2 [Miscellaneous provisions/Procedures and Standards for Conditional Use Approval.

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS

**IN RE: CONDITIONAL USE APPLICATION
OF MONTGOMERY CROSSING ASSOCIATES**

PREMISES: 1210 BETHLEHEM PIKE

**PARCEL NOS.: 46-00-00259-00-1; 36-00-00712-02-6; 36-
00-00712-00-8; AND 36-00-00712-10-7**

APPLICATION NO.: C-67

ORDER

AND NOW, this 9th day of April 2018, Montgomery Crossing Associates' Conditional Use Application is **GRANTED**.

Applicant, Montgomery Crossing Associates, is permitted to construct a 7,026 square-foot freestanding restaurant on the Property located at 1210 Bethlehem Pike, within the Township's C-Commercial District. The Property is further identified as tax parcel numbers 46-00-00259-00-1; 36-00-00712-02-6; 36-00-00712-00-8; and 36-00-00712-10-7, within the Township's C-Commercial District.

This approved conditional use shall be in substantial conformance with the testimony and exhibits presented at the Hearing.

[Signatures on Next Page]

**MONTGOMERY TOWNSHIP
BOARD OF SUPERVISORS**

CANDYCE FLUEHR CHIMERA, *Chair*

MICHAEL J. FOX, *Vice-Chairman*

JEFFREY W. McDONNELL, *Member*

TANYA C. BAMFORD, *Member*

MATTHEW W. QUIGG, *Member*

APPENDIX 1

HEARING EXHIBITS

Board Exhibits

- B-1 Application
- B-2 Proof of Publication
- B-3 Posting of Property
- B-4 Notification to Neighbors
- B-5 Review Letters

Applicant Exhibits

- A-1 Application
- A-2 Deeds
- A-3 Power Point
- A-4 Curriculum Vitae of Gary A. Tilford, P.L.S.
- A-5 Existing Conditions Plan
- A-6 Overall Site Plan
- A-7 Project Notes Sheet
- A-8 Detail Site Plan
- A-9 Ken Amey 3/2/18 Review Letter
- A-10 Gilmore 3/5/18 Review Letter
- A-11 TPD 3/9/18 Review Letter
- A-12 MCPC 2/22/18 Review Letter

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS
BOARD ACTION SUMMARY

SUBJECT: Consider Waiver of Formal Land Development Application – Firebirds Wood
Fired Grill – Gwynedd Crossing Shopping Center – LDS-695W

MEETING DATE: April 23, 2018

ITEM NUMBER: **#13.**

MEETING/AGENDA: ACTION ☒ XX NONE

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

INITIATED BY: Bruce Shoupe
Director of Planning and Zoning

BOARD LIAISON: Candyce Fluehr Chimera
Vice Chairman

BACKGROUND:

Montgomery Crossing Associates has requested a waiver of the Township's formal land development process for the proposed new Firebirds Wood Fired Grill at the Gwynedd Crossing Shopping Center located at 1210 Bethlehem Pike. The applicant received relief from the Zoning Hearing Board for various dimensional standards and "outside seating" allowing the construction of a new Firebirds Wood Fired Grill restaurant near the signalized intersection of Welsh Road.

Attached is a site plan showing the new restaurant proposed.

ZONING, SUBDIVISION OR LAND DEVELOPMENT IMPACT:

None.

PREVIOUS BOARD ACTION:

None.

ALTERNATIVES/OPTIONS:

Approve or not approve the waiver request from the requirement to file a land development application.

BUDGET IMPACT:

None.

RECOMMENDATION:

That the waiver request be approved.

MOTION/RESOLUTION:

The resolution is attached.

MOTION: _____ SECOND: _____ VOTE: _____

ROLL CALL:

Tanya C. Bamford	Aye	Opposed	Abstain	Absent
Michael J. Fox	Aye	Opposed	Abstain	Absent
Jeffrey W. McDonnell	Aye	Opposed	Abstain	Absent
Matthew W. Quigg	Aye	Opposed	Abstain	Absent
Candyce Fluehr Chimera	Aye	Opposed	Abstain	Absent

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

RESOLUTION

MONTGOMERY TOWNSHIP

MONTGOMERY COUNTY, PENNSYLVANIA

A RESOLUTION GRANTING A WAIVER OF THE REQUIREMENT OF A FORMAL LAND DEVELOPMENT APPLICATION FOR FIREBIRDS WOOD FIRED GRILL RESTAURANT – 1210 BETHLEHEM PIKE

The Board of Supervisors of Montgomery Township, Montgomery County, Pennsylvania, hereby resolves to grant a waiver of the requirement of a formal land development application to **Firebirds Wood Fired Grill Restaurant**, for an the construction of a new freestanding restaurant approximately 7,029 sf at 1210 Bethlehem Pike, Gwynedd Crossing Shopping Center, as Exhibit "A" attached hereto and made part hereof and further grant the **waiver conditioned upon** the following being satisfied by the Applicant:

1. Fulfilling all obligations and requirements of the **Gilmore & Associates**, Inc. letters dated April 11, 2018 and Accessibility Site Review dated April 11, 2018; **Boucher & James**, Inc. letters dated April 12, 2018; **Traffic Planning and Design, Inc.** letter dated April 19, 2018 and March 26, 2018; **Montgomery Township Fire Marshal** review letter dated April 6, 2018.
2. Each applicant shall enter into a Land Development Agreement and post financial security in the amount of 110% of the total cost or all public improvements to the satisfaction of the Township Engineer and Township Solicitor for each phase of this development if required. As used herein, the term "public improvements" shall include, but shall not be limited to, streets, parking areas, drive aisles, curbs, water mains, sanitary sewer pipes, manholes and appurtenances thereto, storm water facilities, rain gardens (best management practice) and appurtenances, grading, erosion and sediment control, lighting, required trees, shrubs and landscape buffering, monuments, pins and sidewalks. The record plan shall indicate phasing if required. Upon completion of public improvements, financial security shall be posted in the amount of 15% of the original total public improvement cost, regardless of whether such public improvements are dedicated to the Township, for a period not less than 18 months after Township Engineer approval. If the end of maintenance period for trees and other plantings ends outside the time period specified in 205-49, the maintenance period shall be extended to comply with this requirement and the appropriate financial security shall be provided to the satisfaction of the Township Solicitor.
3. The Applicant shall satisfy the requirements of all Montgomery Township Codes and rules and regulations of the Montgomery Township Municipal Sewer Authority and North Wales Water Authority. A copy of the Authorities' permits and/or agreements from the above must be provided to the Township.
4. The Applicant shall establish an escrow with the Township and be responsible for payment of all Township Consultant fees related to this project.
5. The Applicant shall be responsible for obtaining all other Regulatory Authority Permits having jurisdiction over this project.

Resolution #

Page 2 of 3

6. The Applicant shall execute the required Storm Water Management Facilities Maintenance and Monitoring Agreement if required and a Landscaping Declaration of Covenants and Restriction for its benefit and its successors and assigns.
7. Any **new** future development of this parcel shall be subject to new application and approval by the Board of Supervisors.
8. All storm water inlets and outfall structures shall be identified in accordance with the PADEP Municipal Separate Storm Sewer Systems requirements.
9. The Applicant acknowledges that Section 205-116 of the SALDO provides for the payment of a fee in lieu of the dedication of parkland for park and recreation purposes. The Applicant hereby agrees to accept the provisions of Section 205-116(A) (2) of the SALDO providing for the payment of \$.50 per square foot for nonresidential development or use up to 10,000 square feet and \$.25 per square foot over 10,000 square feet. This fee must be paid prior to the submission of an application for a building permit.
10. The applicant must be in compliance with Zoning Hearing Board Decision and Order for Application 18020001 held on March 8, 2018
11. The Applicant must be in compliance with Conditional Use Decision and Order memorializing the Board's March 26, 2018 approval of the #C-67 Conditional Use application.
12. No signage shown on the plan submitted is approved. Signage is reviewed under a separate permit process.

This Resolution shall become null and void, and any waivers requested shall be deemed denied, and the plan shall be denied for failure to comply with Sections of the Township Zoning Ordinance and/or Township Subdivision and Land Development Ordinance for the reasons cited herein or as set forth in the letters referenced herein.

DULY PRESENTED AND ADOPTED by the Board of Supervisors of Montgomery Township, Montgomery County, Pennsylvania, at a public meeting held this 23rd day of April 2018.

MOTION BY:

SECOND BY:

VOTE:

The above conditions are agreed to by _____
(Print)

representing Montgomery Crossing Associates, this _____ day of 2018.

Applicant

xc: Applicant, F. Bartle, R. Iannozzi, R. Dunlevy, B. Shoupe, M. Gambino, K. Johnson, J. Stern-Goldstein, MCPC, Minute Book, Resolution File, File

EXHIBIT "A"

<u>DESCRIPTION</u> <u>DATE</u>	<u>ORIGINAL DATE</u>	<u>REVISED</u>
1. Cover Sheet	1/22/18	3/19/18
2. Overall Site Plan	1/22/18	3/19/18
3. Project Notes	1/22/18	3/19/18
4. Detail Site Plan	1/22/18	3/19/18
5. Existing Site Plan	1/22/18	3/19/18
6. Existing Features/Demolition Plan	1/22/18	3/19/18
7. Grading and Utility Plan	1/22/18	3/19/18
8. Erosion and Sediment Plan	1/22/18	3/19/18
9. Erosion Control Notes	1/22/18	3/19-18
10. Erosion Control Details	1/22/18	3/19/18
11. Construction Details	1/22/18	3/19/18
12. Construction Details	1/22/18	3/19/18
13. Construction Details	1/22/18	3/19/18
14. Pavement Marking & Signage Plan	1/22/18	3/19/18
15. Landscape Plan 1	3/19/18	
16. Landscape Plan 2	3/19/18	



April 11, 2018

File No. 2017-10045-01

Bruce S. Shoupe, Director of Planning and Zoning
Montgomery Township
1001 Stump Road
Montgomeryville, PA 18936-9605

Reference: Land Development Waiver Request - LDS-695W
Montgomery Crossing Associates - Firebirds Wood Fired Grill
TMP Nos.: 46-00-00259-00-1, 36-00-00712-02-6, 36-00-00712-00-8, & 36-00-00712-10-7
Block/Unit 46019-013, 36001-166, 035, & 145

Dear Bruce:

As requested, Gilmore & Associates, Inc. has reviewed the information listed below with regard to the request for waiver of land development referenced above and offers the following comments for consideration by the Montgomery Township Board of Supervisors.

I. SUBMISSION

- A. Firebirds Wood Fired Grill at the Gwynedd Crossing Shopping Center, prepared for Montgomery Crossing Associates, c/o Goodman Properties, prepared by Charles E. Shoemaker, Inc. dated January 22, 2018, last revised March 19, 2018 consisting of sheets 1 to 14 of 14.
- B. Zoning Hearing Board Application prepared by Kaplin Stewart dated February 13, 2018.

II. GENERAL

The project is located at 1200-1210 & 1461 Bethlehem Pike at the Gwynedd Crossing Shopping Center and is within Horsham and Montgomery Townships. The existing 17.976 acre (gross) property contains a movie theater (309 Cinema), restaurant (Olive Garden), and a shopping center composed of multiple uses. The proposed land development is for a freestanding 7,026 sq. ft. satellite restaurant use, which will be entirely in Montgomery Township's 'C' Commercial Zoning District. The proposed restaurant would be constructed in the existing parking area in front of Whole Foods Supermarket (i.e. within existing impervious area) and would be accessed by the existing shopping center driveways.

We note the applicant previously submitted a Conditional Use application related to the satellite use as well as a Zoning Hearing Board application to request a variance related to the location, configuration and landscaping of the parking areas associated with a satellite use. The Decision and Orders for both applications have not been issued at the time of our review. For the purposed of this review, we have assumed the applicant will be granted the requested relief; otherwise the plan will require additional revision and review prior to action by the Board of Supervisors.

III. REVIEW COMMENTS

A. Zoning Ordinance (Chapter 230)

Based on our review, the following items do not appear to comply with the Montgomery Township Zoning Ordinance. Upon further development of the plans, additional items may become apparent.

1. Several existing nonconformities currently exist at this site including the following:

BUILDING ON A FOUNDATION OF EXCELLENCE

65 E. Butler Avenue | Suite 100 | New Britain, PA 18901 Phone: 215-345-4330 | Fax: 215-345-8606
www.gilmore-assoc.com

- a. §230-77.F. – Impervious material coverage. The maximum impervious material coverage, including building and parking area, shall not exceed 75% of the total lot area. The plan proposes to decrease the impervious coverage from 83.35% to 80.60%.
 - b. §230-77.G. – Green area coverage. The minimum land area devoted to green vegetative cover shall not be less than 25% of the total lot area. The plan proposes to increase green area coverage from 16.65% to 19.40%.
 - c. §230-78.A. – Landscaping and screening. A planting area no less than 25 feet in width of grass, lawns, shrubbery, evergreens and trees shall be planted. The plan proposes to increase the planting setback along the street frontage from 0 feet to 9 feet.
 - d. §230-138. – Parking space sizes. All use groups shall provide a parking space of 10 feet in width by 20 feet in length and having an area of 200 square feet. The existing parking lot has parking spaces that measure 9 feet by 18 feet. The plan continues this parking space size and requests that new spaces be the same.
2. §230-78.1.B.(2) – Parking intended for satellite uses shall be separated from the primary parking area by landscaped planting islands to allow for proper traffic flow channelization. The Zoning Hearing Board Application noted that the Applicant was seeking a variance from this section of the Zoning Ordinance. Assuming the variance is granted, it should be documented on the plan.

B. Subdivision & Land Development Ordinance

Based on our review, the following items do not appear to comply with the Montgomery Township Subdivision and Land Development Ordinance. Upon further development of the plans, additional items may become apparent.

1. §205-17.A.(5) – Commercial and industrial driveways and loading area. A detail shall be added to the plan denoting the paving specification proposed for the loading area.
2. §205-29 – Erosion and sediment control. The Applicant shall obtain E&S Plan approval from the Montgomery County Conservation District.
3. §205-79.A.(2)(b)[3] – Final plan. Profile of the sanitary sewer is required.

C. Stormwater Management Ordinance

The area of the proposed Firebirds restaurant was included in the recently approved improvements to the AMC 309 movie theater in Horsham Township, which was subject to an NPDES permit. This current application for the restaurant includes further reduction in impervious surface area tributary to the existing underground stormwater detention system located on the shopping center property within Montgomery Township. Given the reduction in impervious area, this area being included in the noted recent land development application, and this area being included under the coverage of an NPDES permit; it is our opinion that additional stormwater management BMPs are not required as a result of this current application. We recommend the applicant give the Township a copy of the NPDES permit as well as the supporting PCSWM Narrative and Plans associated with the AMC 309 project for the Township file, that is, if the Township does not already have them.

D. General


1. The Applicant should obtain all required approvals, permits, declarations of restrictions and covenants, etc. (e.g. PADEP, PennDOT, MCPC, MCCD, Sewer Authority, Water Authority, Fire Marshal, etc.). Copies of these approvals and permits should be submitted to the Township and our office.
2. Waste storage. A waste disposal area has been designated on the plans. A detail of the enclosure should be included on the plans.
3. We defer review of all landscaping, lighting, and traffic requirements to the Township Landscape Architect, Township Lighting Consultant, and Township Traffic Engineer, respectively.

4. Site Accessibility review will be provided under separate cover.

In order to expedite the review process of the plan resubmission, we request that the Applicant submit a response letter which addresses each of the above comments. Changes that have been made to the application and plans that are unrelated to the review comments should also be identified in the response letter. Please note that any revisions made to the application and plans may be subject to review and additional comments.

If you have any questions regarding the above, please contact this office.

Sincerely,



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

JPD/SW/sl

cc: Lawrence J. Gregan, Manager – Montgomery Township
Marianne McConnell, Deputy Zoning Officer – Montgomery Township
Richard Lesniak, Director of Fire Services – Montgomery Township
Frank R. Bartle, Esq., Solicitor – Dischell Bartle & Dooley, PC
Ken Amey, AICP
Judith Stern Goldstein, ASLA, R.L.A. – Boucher & James, Inc.
Kevin Johnson, P.E. – Traffic Planning & Design, Inc.
William T. Walker, Manager – Horsham Township
Craig McAnally, Manager - Lower Gwynedd Township
Ame S. Farrell, Esq. – Kaplin Stewart Meloff Reiter & Stein, PC
Bruce Goodman – Montgomery Crossing Associates, LP
Gary A. Tilford, P.L.S. – Charles E. Shoemaker, Inc.
James J. Hersh, P.E. – Gilmore & Associates, Inc.
Russell S. Dunlevy, P.E., Senior Executive Vice President – Gilmore & Associates, Inc.



April 11, 2018

File No. 2017-10045

Bruce S. Shoupe, Director of Planning and Zoning
Montgomery Township
1001 Stump Road
Montgomeryville, PA 18936-9605

Reference: Land Development Waiver Request - LDS-695W
Site Accessibility Review
Montgomery Crossing Associates - Firebirds Wood Fired Grill
TMP Nos.: 46-00-00259-00-1, 36-00-00712-02-6, 36-00-00712-00-8, & 36-00-00712-10-7
Block/Unit 46019-013, 36001-166, 035, &145

Dear Bruce:

Pursuant to your request, Gilmore & Associates, Inc. has reviewed the Land Development Plan submission for the above-referenced project for accessibility. The review was completed in accordance with the requirements of the current Pennsylvania Uniform Construction Code for the site only and did not include doors, doorways, means of egress, outdoor recreational areas, or any interior elements, which we defer to the Building Code Official for review. We offer the following comments for consideration:

I. SUBMISSION

- A. Firebirds Wood Fired Grill at the Gwynedd Crossing Shopping Center, prepared for Montgomery Crossing Associates, c/o Goodman Properties, prepared by Charles E. Shoemaker, Inc. dated January 22, 2018, last revised March 19, 2018 consisting of sheets 1 to 14 of 14.

II. ACCESSIBILITY REVIEW COMMENTS

Based on our review, the following items do not appear to comply with the accessibility provisions of Pennsylvania's Uniform Construction Code, specifically the 2015 International Building Code (IBC) and/or the ICC/ANSI A117.1-2009 Accessible and Usable Buildings and Facilities (ICC) standard:

1. ICC §403.3 – The cross slope of a walking surface shall not be steeper than 1:48. It appears the cross slope of the sidewalk adjacent to the northern most accessible parking space exceeds the maximum permitted 2%. The spot elevations and grading should be revised accordingly. Also, we recommend additional spot elevations be added to the crosswalk traversing Main Drive to confirm the requirements of this section are met.
2. ICC §502.5 – All parking spaces and access aisles shall have surface slopes not steeper than 1:48. The northern most accessible parking space shows a cross slope that exceeds the maximum permitted 2%. The spot elevations and grading should be revised accordingly.
3. IBC §1105.1.3 – Where restricted entrances are provided, at least one restricted entrance shall be accessible. The entrance to the building from the trash enclosure area is required to be accessible and should be labeled as a restricted entrance. Additional spot elevations should be provided to confirm the entrance is accessible.
4. IBC §1111.1 & 2 – If not all entrances are accessible, the plans shall be revised to provide signage at accessible entrances and directional signage at inaccessible building entrances, indicating the route to the nearest like accessible entrance. The signage shall comply with ICC §703 and include the International Symbol of Accessibility. Directional signage shall be proposed at the service entrance by the loading dock, in addition to accessible signage at the restricted entrance by the refuse enclosure.

BUILDING ON A FOUNDATION OF EXCELLENCE

65 E. Butler Avenue | Suite 100 | New Britain, PA 18901 | Phone: 215-345-4330 | Fax: 215-345-8606
www.gilmore-assoc.com

5. The entrance to the building from the loading zone should be labeled a service entrance.
6. We recommend an additional Pedestrian Crossing Sign ('P') be placed on the southern side of the crosswalk leading to the proposed restaurant.
7. The proposed accessible route should be delineated on the plan by adding arrows leading from the public sidewalk along Main Drive towards all accessible entrances, elements, features, etc.
8. The ADA Accessibility Notes on sheet 11 of 14 should be revised to include a note stating that the plans must comply with all PA UCC Standards.

Please note that due to the nature of revisions that will be made to the plans, additional comments may be forthcoming during future plan reviews. Also, in order to help expedite the review process of the plan resubmission, the Applicant should submit a response letter which addresses each of the above comments. Changes that have been made to the application that are unrelated to the review comments should also be identified in the response letter.

If you have any questions regarding the above, please contact this office.

Sincerely,



Vincent J. Esposito, E.I.T.
Accessibility Inspector/Plans Examiner, Certification #06133
Gilmore & Associates, Inc.

VJE/sl

cc: Lawrence J. Gegan, Manager – Montgomery Township
Marianne McConnell, Deputy Zoning Officer – Montgomery Township
Richard Lesniak, Director of Fire Services – Montgomery Township
Frank R. Bartle, Esq., Solicitor – Dischell Bartle & Dooley, PC
Ken Amey, AICP
Judith Stern Goldstein, ASLA, R.L.A. – Boucher & James, Inc.
Kevin Johnson, P.E. – Traffic Planning & Design, Inc.
William T. Walker, Manager – Horsham Township
Craig McAnally, Manager - Lower Gwynedd Township
Amea S. Farrell, Esq. – Kaplin Stewart Meloff Reiter & Stein, PC
Bruce Goodman – Montgomery Crossing Associates, LP
Gary A. Tilford, P.L.S. – Charles E. Shoemaker, Inc.
James J. Hersh, P.E. – Gilmore & Associates, Inc.
Russell S. Dunlevy, P.E., Senior Executive Vice President – Gilmore & Associates, Inc.



Boucher & James, Inc.
CONSULTING ENGINEERS

AN EMPLOYEE OWNED COMPANY
INNOVATIVE ENGINEERING

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

2756 Rimrock Drive
Strausburg, PA 18360
570-629-0300
Fax 570-629-0306

Mailing:
P.O. Box 699
Carlonsville, PA 18321

559 Main Street, Suite 230
Bethlehem, PA 18018
610-419-9407
Fax 610-419-9408

www.bjengineers.com

April 12, 2018

Lawrence Gregan, Township Manager
Montgomery Township
1001 Stump Road
Montgomeryville, PA 18936

**SUBJECT: FIREBIRDS WOOD FIRED GRILL
WAIVER OF LAND DEVELOPMENT REQUEST
TOWNSHIP NO. LDS-695W
PROJECT NO. 1855326R**

Dear Mr. Gregan:

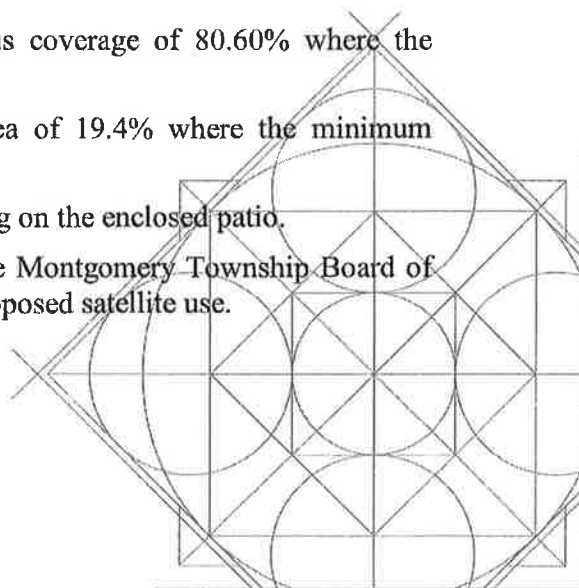
Please be advised that we have reviewed the submission provided in support of the requested Waiver of Land Development for Firebirds Wood Fired Grill, to be located within the Gwynedd Crossing Shopping Center. The submitted plan set was prepared by Charles E. Shoemaker, Inc., and is dated January 22, 2018 and last revised March 19, 2018. Landscape Plans were prepared by InFocus Planning and are dated March 19, 2018. The site is located at the intersection of Welsh Road and Bethlehem Pike, within the C Commercial District; the shopping center is also partially located within Horsham Township.

The applicant proposes the construction of a 7,026 SF satellite restaurant use with an enclosed patio within the parking lot of the Gwynedd Crossing Shopping Center. Associated parking, crosswalks, a refuse enclosure, a loading area, and sidewalks are proposed.

On March 8, 2018 the Montgomery Township Zoning Hearing Board granted the following relief:

- A variance from Section 230-78.1.B(2) to permit a satellite use that is not separated from the primary parking area by a landscaped island;
- A variance from Section 230-77.F to permit impervious coverage of 80.60% where the maximum allowed is 75%;
- A variance from Section 230-77.G to permit green area of 19.4% where the minimum required is 25%;
- A special exception per 230-156.4 to permit outdoor dining on the enclosed patio.

At their regularly scheduled meeting on March 26, 2018, the Montgomery Township Board of Supervisors granted conditional use approval to permit the proposed satellite use.



We offer the following comments for your consideration:

1. General Requirements

SLDO 205-49.F: a note shall be added to the plans specifying the requirement that all plant material shall be pruned in accordance with ANSI A300 pruning standards.

2. Landscape Plan Requirements

a. SLDO 205-51.A(18): a detailed cost estimate shall be attached to the final landscape plan submission for the preparation of the land development agreement. Unit costs for plant material shall include costs for labor, materials, and guaranty, and shall be so stated on the estimate.

b. SLDO 205-51.A(19): limits of temporary fencing to be used for protection of existing trees and shrubs during construction shall be shown in the landscape plan.

3. Planting Requirements

a. SLDO 205-52.A: the plans shall be revised to provide calculations and to demonstrate compliance with street tree requirements for the street frontage adjacent the proposed improvements.

b. SLDO 205-52.C and Table 2: the plans shall be revised to provide calculations and to demonstrate compliance with the screen buffering requirements for the property line between the proposed satellite restaurant and the residential properties across Welsh Road.

c. SLDO 205-52.C(2)(b): the plans shall be revised to demonstrate compliance with the requirement that all truck loading areas and trash receptacles shall be screened from view from streets in accordance with the standards for screen buffer size and type. It does not appear that the evergreen trees proposed will screen the loading area and trash enclosures sufficiently.

d. SLDO 205-52.C(4)(b): fences are permitted to be used in combination with plant material for trash enclosures subject to the approval of the Board of Supervisors and in conformance with ZO Section 230-148, Fences and Walls. Notes and details providing additional information on the proposed construction of the trash enclosure shall be provided in order to demonstrate compliance with the Zoning Ordinance requirements.

e. SLDO 205-52.D: the plans shall be revised to provide calculations and demonstrate compliance with the parking area landscaping requirements provided in this section and in Table 1 for the parking areas designated for use by the proposed satellite use.

f. SLDO 205-52.G: the plans shall be revised to provide calculations and demonstrate compliance with the individual lot landscaping requirements provided in this section.

4. Preservation, Protection and Replacement of Trees

- a. SLDO 205-53.B(2): a note shall be added to the plan requiring that should it become necessary to disturb more than 1/4 of the total root area of a tree, the tree will no longer be considered to be preserved and must be replaced.
- b. SLDO 205-53.B(3): a note shall be added to the plan indicating that at the direction of the Township Engineer, Township Shade Tree Commission or Township Landscape Architect, existing trees which have not been adequately protected are to be removed and replaced.
- c. SLDO 205-53.C and 205-54: the plans shall be revised to provide calculations and demonstrate compliance with the tree preservation and replacement requirements provided in these sections. Any trees proposed to be removed that are 8" caliper or greater should be included in the calculations.
- d. Tree Protection Fencing should be provided around all trees in the vicinity of construction, curb removal, mill and overlay, bituminous pavement removal or other improvements. Trees that will have more than ¼ of their canopy area disturbed due to the proposed improvements shall be indicated as to be removed and included in the tree replacement calculations.

5. Recommended Plant List and Planting Standards and Guidelines

SLDO Appendix C: the evergreen tree planting detail should be revised to use the same staking method as the deciduous trees, for the purposes of safety.

6. General Comments

- a. SLDO 205-55.A: No building permit shall be issued unless a performance bond or other surety approved by the Township solicitor has been filed with the Township in an amount equal to the cost of purchasing, planting, maintaining and replacing all vegetative materials for a period of 18 months after written acceptance of the first landscape installation by the Township.
- b. The Existing Features/Demolition Plan notes and the Sequence of Construction in the Erosion Control Notes sheet shall be revised to specify that tree protection fencing shall be in place, inspected, and approved by the Township Landscape Architect prior to any site disturbance.
- c. The plans should be revised to provide a note indicating that if a plant species or other substitution is made without receiving prior substitution request approval from the Township, the unapproved plants will be rejected upon inspection. All plant substitution requests should be forwarded in writing to this office for review and approval.
- d. We recommend that seed mix no. 4 in the Permanent Seeding Requirements be removed as it contains Reed Canarygrass, an invasive species.

Mr. Lawrence Gregan, Township Manager
Firebirds Wood Fired Grill
April 12, 2018
Page 4 of 4

- e. The plant schedule indicates that five (5) *Gleditsia triacanthos* var. 'inermis' are proposed. However, there are only four (4) shown in the landscape plan. The plans should be revised to correct this discrepancy.
- f. The plant schedule indicates that nine (9) *Taxus x media* 'Tauntonii' are proposed. However, there are ten (10) shown in the landscape plan. The plans should be revised to correct this discrepancy.
- g. One (1) *Chamaecyparis obtuse* 'Gracilis' is shown as planted on top of a utility line. The tree location should be adjusted to leave a minimum of 10' between the tree and the utility line.
- h. A detailed response letter addressing the above noted comments and any other changes to the plans should be included with future submissions.

Please do not hesitate to contact me if you have any questions or require further information.

Sincerely,



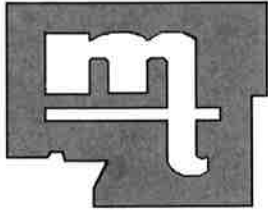
Judith Stern Goldstein, ASLA, R.L.A.
Managing Director



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

JSG/vll/kam

cc: Board of Supervisors
Planning Commission
Bruce Shoupe, Director of Planning and Zoning
Marianne McConnell, Deputy Zoning Officer
Frank R. Bartle, Esq., Dischell Bartle & Dooley, PC
James P. Dougherty, P.E., Gilmore & Associates, Inc.
Kevin Johnson, P.E., Traffic Planning & Design
Ken Amey, AICP
Mr. Bruce Goodman – Montgomery Crossing Associates, LP
Mr. Gary Tilford, P.L.S. – Charles E. Shoemaker, Inc.
Rachel Sclan Vahey, RLA, ASLA



MONTGOMERY TOWNSHIP
DEPARTMENT OF FIRE SERVICES
1001 STUMP ROAD
MONTGOMERYVILLE, PA 1 18936-9605
Telephone: 215-393-6935 • Fax: 215-699-1560
email: rlesniak@montgomerytp.org
www.montgomerytp.org

RICHARD M. LESNIAK
DIRECTOR OF FIRE SERVICES
FIRE MARSHAL
EMERGENCY MANAGEMENT
COORDINATOR
FIRE MARSHALS OFFICE:
215-393-6936

April 6, 2018

Bruce Shoupe
Director of Planning and Zoning
Montgomery Township
1001 Stump Road
Montgomeryville, PA 18936

Re: Firebirds Wood Fired Grill

Dear Bruce:

Thank you for allowing the Fire Marshal's Office to comment on the proposed land development plans of the: Firebirds Wood Fired Grill Date of Plans 3-19-2018

Using the 2009 edition of the International Fire Code for guidance, the Fire Marshal's Office offers the following comments:

305.2 Hot ashes and spontaneous ignition sources. Hot ashes, cinders, smoldering coals or greasy or oily materials subject to spontaneous ignition shall not be deposited in a combustible receptacle, within 10 feet (3048mm) of other combustible material including combustible walls and partitions or within 2 feet (610 mm) of openings to buildings.

Exception: The minimum required separation distance to other combustible materials shall be 2 feet (610 mm) where the material is deposited in a covered, noncombustible receptacle placed on a noncombustible floor, ground surface or stand.

Comment: It is noted that the proposed location of the trash receptacle is adjacent to the building and in close proximity to a building opening (exit). The trash receptacle should be relocated farther away from the building. Providing a greater distance between the building and the receptacle will lessen the impact to the building should the receptacle catch on fire.

505.1 Address identification. New and existing buildings shall have *approved* address numbers, building numbers or *approved* building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches (101.6 mm) high with a minimum stroke width of .05 inch (12.7 mm). Where access is by means of a private road and the building cannot be viewed from the *public way*, a monument, pole or other sign or means shall be used to identify the structure.

912.0 Fire Department Connection(s). Fire department connections shall be installed in accordance with the NFPA standard applicable to the system design and shall comply with Sections 912.2 through 912.6. A fire hydrant shall be located within 100 feet of Fire Department connection.

Comment: On the next plan revision, please provide the location of the Fire Department Connection.

B105.2 Buildings other than one-and two-family dwellings. The minimum fire-flow and flow duration for buildings other than one- and two-family dwellings shall be as specified in Table B105.1.

Exception: A reduction in required fire-flow of up to 75 percent, as *approved*, allowed when the building is provided with an *approved automatic sprinkler system* installed in accordance with Section 903.3.1.1 or 903.1.2. The resulting fire-flow shall not be less than 1,500 gallons per minute (5678 L/min) for the prescribed duration as specified in Table B105.1

Comment: A Fire Hydrant shall be installed at location shown on map attached to this letter. Depending on type of building construction and required fire flow requirement's additional hydrants may be required.

C103.1 Fire hydrants available. The minimum number of hydrants available to a building shall not be less than that listed in Table C105.1. The number of fire hydrants available to a complex or subdivision shall not be less than that determined by spacing requirements listed in Table C105.1 when applied to fire apparatus access roads and perimeter public streets from which fire operations could be conducted.

C105.1 Hydrant spacing. The average spacing between fire hydrants shall not exceed that listed in Table C105.1.

Exception: The fire chief is authorized to accept a deficiency of up to 10 percent where existing fire hydrants provide all or a portion of the required fire hydrant service.

Regardless of the average spacing, fire hydrants shall be located such that all points on streets and access roads adjacent to a building are within the distances listed in Table C105.1.

GENERAL COMMENTS

1. All buildings that are 5,000 square feet or more shall be fully sprinklered. A Fire Department Connection shall be shown to indicate exact location.
2. Any gas services that are accessible/vulnerable to vehicular traffic SHALL have approved vehicle impact protection installed.
3. All buildings of Truss Construction SHALL comply with the Montgomery Township Truss Ordinance #04-188. Truss emblems can be obtained through the Fire Marshal's Office or Code Enforcement Office. The Fire Marshal's Office SHALL be contacted in regards to placement of truss placard.
4. Fire Department key boxes (Knox Box) SHALL be provided on buildings at an approved location. Knox Box forms are available through the Fire Marshals or Code Enforcement Office.
5. All applicants are to contact the Code Enforcement Office when underground piping is being hydrostatically tested on site. Applicants are also reminded that flushing of the underground piping SHALL be witnessed by a township official prior to final riser connections per NFPA 13.

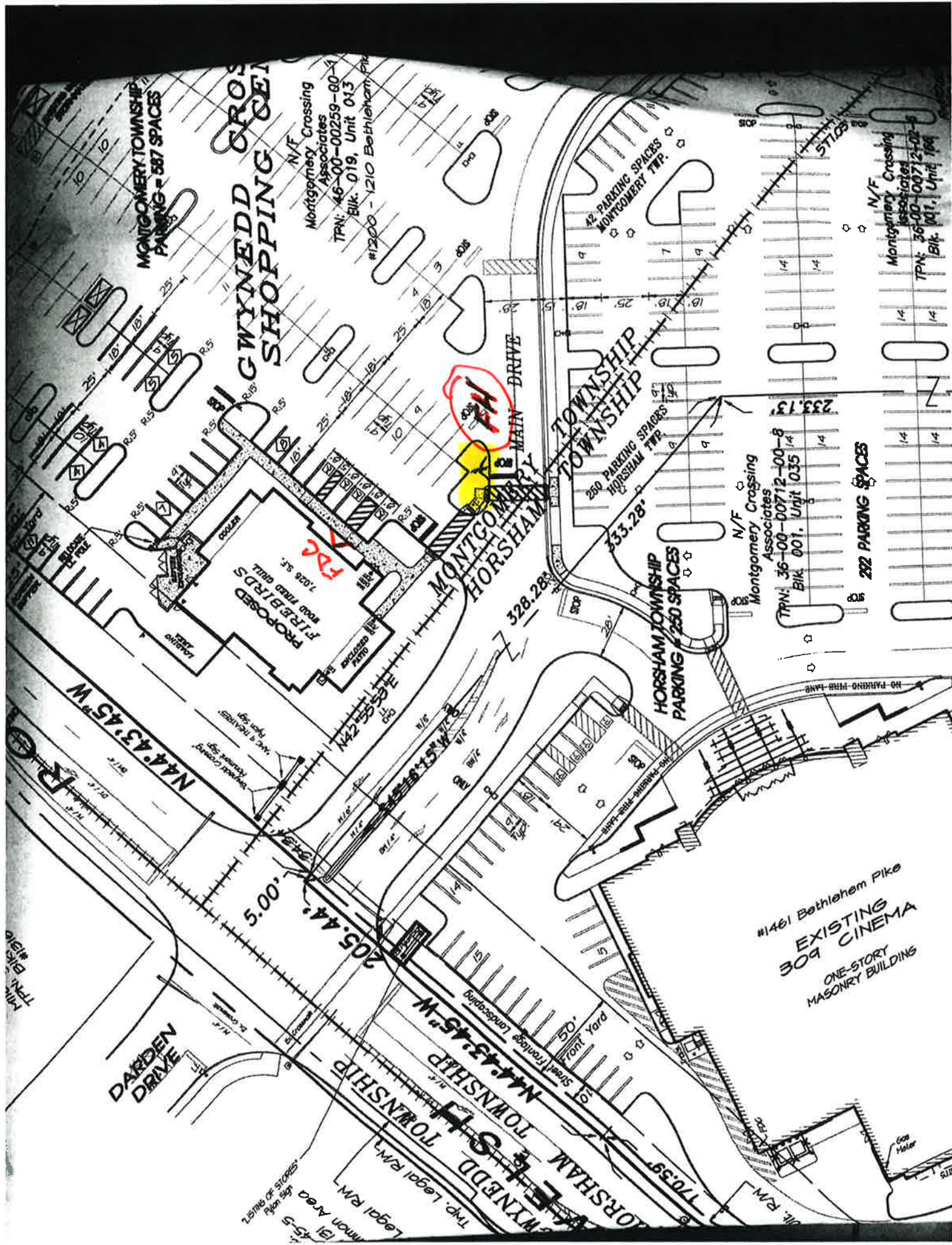
The Fire Marshal's Office recommends that the proposed development be approved as submitted.

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

Sincerely,



Richard M. Lesniak
Director of Fire Services



MONTGOMERY TOWNSHIP
PARKING - 587 SPACES

COUNYEDD CROSSING SHOPPING CENTER

N/F
Montgomery Crossing
Associates
TPN: 46-00-00259-80-4
BLK. 019, Unit 013
#1200 - 1210 Bethlehem Pike



MONTGOMERY CROSSING ASSOCIATES
HORSHAM TOWNSHIP

MONTGOMERY CROSSING ASSOCIATES
HORSHAM TOWNSHIP

HORSHAM TOWNSHIP
PARKING - 250 SPACES

N/F
Montgomery Crossing
Associates
TPN: 36-00-00712-00-8
BLK. 001, Unit 035
222 PARKING SPACES

N/F
Montgomery Crossing
Associates
TPN: 36-00-00712-02-8
BLK. 001, Unit 100

#1461 Bethlehem Pike
EXISTING
309 CINEMA
ONE-STORY
MASONRY BUILDING

DARDEN DRIVE

COUNYEDD CROSSING SHOPPING CENTER

HORSHAM TOWNSHIP

GOAL

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS
BOARD ACTION SUMMARY

SUBJECT: Public Hearing – Liquor License Transfer – #LL-18-03 – Firebirds of North Wales, LLC

MEETING DATE: April 23, 2018

ITEM NUMBER: #14.

MEETING/AGENDA: WORK SESSION ACTION XX NONE

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

INITIATED BY: Bruce Shoupe
Director of Planning and Zoning

BOARD LIAISON: Candyce Fluehr Chimera
Chairman

BACKGROUND:

Attached is the application for a Liquor License Transfer for Firebirds of North Wales, LLC for 1210 Bethlehem Pike. This is an inter-municipal transfer of a liquor license. This public hearing is being held as required by State Law. The Board has authorized the advertising for a public hearing for this date.

ZONING, SUBDIVISION OR LAND DEVELOPMENT IMPACT: None

PREVIOUS BOARD ACTION:

The public hearing was advertised for this meeting.

ALTERNATIVES/OPTIONS:

The Board could approve or disapprove the request for transfer.

BUDGET IMPACT:

None.

RECOMMENDATION:

This matter is on the agenda for your consideration.

MOTION/RESOLUTION:

The Resolution is attached.

MOTION: _____ SECOND: _____ VOTE: _____

ROLL CALL:

Tanya C. Bamford	Aye	Opposed	Abstain	Absent
Michael J. Fox	Aye	Opposed	Abstain	Absent
Jeffrey W. McDonnell	Aye	Opposed	Abstain	Absent
Matthew W. Quigg	Aye	Opposed	Abstain	Absent
Candyce Fluehr Chimera	Aye	Opposed	Abstain	Absent

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

THE TOWNSHIP OF MONTGOMERY
RESOLUTION NO. _____

A RESOLUTION OF THE TOWNSHIP OF MONTGOMERY,
COUNTY OF MONTGOMERY, COMMONWEALTH OF PENNSYLVANIA,
APPROVING THE TRANSFER OF RESTAURANT LIQUOR LICENSE NO. R-2264
INTO THE TOWNSHIP OF MONTGOMERY FROM POTTSTOWN BOROUGH

WHEREAS, Act 141 of 2000 ("the Act") authorizes the Pennsylvania Liquor Control Board to approve, in certain instances, the transfer of restaurant liquor licenses across municipal boundaries within the same county regardless of the quota limitations provided for in Section 461 of the Liquor Code if sales of liquor and malt or brewed beverages are legal in the municipality receiving the license; and

WHEREAS, the Act requires the applicant to obtain from the receiving municipality a resolution approving the inter-municipal transfer of the liquor license prior to an applicant's submission of an application to the Pennsylvania Liquor Control Board; and

WHEREAS, the Liquor Code stipulates that, prior to adoption of a resolution by the receiving municipality, at least one hearing be held for the purpose of permitting individuals residing within the municipality to make comments and recommendations regarding applicant's intent to transfer a liquor license into the receiving municipality; and

WHEREAS, an application for transfer filed under the Act must contain a copy of the resolution adopted by the municipality approving the transfer of a liquor license into the municipality.

NOW, THEREFORE, BE IT RESOLVED, that Firebirds of North Wales, LLC has requested the approval of Montgomery Township's Board of Supervisors for the proposed transfer of Pennsylvania restaurant liquor license no. R-2264 (WGI Holdings, LLC, currently in safekeeping with the PLCB, for the previously licensed premises at 152 High Street, Pottstown, PA 19464) by Firebirds of North Wales, LLC to a restaurant facilities to be located at 1210 Bethlehem Pike, North Wales, PA 19454 with the understanding that said transfer must be approved at a later date by the Pennsylvania Liquor Control Board; and

BE IT FURTHER RESOLVED, that the Montgomery Township's Board of Supervisors has held a properly advertised public hearing pursuant to the notice provisions of Section 102 of the Liquor Code to receive comments on the proposed liquor license transfer; and

BE IT FURTHER RESOLVED, that Montgomery Township approves, by adoption of this Resolution, the proposed inter-municipal transfer of restaurant liquor license no. R-2264 into Montgomery Township by Firebirds of North Wales, LLC; and

BE IT FURTHER RESOLVED, that transfers, designations and assignments of licenses hereunder are subject to approval by the Pennsylvania Liquor Control Board.

Duly adopted this _____ day of _____, 2018, by the Board of Supervisors of Montgomery Township, Montgomery County, Pennsylvania, in lawful session duly assembled.

MOTION BY:

SECOND BY:

VOTE:

DATE:

THE TOWNSHIP OF MONTGOMERY
BOARD OF SUPERVISOR:

Chairman

xc: Applicant, F. Bartle, B. Shoupe, M. Gambino, Minute Book, Resolution File, File



Pittsburgh Office:
610 Smithfield Street
Suite 300
Pittsburgh, PA 15222
412-456-2001
FAX: 412-456-2019
www.flaherty-ohara.com

Ellen M. Freeman
Direct Dial: 267-419-7698
E-Mail Address: ellen@flaherty-ohara.com

Toll Free: 1-866-1BEVLAW
File No.: 28050.015

RECEIVED

April 3, 2018

Via Federal Express

APR 04 2018

MONTGOMERY TOWNSHIP

Bruce Shoupe
Director of Planning & Zoning
Montgomery Township
1001 Stump Road
Montgomeryville PA 18936

Re: Firebirds of North Wales, LLC

Dear Mr. Shoupe:

Please find enclosed the signed Montgomery Township Application for Intermunicipal Transfer of a Liquor License. Two (2) checks were sent under separate cover on Monday, April 2nd from Flaherty & O'Hara's Pittsburgh office by Jessica DeYoung to your attention to be used in connection with this application and scheduling a public hearing. for Firebirds of North Wales, LLC.

Please confirm that Montgomery Township will schedule and advertise a public hearing for Monday, April 23, 2018.

If you have any questions or require anything further, please feel free to call me.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Ellen M. Freeman'.

ELLEN M. FREEMAN, ESQ.

Enclosures

MONTGOMERY TOWNSHIP

**Application for Intermunicipal Transfer
or Economic Development Liquor License**

Type of Application (please indicate):

Intermunicipal Transfer ☒
Economic Development ☐

Applicant Name: FIREBIRDS OF NORTH WALES, LLC

Address: 1210 BETHLEHEM PIKE (ROUTE 309), NORTH WALES, PA 19454

Telephone: TBD

Fax: N/A

Email: C/O ELLEN@FLAHERTY-OHARA.COM

Representative of Attorney Name: ELLEN M. FREEMAN, ESQ., FLAHERTY & O'HARA, PC

Address: 30 S 15TH STREET, 15TH FLOOR, PHILADELPHIA, PA 19102

Telephone: 267-419-7698

Fax: N/A

Email: ELLEN@FLAHERTY-OHARA.COM

Location and Name of Establishment of the License Proposed to be Transferred:

R-2264 ORIGINALLY IN POTTSTOWN BOROUGH

WGI HOLDINGS, LLC

152 HIGH STREET, POTTSTOWN, PA 19464

Proposed Location of the License to be transferred:

Street Address: 1210 BETHLEHEM PIKE, NORTH WALES, PA 19454

Parcel Number: TaxMapID: 46019 -013; Parid: 46-00-00259-00-1

Block and Unit Number: 1210

Name of the Establishment proposed to be licensed:

FIREBIRDS WOOD FIRED GRILL

Type of Liquor License to be transferred:

RESTAURANT LIQUOR LICENSE

Anticipated date for license transfer and commencement of operations pursuant to liquor license:

APRIL 2019

List all locations owned or operated by the applicant which currently hold a liquor license. (Use separate sheet if necessary.) Provide name, address and liquor license number of those locations.

1. FIREBIRDS OF ERIE, LLC - 680 MILLCREEK MALL, ERIE, PA 16565, R-5901, LID 64011

2. FIREBIRDS OF CHADDS FORD, LLC - 91 WILMINGTON W CHESTER PIKE, CHADDS FORD, PA 19317 R-8482, LID 64273

3. FIREBIRDS OF COLLEGEVILLE, LLC - 51 TOWN CENTER DR., COLLEGEVILLE, PA 19426; R- 19910; LID 65369

4. CRANBERRY SPRINGS DEVELOPMENT GROUP 3, LLC, 7300 CRANBERRY SPRINGS DR., CRANBERRY, PA 16066; R-18093; LID 81014

Has the applicant or anyone associated with these locations ever been cited for liquor law violations? Yes ☒ No ☐

If yes, please explain: (use separate sheet if necessary)

SEE ATTACHED.

Has applicant had a request for a liquor license transfer denied?
Yes ☐ No ☒

If yes, please explain: (use separate sheet if necessary)

Has the applicant, or if a corporation, any officer or director of the corporation, or if a partnership or association, any member or partner of the partnership or association, been convicted or found guilty of a felony within a period of five years?

Yes _____ No ✓

If yes, please explain: (use separate sheet if necessary)

Provide the name, address (if applicable) and distance from the proposed premise to the following:

Nearest Licensed Establishments: SEE ATTACHED

Nearest Schools: SEE ATTACHED

Nearest Public Playgrounds: SEE ATTACHED

Nearest Churches: SEE ATTACHED

Nearest Charitable Institutions: SEE ATTACHED

Nearest Hospitals: SEE ATTACHED

Provide a list of existing liquor licenses in Montgomery Township which are inactive, in safekeeping and/or are for sale. Include the name, address and telephone number of the contact person for each. (use separate sheet if necessary)

NOT APPLICABLE. ALL RESTAURANT AND EATING PLACE LIQUOR LICENSES THAT ARE CURRENTLY IN MONTGOMERY TOWNSHIP ARE ACTIVE. SEE ATTACHED FOR COMPLETE LIST OF R- AND E- LICENSES.

I hereby swear that all of the information provided on this application is true and correct to the best of my knowledge and belief. Further, I understand that the presentation of false information will subject me to possible arrest, fine and imprisonment.

Attached to this application is the required fee of \$1,500.00 and escrow of \$1,500.00.

Signed: _____

Printed Name: _____

Date: _____

MONTGOMERY TOWNSHIP, MONTGOMERY COUNTY
INTERMUNICIPAL TRANSFER APPLICATION

CITATION RECORD:

<u>LICENSE INFORMATION</u>	<u>CITATION DATE</u>	<u>CASE NUMBER</u>	<u>VIOLATION</u>	<u>PENALTY</u>
FIREBIRDS OF ERIE, LLC R-5901; LID 64011	12/27/16	2017-0096-C	PERMITTED SALE OF LIQUOR AND/OR MALT OR BREWED BEVERAGES TO A MINOR	FINE, \$1,400
FIREBIRDS OF COLLEGEVILLE, LLC R-19910; LID 65369	10/08/15	2015-2012	PERMITTED SALE OF LIQUOR AND/OR MALT OR BREWED BEVERAGES TO A MINOR	FINE, \$1,400
FIREBIRDS OF COLLEGEVILLE, LLC R-19910; LID 65369	08/18/16	2016-1342-C	PERMITTED SALE OF LIQUOR AND/OR MALT OR BREWED BEVERAGES TO A MINOR	FINE, \$1,800

NEAREST LICENSED ESTABLISHMENTS:

<u>NAME</u>	<u>ADDRESS</u>	<u>DISTANCE</u>
OLIVE GARDEN	1200 BETHLEHEM PIKE NORTH WALES, PA	SAME SHOPPING CENTER
HARVEST SEASONAL GRILL & WINE BAR	1460 BETHLEHEM PIKE NORTH WALES, PA	SAME SHOPPING CENTER
FINE WINE & GOOD SPIRITS	1200 BETHLEHEM PIKE NORTH WALES, PA	SAME SHOPPING CENTER
IRON HILL BREWERY	1460 BETHLEHEM PIKE NORTH WALES, PA	SAME SHOPPING CENTER
THE GREENE TURTLE SPORTS BAR & GRILLE	1100 BETHLEHEM PIKE NORTH WALES, PA	SAME SHOPPING CENTER
RESIDENCE INN BY MARRIOTT	1110 BETHLEHEM PIKE NORTH WALES, PA	SAME SHOPPING CENTER

NEAREST SCHOOLS:

<u>NAME</u>	<u>ADDRESS</u>	<u>DISTANCE</u>
MALVERN SCHOOL OF MONTGOMERYVILLE	1258 WELSH ROAD NORTH WALES, PA	APPROX. 2 MILES
THE GODDARD SCHOOL	520 STUMP ROAD	APPROX. 2.5 MILES

	MONTGOMERYVILLE, PA	
GWYNEDD MERCY ACADEMY HIGH SCHOOL & GWYNEDD MERCY UNIVERSITY	1325 SUMNEYTOWN PIKE GWYNEDD VALLEY, PA	APPROX. 2 MILES
GWYNEDD FRIENDS SCHOOL	1101 DEKALB PIKE NORTH WALES, PA	APPROX 2.2 MILES

NEAREST PUBLIC PLAYGROUNDS:

<u>NAME</u>	<u>ADDRESS</u>	<u>DISTANCE</u>
CHUCK E CHEESE'S	1210 BETHLEHEM PIKE	SAME SHOPPING CENTER

NEAREST CHURCHES:

<u>NAME</u>	<u>ADDRESS</u>	<u>DISTANCE</u>
KEYSTONE FELLOWSHIP MONTGOMERYVILLE	427 STUMP ROAD NORTH WALES, PA	APPROX. 2.2 MILES
CHURCH OF THE MESSIAH	1001 DEKALB PIKE LOWER GWYNEDD, PA	APPROX. 2.4 MILES
SANCTUARY UNITED METHODIST CHURCH	1346 E PROSPECT AVE NORTH WALES, PA	APPROX. 2.7 MILES
ST MATTHEW'S EPISCOPAL CHURCH	919 TENNIS AVE MAPLE GLEN, PA	APPROX 2.8 MILES

NEAREST CHARITABLE INSTITUTIONS:

<u>NAME</u>	<u>ADDRESS</u>	<u>DISTANCE</u>
LIVENGRIN FOUNDATION	220 COMMERCE DR MONTGOMERYVILLE, PA	APPROX. 2.2 MILES

LEGAL NOTICES

MONTGOMERY TOWNSHIP LEGAL NOTICE On Monday, April 23, 2018, after 8:00PM, the Montgomery Township Board of Supervisors, during its regularly scheduled meeting, will hold a public hearing on the following Inter-Municipal Liquor License Transfer: Firebirds of North Wales, LLC is proposing to transfer a restaurant liquor license from WGI Holdings, LLC, 152 High Street, Pottstown, PA 19646 to the property located at 1210 Bethlehem Pike, North Wales, PA 19454, further identified as tax parcel number 46-00-00259-00-1. At the public meeting following the hearing, the Board will consider approving the Application. All interested parties are invited to attend. A copy of the Application may be examined at the Township Building, Monday through Friday, during normal business hours: 9:00AM to 4:00PM. Persons with disabilities wishing to attend the public meeting/hearing and requiring auxiliary aid or other accommodations to participate should contact the Montgomery Township Human Resources Coordinator 215-393-6900. LAWRENCE J. GREGAN Township Manager LAN 4/6, 4/13

Appeared in: **Reporter** on Friday, 04/06/2018

[Back](#)

LEGAL NOTICES

MONTGOMERY TOWNSHIP LEGAL NOTICE On Monday, April 23, 2018, after 8:00PM, the Montgomery Township Board of Supervisors, during its regularly scheduled meeting, will hold a public hearing on the following Inter-Municipal Liquor License Transfer: Firebirds of North Wales, LLC is proposing to transfer a restaurant liquor license from WGI Holdings, LLC, 152 High Street, Pottstown, PA 19646 to the property located at 1210 Bethlehem Pike, North Wales, PA 19454, further identified as tax parcel number 46-00-00259-00-1. At the public meeting following the hearing, the Board will consider approving the Application. All interested parties are invited to attend. A copy of the Application may be examined at the Township Building, Monday through Friday, during normal business hours: 9:00AM to 4:00PM. Persons with disabilities wishing to attend the public meeting/hearing and requiring auxiliary aid or other accommodations to participate should contact the Montgomery Township Human Resources Coordinator 215-393-6900. LAWRENCE J. GREGAN Township Manager LAN 4/6, 4/13

Appeared in: **Reporter** on Friday, 04/13/2018

[Back](#)

MONTGOMERY TOWNSHIP
LEGAL NOTICE

On Monday, April 23, 2018, after 8:00PM, the Montgomery Township Board of Supervisors, during its regularly scheduled meeting, will hold a public hearing on the following Inter-Municipal Liquor License Transfer: Firebirds of North Wales, LLC is proposing to transfer a restaurant liquor license from WGI Holdings, LLC, 152 High Street, Pottstown, PA 19646 to the property located at 1210 Bethlehem Pike, North Wales, PA 19454, further identified as tax parcel number 46-00-00259-00-1. At the public meeting following the hearing, the Board will consider approving the Application. All interested parties are invited to attend. A copy of the Application may be examined at the Township Building, Monday through Friday, during normal business hours: 9:00AM to 4:00PM. Persons with disabilities wishing to attend the public meeting/hearing and requiring auxiliary aid or other accommodations to participate should contact the Montgomery Township Human Resources Coordinator 215-393-6900.

LAWRENCE J. GREGAN
Township Manager

TO BE INSERTED in The Reporter on Friday, April 6, 2018 and Friday, April 13, 2018. Please send proof of Publication to Montgomery Township Attn: Bruce Shoupe, 1001 Stump Road, Montgomeryville, PA 18936



ZONING NOTICE

NOTICE OF ZONING VIOLATION

NOTICE OF ZONING VIOLATION

NOTICE OF ZONING VIOLATION

NOTICE OF ZONING VIOLATION

NOTICE OF ZONING VIOLATION

NOTICE OF ZONING VIOLATION

NOTICE OF ZONING VIOLATION

NOTICE OF ZONING VIOLATION

NOTICE OF ZONING VIOLATION

NOTICE OF ZONING VIOLATION

NOTICE OF ZONING VIOLATION

NOTICE OF ZONING VIOLATION

NOTICE OF ZONING VIOLATION

NOTICE OF ZONING VIOLATION

NOTICE OF ZONING VIOLATION

NOTICE OF ZONING VIOLATION

04/03/2018

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS
BOARD ACTION SUMMARY

SUBJECT: Consider Approval of Amendment to Employee Handbook Policies – Drug and Alcohol Policy for Employees with Commercial Driver's License (CDL) and Post-Offer, Pre-Employment Medical Examination and Substance Abuse Policy

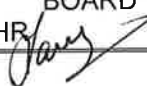
MEETING DATE: April 23, 2018 ITEM NUMBER: #15.

MEETING/AGENDA: ACTION XX NONE

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

INITIATED BY: Ann M. Shade
Director of Administration & HR

BOARD LIAISON:



BACKGROUND:

Montgomery Township maintains an employee handbook of personnel policies that is provided to all employees. As laws, practices, and procedures change, the Township determines the need to update existing policies or to add new policies.

Effective January 1, 2018, the U. S. Department of Transportation amended its mandatory drug testing program, which is applicable to all CDL drivers. The amendment to the 5-panel drug test would require the opiate designation be renamed to opioids, and the panel will now include the addition of four semi-synthetic opioids (hydrocodone, hydromorphone, oxycodone, and oxycodone).

In order to maintain a drug-free and safe work environment within the community, Montgomery Township is proposing that the above change be implemented for all drug screening (including pre-employment and employees who hold a CDL Commercial Driver's License and are subject to random testing).

Therefore, the following are being presented for approval to reflect that update, as shown in the attached draft policies:

- Drug and Alcohol Policy for Employees with Commercial Driver's License (CDL)
- Post-Offer, Pre-Employment Medical Examination and Substance Abuse Policy

ZONING, SUBDIVISION OR LAND DEVELOPMENT IMPACT: None.

PREVIOUS BOARD ACTION:

Board of Supervisors approval:

- Drug and Alcohol Policy for Employees with Commercial Driver's License (CDL) – 2008, 2016
- Post-Offer, Pre-Employment Medical Examination and Substance Abuse Policy - 2016

ALTERNATIVES/OPTIONS: None.

BUDGET IMPACT: None.

RECOMMENDATION:

Consider the approval of Drug and Alcohol Policy for Employees with Commercial Driver's License (CDL) and Post-Offer, Pre-Employment Medical Examination and Substance Abuse Policy for distribution to employees and inclusion in the Montgomery Township Employee Handbook.

MOTION/RESOLUTION:

BE IT RESOLVED by the Board of Supervisors of Montgomery Township that we hereby approve the Drug and Alcohol Policy for Employees with Commercial Driver's License (CDL) and Post-Offer, Pre-Employment Medical Examination and Substance Abuse Policy for distribution to employees and inclusion in the Montgomery Township Employee Handbook.

MOTION: _____ SECOND: _____

ROLL CALL:

Tanya C. Bamford	Aye	Opposed	Abstain	Absent
Michael J. Fox	Aye	Opposed	Abstain	Absent
Jeffrey W. McDonnell	Aye	Opposed	Abstain	Absent
Matthew W. Quigg	Aye	Opposed	Abstain	Absent
Candyce Fluehr Chimera	Aye	Opposed	Abstain	Absent

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



Employee Handbook - Section 4

Employment

Date Approved/Last Revised: April 11, 2016; June 13, 2016; April 23, 2018

PENDING BOS APPROVAL

POST-OFFER, PRE-EMPLOYMENT MEDICAL EXAMINATION AND SUBSTANCE ABUSE TESTING

Purpose

It is the policy of Montgomery Township that prospective employees in certain job categories submit to a post-offer, pre-employment medical examination to determine whether they are able to perform the essential functions of the jobs for which they have been offered employment, with or without a reasonable accommodation.

Montgomery Township also has an obligation to the citizens and its employees to provide a work environment that is free from illegal drug use. The Township reserves the right to conduct substance abuse tests as part of the hiring process for prospective employees or current employees applying for a new position, as a condition of employment.

Prospective candidates for certain summer and seasonal positions will receive a drug test only. This policy also discusses other baseline occupational health assessments, job-relevant vaccinations and post-offer drug/alcohol testing.

Policy

- A. The essential functions of the designated positions will be documented, to include physical demands such as how much lifting, bending, twisting, and other physical requirements are required. The essential functions will be provided to the health care practitioner(s) conducting the medical examination so that their exam is effective and work-related.
- B. Position announcements are to state, "As applicable, satisfactory results from a pre-employment, post-offer physical exam, drug and/or alcohol testing will be required as determined by the job category."
- C. The medical examination, drug and/or alcohol test will be required of all candidates in designated job categories. In addition to candidates, this policy also applies to current Township employees transferring from another job category, unless they have previously passed probation in the applicable category.
- D. The Township will use the results of the medical examination to:
 1. Ensure that candidates who have received employment offers can perform, with or without accommodation, the essential functions of the job in question.
 2. Determine whether there are any accommodations which would permit the candidate to perform the essential functions of the job.



Employee Handbook - Section 4
Employment

Date Approved/Last Revised: April 11, 2016; June 13, 2016; April 23, 2018

PENDING BOS APPROVAL

3. Identify if the candidate would pose a direct threat to health or safety of themselves or others, and whether a reasonable accommodation is available that may reduce such threat.
- E. All medical examinations, drug tests, and alcohol tests will be performed by licensed medical practitioners and certified technicians as designated by the Township, and will be paid for by the Township. Drug tests will consist of a five (5) panel screen to test for amphetamines, marijuana, opioids, opiates, cocaine, and phencyclidine. Positive drug and alcohol test results will be determined in accordance with the standards of the testing facility selected by the Township.
- F. At the time of a verbal job offer, the candidate will be advised that, as a condition of offer for the position, Montgomery Township will require the candidate to have the applicable medical examination to evaluate his/her ability to perform the essential job functions, as well as to successfully pass a drug and/or alcohol test. Once a verbal offer has been made, a written offer letter will be prepared and provided to the candidate. This letter will indicate that the position has been offered on a conditional basis, contingent upon the satisfactory results of the necessary examination and/or testing. The results will be considered satisfactory if it is determined that the candidate/employee can perform the essential functions of the position, with or without a reasonable accommodation.
- G. The offer letter will explain how medical examination appointments are arranged and that failure to appear for the medical examination in the designated time frame may be considered a rejection of the conditional job offer.
- H. A copy of the job description, including the essential functions, will be sent to the health care practitioner(s) conducting the examination, notifying them that the Township has extended a conditional offer and there is a need for the candidate/employee to have a pre-employment medical examination.

Results of Medical Exam

- A. Candidates that receive a satisfactory result on the post offer, pre-employment medical examination and drug/alcohol test, as applicable, are eligible for employment.
- B. If the medical examination is not satisfactory, the Township may withdraw the conditional offer of employment. Disqualification from the job offer will be for reasons that are job related and consistent with business necessity, including, but not necessarily limited to, an inability to perform the essential functions with or without reasonable accommodation, posing a direct threat to the safety of themselves or others that cannot be reduced by a reasonable accommodation, or if accommodations would place an undue hardship on the Township, in accordance with the Americans with Disabilities Act.



Employee Handbook - **Section 4**

Employment

Date Approved/Last Revised: April 11, 2016; June 13, 2016; April 23, 2018

PENDING BOS APPROVAL

- C. If a candidate/employee refuses to consent or submit to a medical examination or test, or tests positive for drugs or alcohol, the offer of employment (or continued employment) may be withdrawn. A positive test result will not necessarily preclude employment where it can be satisfactorily shown that the result is attributable to other circumstances, such as a drug being taken by order of a licensed medical practitioner to treat a current diagnosed condition. A candidate/employee whose drug or alcohol test results are reported as a negative dilute specimen (i.e., creatinine concentration of the specimen is greater than or equal to 2 mg/dL but less than 20 mg/dL, and specific gravity is greater than 1.0010 but less than 1.0030 on a single aliquot) will be required to take a second test immediately. If directed by a Medical Review Officer (for example, because the creatinine concentration of the specimen was equal to or greater than 2mg/dL, but less than or equal to 5 mg/dL), the second test will be under direct observation. A candidate/employee under the age of 18 must be accompanied by a parent/guardian for the direct observation test. A candidate/employee who declines to take a second test will be considered to have refused a test under this policy. The results of the second test will be the test of record. A second negative dilute specimen will be considered a negative test result.
- D. Refusing or failing to cooperate fully with the administration of a test, or altering or attempting to alter a test specimen or test result will be treated as a refusal to consent, regardless of whether a consent form has been signed.
- E. Montgomery Township is committed to compliance with the Americans with Disabilities Act and similar state laws and will engage in the interactive process with an employee who requests accommodation.
- F. All test results will be kept confidential to the extent required by law.

Appeal of a Drug or Alcohol Test Result

A candidate whose drug or alcohol test reported positive will be offered the opportunity to discuss the positive result with a medical professional at the designated testing facility to determine if there is any reason that a positive finding could have resulted from some cause other than drug or alcohol use. The candidate will also be offered a meeting with the Township to provide an explanation. The organization, through its health, human resource, and employment law resources, will judge whether an offered explanation merits further inquiry.

A candidate whose drug or alcohol test is reported positive will be offered the opportunity to:

- Obtain and independently test, at the candidate's expense, the remaining portion of the urine specimen that yielded the positive result;
- Obtain the written test result and submit it to an independent medical review at the candidate's expense.



Employee Handbook - **Section 4**
Employment

Date Approved/Last Revised: April 11, 2016; June 13, 2016; April 23, 2018

PENDING BOS APPROVAL

During the period of an appeal and any resulting inquiries, the pre-employment selection process for a candidate will be placed on hold.

Other Occupational Health Services

Upon establishing the employee's fitness for duty, the physician may take the opportunity to perform other employer-funded occupational health services appropriate to the position. These might include:

- Baseline audiometric testing
- Hepatitis B titer / vaccination
- DPT vaccination
- OSHA respirator medical clearance



Employee Handbook – Section 3
Employee and Township Responsibilities

Date Approved/Last Revised: October 14, 2008; June 13, 2016; April 23, 2018

PENDING BOS APPROVAL

**DRUG & ALCOHOL POLICY FOR EMPLOYEES WITH
COMMERCIAL DRIVER'S LICENSE (CDL)**

Purpose

The Township has a commitment to provide a safe and healthy workplace for its employees and to ensure efficient provision of quality services to our businesses and our residents. To accomplish our goals, we must implement programs that will enable us to achieve our objectives in a cost-efficient manner.

The Township must make every reasonable attempt to establish a work environment that is free from the adverse effects of drug and alcohol abuse, both directly and indirectly.

This policy shall apply to all employees who are required as part of their job duties to have a Commercial Driver's License ("CDL"). This policy is enforced in order to assure fitness for duty and to protect Montgomery Township Employees from the risks posed by alcohol abuse and drug misuse. This policy complies with all applicable Federal regulations governing workplace anti-drug and alcohol programs. The Federal Highway Administration (FHWA) of the United States Department of Transportation (DOT) has mandated in (49 CFR Part 382) comprehensive urine drug testing and breath and alcohol testing for safety sensitive positions, and prohibits the performance of safety sensitive functions when there is a positive test result. The DOT has also set standards for the collection and testing of urine and breath specimens (49 CFR Part 40). These rules build on and include all mandates established by The Drug Free Workplace Act of 1988 and the Omnibus Transportation Employee Testing Act of 1991. This policy incorporates all the requirements for safety sensitive positions, as mandated by the regulations and also applies to other positions, as specifically described.

If the terms of this policy conflict with the Federal or State regulations, the regulations will govern.

OBJECTIVES

The objectives of this policy are:

1. to create a workplace that is free from the unsafe and unhealthy effects of drug abuse and alcohol misuse;
2. to ensure that Township employees are fit to perform their work duties and to report for work regularly and on time;
3. to prohibit the manufacturing, distribution, dispensing and possession or use of controlled substances and alcohol;
4. to establish effective means to detect and to deal with drug and alcohol abuse and to encourage Township employees to seek professional assistance at any time to deal with personal problems, including drug and alcohol dependency; and
5. to comply with applicable state and federal law.



Employee Handbook – Section 3
Employee and Township Responsibilities

Date Approved/Last Revised: October 14, 2008; June 13, 2016; April 23, 2018

PENDING BOS APPROVAL

SUBSTANCES INCLUDED

The prohibited substances addressed in this policy include illegally used controlled substances or drugs, legal drugs, and alcohol. The use of any illegal drug or any substance identified in Schedules I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812) and further defined by 21 CFR 1300.11 through 1300.15 is prohibited at all times unless a legal prescription has been written for the substance. This includes, but is not limited to:

- marijuana
- amphetamines
- opioids ~~opiates~~
- cocaine
- phencyclidine (PCP)
- the misuse and/or abuse of lawfully prescribed substances, whether such action takes the form of taking a substance for which the employee does not have a lawful prescription or taking a lawfully prescribed substance in a manner which has not been prescribed by a medical professional
- Any other illegal drugs as may be identified from time to time.

PROHIBITIONS

Employees shall not engage in the manufacture, distribution, possession and/or use of prohibited substances on Township property or while on duty. No employee shall consume alcohol within four (4) hours of reporting to work or report for work under the influence of alcohol or a prohibited substance. An employee shall be deemed under the influence of alcohol at work if a subsequent test confirms the presence of alcohol within his body in a concentration of .04 or greater. A person shall be deemed to be under the influence of a controlled substance if the employee is found to have a quantifiable presence of a prohibited substance in his/her body above the minimum threshold defined in 49 CFR Part 40, as amended. In addition, no employee shall perform safety sensitive tasks or duties if the employee's blood/alcohol concentration is .02 or greater. An employee whose blood/alcohol concentration is .02 or greater but less than .04 will not be permitted to perform safety-sensitive functions for a minimum of twenty-four (24) hours and may be subject to discipline.

APPLICATION OF THE POLICY

Montgomery Township is dedicated to assuring fair and equitable application of this policy. Therefore, supervisors and/or managers are required to use and apply all aspects of this policy in an unbiased manner and it shall be administered without regard to any protected characteristics of the employee. Any supervisor and/or manager who knowingly disregards the requirements of this policy, or who is found to deliberately misuse the policy in regards to subordinates, shall be subject to disciplinary action, up to and including termination.



Employee Handbook – **Section 3**
Employee and Township Responsibilities

Date Approved/Last Revised: October 14, 2008; June 13, 2016; April 23, 2018

PENDING BOS APPROVAL

TESTING PROCEDURES

CONTROLLED SUBSTANCE TESTING

An initial drug screen will be performed on each specimen. Each positive specimen will be confirmed via Gas Chromatography/mass Spectrometry (GC/MS) testing. The test will be considered positive if the amounts present are above the minimum thresholds established in 49 CFR Part 40, as amended. All substance abuse testing results will be reported to the Medical Review Officer.

All urine specimens collected for drug testing are split into two parts. Any employee who questions the result of a required test may request that the split sample be tested. This test must be conducted at a different Department of Health and Human Services certified laboratory. The test must be conducted on the split sample that was provided by the employee at the same time as the original sample. The method of collecting, splitting, storing and testing of the split sample will be consistent with procedures set forth in 49 CFR Part 40 as amended. The employee's request for split sample testing must be made to the Medical Review Officer (MRO) within 72 hours of notice of the original sample's verified results. In the event that the split-sample test confirms the original test result, no further tests shall be conducted, and the employee shall pay the cost for the testing of the split sample. If the split sample tests negative for controlled substances or adulterates, the employee shall not be considered as testing positive, and the Township shall pay the cost of testing the split sample.

ALCOHOL TESTING

Test for breath alcohol concentration will be conducted using a National Highway Traffic Safety Administration (NHTSA) approved device operated by a trained technician. If the initial test indicates an alcohol concentration of 0.02 or greater, a second test will be performed to confirm the results. The confirmatory test shall be performed only using NHTSA approved Evidential Breath Testing (EBT) device, by a trained breath and alcohol technician (BAT). An alcohol concentration of 0.04 or greater will be considered a positive alcohol test, in violation of this policy. All alcohol test results will be reported to the MRO.

REFUSAL TO TEST

Any employee covered by this policy who refuses to submit to testing, tampers or attempts to tamper with the testing will be treated as having tested positive and subject to discipline for violating this policy. An applicant who refuses to submit to a test will be considered as withdrawing his/her application for employment. A refusal to take a test shall include, but not be limited to, the following conduct:

1. Failing to appear for any test within a reasonable time, as determined by the Township, after being directed to do so by the Township;
2. Failing to remain at the collection site until the testing process is complete;
3. Failing to provide a urine specimen when required for a drug test or a breath specimen for an alcohol test;
4. In the case of a directly observed or monitored collection in a drug test, failing to



Employee Handbook – Section 3
Employee and Township Responsibilities

Date Approved/Last Revised: October 14, 2008; June 13, 2016; April 23, 2018

PENDING BOS APPROVAL

permit directly observed or monitored collection;

5. Failing to provide a sufficient amount of urine or breath when directed, and when it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;
6. Declining to take a second test as directed;
7. Failing to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process or as directed by the Township as part of the shy bladder procedures or insufficient breath situation;
8. Failing to cooperate with any part of the testing process; or
9. Ingesting or utilizing any item or substance to or in an attempt to dilute, distort or to otherwise conceal the presence of alcohol or drugs in the individual's urine or breath. An employee shall be treated as refusing to test if the employee uses such a substance or item, regardless of whether the possession or use of the substance or item is otherwise lawful.

ESTABLISHED TESTS

Pre-Employment Testing

All applicants for employment in positions that require a CDL shall undergo urine drug testing prior to being hired. Receipt of a negative drug test is required prior to any applicant being hired. Failure of a pre-employment drug test will rescind the conditional offer of employment. Any refusal or failure by the applicant to submit to the test shall be deemed a positive result. The Township shall bear the cost of pre-employment testing.

Reasonable Suspicion Testing

A Township employee will be subject to a fitness for duty drug evaluation and/or alcohol breath testing when there are reasons to believe that the employee is under the influence of drugs or alcohol. A reasonable suspicion referral for testing will be made on the basis of documented objective facts and circumstances which are consistent with the effects of drug or alcohol misuse. Examples of reasonable suspicion include but are not limited to:

1. Physical signs and symptoms consistent with prohibited substance use and alcohol misuse.
2. Evidence of the manufacture, distribution, dispensing, possession or use of controlled substances, drugs, alcohol or other prohibited substances.
3. Occurrence of a serious or potentially serious accident that may have been caused by prohibited substance abuse or alcohol misuse.
4. Physical fights, assaults and flagrant disregard of established safety, security and operating procedures.

Reasonable suspicion referrals must be made by a supervisor who has been trained to detect the signs and symptoms of drug and alcohol abuse, and who reasonably concludes that an employee



Employee Handbook – **Section 3**
Employee and Township Responsibilities

Date Approved/Last Revised: October 14, 2008; June 13, 2016; April 23, 2018

PENDING BOS APPROVAL

may be adversely affected or impaired in work performance due to the possible substance/alcohol misuse. All reasonable suspicion referrals will remain confidential.

Random Testing

In accordance with DOT regulations, the Township shall conduct unannounced random drug and alcohol testing of covered employees at the annual percentage rate set for the DOT regulations. The selection of covered employees for random alcohol and controlled substances testing shall be made by a scientifically valid method, such as a random number table or a computer-based random number generator that is matched with the covered employees' Social Security numbers, payroll identification numbers, or other comparable identifying numbers. Under the selection process used, each covered employee shall have an equal chance of being tested each time selections are made.

Post-Accident Testing

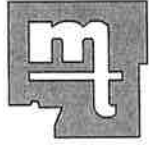
Post-accident testing is performed on all employees involved in an automobile accident that results in a traffic citation or fatality. The employee will be tested as soon as possible after the accident. However, testing must be performed within eight (8) hours for alcohol and thirty-two (32) hours for drugs. Any employee involved in a work-related motor vehicle accident must abstain from alcohol use for eight (8) hours or until a post-accident alcohol test is performed, whichever is sooner. Any employee who leaves the scene of an accident without justifiable explanation prior to submitting to drug and alcohol testing will be considered to have refused the test and their employment will be terminated. For purposes of this section, post-accident testing shall be mandatory in the following situations:

- a. When the accident involves loss of human life; or
- b. When a covered employee receives a citation under state or local law for a moving violation arising from the accident; if the accident involves either
 1. Bodily injury that requires a person to be transported away from the scene for medical treatment; or
 2. Damage to any vehicle that requires the vehicle to be towed away from the scene by a tow truck or another vehicle.

Any employee who is subject to post-accident testing and fails to remain readily available for such testing, including, but not limited to, notifying the Director of Administration and Human Resources of his/her location if he/she leaves the scene of an accident prior to such testing, will be classified as having refused to submit to testing. In no way is this post-accident test requirement intended to delay necessary medical treatment for injured people following an accident or to prohibit an employee from leaving the scene of an accident to obtain medical assistance for others or for personal medical assistance.

Return to Duty Testing

All employees covered by this policy who previously tested positive on a drug or alcohol test must test negative (below 0.02 for alcohol and below the minimum threshold defined in 49 CFR Part 40, as amended for controlled substances) and be released for duty by the Certified Substance Abuse



Employee Handbook – Section 3
Employee and Township Responsibilities

Date Approved/Last Revised: October 14, 2008; June 13, 2016; April 23, 2018

PENDING BOS APPROVAL

Professional (CSAP) before returning to work. Employees shall be solely responsible for the cost of any return to duty test.

Follow-up Testing

All employees covered by this policy who previously tested positive on a drug or alcohol test will be required to undergo unannounced follow-up testing following their return to duty. The follow-up testing will be performed as determined by the CSAP for a period of up to sixty (60) months, and, during the first twelve months, an employee returning to duty after testing positive for alcohol or a controlled substance shall be subject to at least six (6) tests. The follow-up testing under this paragraph shall be in addition to any instances in which the individual is selected randomly to participate in random drug or alcohol testing. Follow-up tests shall be conducted during normal business hours and on normal business days.

TEST RESULTS

Employees will be notified of a positive test result. Test results shall be retained by the MRO responsible for reviewing the testing. The results shall be held in confidence and shall be accessible only to the employee, the employer, and any other persons authorized by law.

Employees whose drug or alcohol test results are reported as a negative dilute specimen (i.e., creatinine concentration of the specimen is greater than or equal to 2 mg/dL but less than 20 mg/dL, and specific gravity is greater than 1.0010 but less than 1.0030 on a single aliquot) will be required to take a second test immediately. If directed by the MRO (for example, because the creatinine concentration of the specimen was equal to or greater than 2mg/dL, but less than or equal to 5 mg/dL), the second test will be under direct observation. An employee who declines to take a second test will be considered to have refused a test under this policy. The results of the second test will be the test of record. A second negative dilute specimen will be considered a negative test result.

ACTION FOR A POSITIVE DRUG OR ALCOHOL TEST

Any Township employee subject to this policy with a confirmed positive drug or alcohol test will be removed with pay from his/her position, and referred to a CSAP for assessment. After undergoing the assessment, the Township employee shall have the one-time option of electing to: (1) resign; or (2) undergo any and all courses of treatment recommended by the CSAP; test negative during a return to duty test; and submit to follow-up testing as set forth above. If the completion of any recommended treatment requires the employee to be absent from work, the employee will not be paid for such ongoing absences after the initial evaluation by the CSAP. The employee may elect to utilize any accrued but unused compensatory time or vacation time in order to continue to receive payment for the time off from work. In the event that the employee exhausts all accrued but unused vacation and compensatory time, the employee may then utilize any accrued sick leave, following which the employee will go into "no pay" status.

For any portion of the above treatment for which an employee's medical coverage does not satisfy the total cost of the treatment recommended by the CSAP, the Township shall pay the difference not covered by the employee's medical coverage.



Employee Handbook – Section 3
Employee and Township Responsibilities

Date Approved/Last Revised: October 14, 2008; June 13, 2016; April 23, 2018

PENDING BOS APPROVAL

If the employee fails to complete any aspect of the course of treatment recommended by the CSAP, or after completing the above course of treatment and return-to-duty testing, the employee subsequently tests positive for alcohol or a controlled substance at any point in the future, the employee shall have the following options: (1) resign immediately; (2) be terminated by the Township.

EMPLOYEE ASSISTANCE PROGRAM (EAP)

The Township recognizes that employees and their families can be faced with personal challenges. It is in our best interest to encourage employees and family members to seek appropriate assistance at the earliest possible opportunity. The Township encourages employees to take early advantage of the confidential, professional problem assessment, counseling and referral services available through the EAP (Employee Assistance Program). Reference the EAP policy for further information. Employees who voluntarily request drug or alcohol counseling prior to testing positive for such substances during one of the tests outlined above shall not be treated as testing positive for purposes of this policy.

RECORD KEEPING

All of the records relating to the administration and results of the Township's alcohol and drug testing program for its CDL drivers will be maintained for a minimum period of five (5) years, except that individual negative tests will be maintained for a minimum of one (1) year.

Tests will be conducted by a licensed facility and will be analyzed by an MRO. The MRO, who is appointed, shall be a licensed doctor of medicine or osteopathy with knowledge of drug abuse disorders and who is employed by the Township or by a group of employers who have pooled together, to review alcohol and drug testing results in accordance with DOT regulations. The MRO shall retain the reports of individual test results for a minimum of five (5) years.

The Township shall retain in the driver's medical file information indicating only the following:

1. The employee submitted to a drug and/or alcohol test;
2. The date of the test;
3. The location of the test;
4. The identity of the person or entity performing the test; and
5. Whether the test finding was "positive or sub-negative." The Township will also maintain an annual (calendar) year summary of the records related to the administration and results of the testing program for its drivers under the federal regulations.

OFF-DUTY CONDUCT

Employees are expected not to engage in any off-duty conduct or off-premises drug or alcohol-related conduct which may affect their work performance. Pursuant to the Department of Transportation guidelines, 49 CFR § 383.51, an employee who is convicted of being under the influence of alcohol and/or a controlled substance or who refuses a test for alcohol or a controlled



Employee Handbook – Section 3
Employee and Township Responsibilities

Date Approved/Last Revised: October 14, 2008; June 13, 2016; April 23, 2018

PENDING BOS APPROVAL

substance shall also receive an automatic one year suspension of his/her Commercial Driver's License. In the event that a Township employee is convicted of any offense identified in Table 1 of 49 CFR § 383.51 (relating to driver disqualifications and penalties), even if such offense was off duty and did not involve a CDL vehicle, the Township, in its sole discretion, may take disciplinary action up to and including discharge for a first offense.

DUTY TO REPORT

1. Citations - An employee who is cited by law enforcement authorities for a drug or alcohol law violation while performing work duties must immediately notify the Department Head, who will notify Human Resources and the Township Manager.
2. Convictions related to motor vehicle use – an employee who is convicted of an offense identified in Table 1 of 49 CFR § 383.51 (relating to driver disqualifications and penalties), regardless of whether such offense occurred on or off duty and regardless of whether such offense involved the operation of vehicle for which a Commercial Driver's License is required must immediately report such conviction to the employee's Department Head who will notify Human Resources and the Township Manager.
3. Prescription and Over-the-Counter Drug Use - Whenever an employee is legally prescribed drugs or directed by a physician to use over-the-counter drugs, it is the employee's responsibility to ask the prescriber whether the drug or medicine, if taken as prescribed or directed, is likely to affect the employee's work performance in such a way that it would pose a direct threat to workplace safety. If so, the employee is obligated to report that fact to the Department Head, who will notify Human Resources and the Township Manager.

Additionally, if the employee is legally using an over-the-counter drug whose labeling indicates that its use is likely to pose a direct threat to safety, then the covered employee is obligated to report that fact to the Department Head. When required to report, an employee shall report their prescription and over-the-counter drug use via the Disclosure of Prescription and Over-The-Counter Drugs and Medication Evaluation form. This form requires the specific medication name, but is not required or asked to report his or her medical condition; the employee shall report that he or she is using medication that is likely to affect work performance in such a way that it would pose a direct threat to workplace safety.

The Township will then determine whether the employee may continue to work during the course of treatment and may seek a second opinion from a physician or pharmacist of its choice. The Township reserves its right to have the employee examined by a physician of its choice in order to preserve a safe and drug-free workplace.

Additionally, if the Township learns, through any means including a covered employee's job performance, that an employee is using prescription or other-the-counter drugs that have the potential to pose a direct threat to workplace safety, even if a physician has advised the employee that it will not, the Township may seek a second opinion from a physician and/or pharmacist of its choice. If the second opinion indicates such an effect on performance, the Township may rely on the second opinion rather than that of the employee's prescribing physician.

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS
BOARD ACTION SUMMARY

SUBJECT: Consider Out-of-State Training Request – Delaware Valley Health Trust Meeting

MEETING DATE: April 23, 2018

ITEM NUMBER: #16

MEETING/AGENDA:

ACTION XX

NONE

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

INITIATED BY: Lawrence J. Gregan
Township Manager

BOARD LIAISON: Candyce Fluehr Chimera,
Chairman

BACKGROUND:

Ann Shade would like to attend the Delaware Valley Health Trust (DVHT) conference being held on June 20 – June 22 in Cambridge, Maryland. The Trust is responsible for payment of the costs associated with the conference. In general, the conference workshops are designed to inform members about the operations of the Trust, trends in health insurance and DVHT customized services.

ZONING, SUBDIVISION OR LAND DEVELOPMENT IMPACT:

None.

PREVIOUS BOARD ACTION:

The Board of Supervisors has approved previous requests for attendance to this conference.

ALTERNATIVES/OPTIONS:

None.

BUDGET IMPACT:

None. All costs are paid by the Trust.

RECOMMENDATION:

Consider approval of request by Ann Shade to attend an out-of-state DVHT training conference on June 20 – June 22, 2015.

MOTION/RESOLUTION:

BE IT RESOLVED by the Board of Supervisors of Montgomery Township that we hereby approve the request by Ann Shade to attend the out-of-state DVHT training conference on June 20 – June 22, 2018.

MOTION: _____

SECOND: _____

ROLL CALL:

Tanya C. Bamford	Aye	Opposed	Abstain	Absent
Michael J. Fox	Aye	Opposed	Abstain	Absent
Jeffrey W. McDonnell	Aye	Opposed	Abstain	Absent
Matthew W. Quigg	Aye	Opposed	Abstain	Absent
Candyce Fluehr Chimera	Aye	Opposed	Abstain	Absent

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



MEMORANDUM

To: Delaware Valley Health Trust Members

From: Bob Solarz, Executive Director

Subject: **Delaware Valley Health Trust 2018 Retreat Announcement**

Date: April 2, 2018

We are pleased to announce the 2018 Delaware Valley Health Trust Retreat is scheduled for Wednesday June 20 through Friday June 22 at the Hyatt Chesapeake Bay Hotel, 100 Heron Boulevard at Route 50, Cambridge, Maryland.

As per our policy, we schedule membership retreats only once every three years. The Trust covers the cost of the hotel reservation, Trust-sponsored meals and outings. We encourage **up to two Health Trust member representatives** from each public entity to attend (i.e. Trustees/designee, Assistant Managers, HR or Finance Directors). Trustees/representatives may bring a spouse/guest (no children please).

To help us gain a more representative perspective in selecting content for the Retreat Agenda, the Health Trust Executive Committee engaged a task group which included staff as well as five Trustees who exemplified a diverse geographic (different areas of Pennsylvania and Delaware) and member types (townships, boroughs and school districts). The group's input helped guide our selection of this year's dynamic and interactive workshops which take a focus on generational perspectives as they relate to health and wellness. In addition, we have special segments planned for responding to critical incidents, opioid abuse and workplace challenges, and helping our members balance the demands of work and staying healthy. The Retreat also provides an opportunity for your feedback on what we can do to benefit our membership and your organization.

Enclosed you will find a registration form and a draft Retreat Agenda. The final Agenda and Retreat materials will be sent electronically prior to the Retreat. **The Hotel is asking for a firm count by May 1, so we ask for your prompt response for registration.**

Please contact me at bsolarz@dvtrusts.com or Carol Bigham, Director of Member Services, at cbigham@dvtrusts.com, with any questions or concerns.

We look forward to seeing you in Cambridge!

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS
BOARD ACTION SUMMARY

SUBJECT: Consider Approval of Surplus Traffic Control Assets Disposal by Mutual Exchange

MEETING DATE: April 23, 2018

ITEM NUMBER: #17.

MEETING/AGENDA:

ACTION

NONE

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

INITIATED BY: Kevin Costello

Public Works Director

BOARD LIAISON: Candyce Fluehr Chimera, Chairman

BACKGROUND:

The Public Works Department currently has sixteen ASC2 traffic controllers in stock to repair the ASC2 traffic signal controllers at five of the Township's intersections. Most Township intersections have been upgraded to the ASC3 or Colbalt C signal controllers, leaving just five intersections with the older technology.

Signal Control Products, a Township vendor, has a need for the ASC2 controllers, which can no longer be purchased new, for temporary intersections under construction in other municipalities. Signal Control Products has offered to furnish two new Colbalt C controllers (valued at \$2,400 each) in exchange for six of the Township's ASC2 controllers (valued at no more than \$900).

The Township's Public Works Director has indicated that the ten ASC2 controllers remaining in stock after the exchange will be adequate for any emergency needs of the Township and that the remaining five intersections will be upgraded to the ASC3 or Colbalt C, as needed.

According to the Disposal Policy for Personal Property of Township, the disposal process depends on the estimated fair market value of the personal property. Property with an estimated value of less than \$1,000 may be approved for disposal by the Township Manager. Property with an estimated value of \$1,000 or more must be approved for disposal by the Board of Supervisors. Because the estimated resale value of the controllers is \$900, yet the value of the property to be received in exchange is \$4,800, approval from the Board of Supervisors is requested.

ZONING, SUBDIVISION OR LAND DEVELOPMENT IMPACT:

None.

PREVIOUS BOARD ACTION:

None.

ALTERNATIVES/OPTIONS:

None.

BUDGET IMPACT:

None.

RECOMMENDATION:

Recommend the Board approve the exchange of traffic signal controllers, as proposed.

MOTION/RESOLUTION:

BE IT RESOLVED by the Board of Supervisors of Montgomery Township that we hereby approve the disposal of six surplus ASC2 traffic signal controller assets with a value of \$900 to Signal Control Products in exchange for two new Colbalt C controllers with a value of \$4,800 in accordance with the Township's Disposal Policy for Personal Property of Township.

MOTION: _____ SECOND: _____

ROLL CALL:

Tanya C. Bamford	Aye	Opposed	Abstain	Absent
Michael J. Fox	Aye	Opposed	Abstain	Absent
Jeffrey W. McDonnell	Aye	Opposed	Abstain	Absent
Matthew W. Quigg	Aye	Opposed	Abstain	Absent
Candyce Fluehr Chimera	Aye	Opposed	Abstain	Absent

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

Larry Gregan

From: Larry Gregan
Sent: Friday, April 20, 2018 9:59 AM
To: Larry Gregan
Subject: FW: Econolite ASC/2S controllers
Attachments: DisposalofAssets- FINAL APPROVED.pdf

From: Mike Shea [<mailto:mshea@signalcontrol.com>]
Sent: Thursday, March 29, 2018 1:22 PM
To: Kevin Costello <kcostello@montgomerytp.org>
Subject: Econolite ASC/2S controllers

Kevin,

The value of the Townships old ASC/2S controllers is in the \$50 -\$150 range. As you can see below there are a few ASC/2S controllers on EBay, all less than \$70.00 ea. Econolite offered for sale this controller from 1997 and 2005. So even if you purchased the 6 ASC/2S controllers ever built, they are still 13 years old right now.

The maintenance contractor has agreed to purchase 2 ea. Cobalt C controllers (sell for \$2400.00 ea.) in exchange for your 4 new ASC/2S controllers and 2 that are as new as possible. We also offer a Cobalt G controller. This unit has a graphics board installed in it and offers a full graphical user interface. These sell for \$3100 ea. Today I received a memo from PennDOT discussion their newest controller specification. It is calling for an ATC controller. Cobalt is an ATC controller.

Any questions, please feel free to contact me.

Regards,

Mike Shea

Signal Control Products, Inc.
737 Hagey Center Drive, Unit B-1
Souderton, PA 18964
Office: 215-721-2210
Direct: 215.799.6063
Fax: 215.721.2240
Cell: 614.284.2752



Memo

To: Larry Gregan
From: Kevin Costello
cc: Ami Tarburton
Date: April 18, 2018
Re: Surplus Assets Exchange

We are looking to exchange six of our ASC2 traffic signal controllers from stock, total estimated value approximately \$900.00, for two new Colbalt C controllers valued at \$4,800.00. Signal Control Products is going to facilitate the exchange with a contractor that is in need of these for temporary intersections that are under construction.

We currently have 16 ASC2 controllers in stock, so after the exchange we would have 10. We have 5 intersections that still run the ASC2 but most likely will be upgraded to the ASC3 or Colbalt C as needed.

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS
BOARD ACTION SUMMARY

SUBJECT: Consider Payment of Bills

MEETING DATE: April 23, 2018

ITEM NUMBER: #18.

MEETING/AGENDA: WORK SESSION

ACTION XX NONE

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

INITIATED BY: Lawrence J. Gregan
Township Manager



BOARD LIAISON: Candyce Fluehr Chimera,
Chairman of the Board of Supervisors

BACKGROUND:

Please find attached a list of bills for your review.

ZONING, SUBDIVISION OR LAND DEVELOPMENT IMPACT:

None.

PREVIOUS BOARD ACTION:

None.

ALTERNATIVES/OPTIONS:

None.

BUDGET IMPACT:

None.

RECOMMENDATION:

Approval all bills as presented.

MOTION/RESOLUTION:

None.

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

Check Date	Bank	Check	Vendor	Vendor Name	Amount
Bank 01 UNIVEST CHECKING					
04/20/2018	01	22(S)	00000229	GRAINGER	0.00
04/19/2018	01	71320	00000371	HOT FROG PRINT MEDIA, LLC	2,952.30
04/20/2018	01	71321	00000496	21ST CENTURY MEDIA NEWSPAPERS LLC	848.32
04/20/2018	01	71322	00000621	A & A SALES ASSOCIATES, LLC	460.17
04/20/2018	01	71323	00000006	ACME UNIFORMS FOR INDUSTRY	315.76
04/20/2018	01	71324	100000282	ADVANCED DISPOSAL	450.00
04/20/2018	01	71325	00000340	ADVENT SECURITY CORPORATION	60.00
04/20/2018	01	71326	LST00029	AIRGAS SPECIALTY GASES	216.91
04/20/2018	01	71327	MISC-FIRE	ALEXANDER J DEANGELIS	30.00
04/20/2018	01	71328	MISC-FIRE	ANDREW WEINER	45.00
04/20/2018	01	71329	MISC	ANDY'S CARPENTRY & REPAIR	1,200.00
04/20/2018	01	71330	00000043	BERGEY'S	407.59
04/20/2018	01	71331	00901640	BERGEY'S, INC.	48.04
04/20/2018	01	71332	00902946	BETTE'S BOUNCES, LLC	4,004.40
04/20/2018	01	71333	00000209	BOUCHER & JAMES, INC.	7,112.65
04/20/2018	01	71334	100000405	C.E.S.	895.08
04/20/2018	01	71335	00000071	CANON SOLUTIONS AMERICA, INC.	1,374.51
04/20/2018	01	71336	MISC-FIRE	CARL HERR	30.00
04/20/2018	01	71337	00001601	CDW GOVERNMENT, INC.	635.70
04/20/2018	01	71338	00091234	CENERO, LLC	1,349.46
04/20/2018	01	71339	100000667	CLYDE S. WALTON INC.	353.82
04/20/2018	01	71340	00000363	COMCAST	690.20
04/20/2018	01	71341	00000335	COMCAST CORPORATION	1,410.22
04/20/2018	01	71342	00000931	COMMONWEALTH OF PENNSYLVANIA	3,500.00
04/20/2018	01	71343	00001937	CONCOURS AUTOMOTIVE	881.28
04/20/2018	01	71344	00000329	CRAFCO, INC.	2,700.00
04/20/2018	01	71345	MISC-FIRE	DAVID P BENNETT	60.00
04/20/2018	01	71346	00000629	DAVIDHEISER'S INC.	205.00
04/20/2018	01	71347	00001556	DCED-PA DEPT OF COMMUNITY &	697.50
04/20/2018	01	71348	100000291	DEGLER-WHITING, INC.	1,800.00
04/20/2018	01	71349	00000118	DEL-VAL INTERNATIONAL TRUCKS, INC.	57.11
04/20/2018	01	71350	00000125	DISCHELL, BARTLE DOOLEY	10,770.00
04/20/2018	01	71351	00000125	VOID	0.00 V
04/20/2018	01	71352	00905026	DON LEN INC.	254.40
04/20/2018	01	71353	100000669	E-WASTE EXPERTS, INC	200.00
04/20/2018	01	71354	00001332	EAGLE POWER & EQUIPMENT CORP	234.00
04/20/2018	01	71355	03214663	ELITE 3 FACILITIES MAINTNEANCE, LLC	4,240.00
04/20/2018	01	71356	00001466	FEDEX OFFICE	30.00
04/20/2018	01	71357	03214568	FULTON CARDMEMBER SERVICES	4,506.66
04/20/2018	01	71358	00000672	GET IT GOT IT LLC	99.75
04/20/2018	01	71359	00000219	GLOBAL EQUIPMENT COMPANY	146.14
04/20/2018	01	71360	100000210	GREEN GUARD FIRST AID & SAFETY	24.68
04/20/2018	01	71361	00906083	HEAD START SPORTS, INC	565.00
04/20/2018	01	71362	100000162	HERMAN GOLDNER COMPANY, INC.	925.00
04/20/2018	01	71363	00000903	HOME DEPOT CREDIT SERVICES	107.28
04/20/2018	01	71364	00000102	INTERSTATE BATTERY SYSTEMS OF	138.95
04/20/2018	01	71365	100000668	J & K SECURE SHREDDING, LLC	343.75
04/20/2018	01	71366	MISC-FIRE	JAKE WELTMAN	60.00
04/20/2018	01	71367	MISC-FIRE	JON WASHINGTON	70.00
04/20/2018	01	71368	00000377	KATHY'S JUST DESSERTS, INC.	210.00
04/20/2018	01	71369	00000264	KENCO HYDRAULICS, INC.	454.44
04/20/2018	01	71370	100000651	LA POLICE GEAR, INC.	823.00
04/20/2018	01	71371	00000527	MACENTEE AUTO GLASS	350.00
04/20/2018	01	71372	00000687	MARLANE GRAPHICS, INC.	203.87
04/20/2018	01	71373	00000689	MARY KAY KELM, ESQUIRE	875.00
04/20/2018	01	71374	MISC-FIRE	MARY NEWELL	160.00
04/20/2018	01	71375	00000201	MASTERTECH AUTO SERVICE, LLC	46.65
04/20/2018	01	71376	00000974	MCCARTHY AND COMPANY, PC	665.17
04/20/2018	01	71377	100000665	MIA MUN	140.00
04/20/2018	01	71378	MISC-FIRE	MICHAEL D. SHINTON	30.00
04/20/2018	01	71379	MISC-FIRE	MICHAEL SHEARER	60.00
04/20/2018	01	71380	MISC-FIRE	MIKE BEAN	30.00
04/20/2018	01	71381	100000188	MJ EARL	523.10
04/20/2018	01	71382	00002073	MORTON SALT INC	5,810.80
04/20/2018	01	71383	00000540	MYSTIC PIZZA	198.00
04/20/2018	01	71384	MISC	NELSON	1,290.00
04/20/2018	01	71385	00001134	OFFICE DEPOT, INC	207.54
04/20/2018	01	71386	03214653	OVERHEAD DOOR CORPORATION	276.00
04/20/2018	01	71387	MISC-FIRE	PAUL R. MOGENSEN	80.00
04/20/2018	01	71388	00000397	PECO ENERGY	14,168.00
04/20/2018	01	71389	00000399	PECO ENERGY	7,833.72
04/20/2018	01	71390	MISC	PECO ENERGY	340.00

04/20/2018 12:57 PM
User: msanders
DB: Montgomery Twp

CHECK REGISTER FOR MONTGOMERY TOWNSHIP
CHECK DATE FROM 04/10/2018 - 04/23/2018

Page: 2/2

Check Date	Bank	Check	Vendor	Vendor Name	Amount
04/20/2018	01	71391	00000595	PENN VALLEY CHEMICAL COMPANY	1,173.21
04/20/2018	01	71392	00000388	PENNSYLVANIA ONE CALL SYSTEM, INC.	114.00
04/20/2018	01	71393	MISC	PERFUME ISLAND	57.65
04/20/2018	01	71394	00000009	PETTY CASH	135.26
04/20/2018	01	71395	00000447	PETTY CASH - POLICE	141.58
04/20/2018	01	71396	00001171	PHILA OCCHEALTH/DBA WORKNET OCC	235.60
04/20/2018	01	71397	00000446	PHISCON ENTERPRISES, INC.	100.00
04/20/2018	01	71398	00000945	PIPERSVILLE GARDEN CENTER, INC.	6.24
04/20/2018	01	71399	00000345	PRINTWORKS & COMPANY, INC.	186.77
04/20/2018	01	71400	100000662	QUICK LANE	132.45
04/20/2018	01	71401	MISC-FIRE	RACHEL GIBSON	60.00
04/20/2018	01	71402	MISC-FIRE	RACHEL TROUTMAN	30.00
04/20/2018	01	71403	00906102	READY REFRESH	273.56
04/20/2018	01	71404	00000430	REM-ARK ALLOYS, INC.	279.75
04/20/2018	01	71405	00001146	RESERVE ACCOUNT	2,000.00
04/20/2018	01	71406	00000117	RIGGINS INC	1,399.88
04/20/2018	01	71407	00000115	RIGGINS, INC	2,749.68
04/20/2018	01	71408	00001972	ROBERT L. BRANT	682.50
04/20/2018	01	71409	MISC-FIRE	ROBERT MCMONAGLE	45.00
04/20/2018	01	71410	MISC-FIRE	RYAN ALLISON	75.00
04/20/2018	01	71411	MISC-FIRE	RYAN CROUTHAMEL	15.00
04/20/2018	01	71412	MISC-FIRE	RYAN RUDELL	45.00
04/20/2018	01	71413	MISC	SAL'S NURSERY & LANDSCAPING, INC.	1,200.00
04/20/2018	01	71414	MISC	SCOOGIE EVENTS LLC	500.00
04/20/2018	01	71415	00001939	SERVICE TIRE TRUCK CENTERS	354.12
04/20/2018	01	71416	MISC	SPECIALTY RETAIL FABRICATORS	280.00
04/20/2018	01	71417	100000411	SPENCER D. BORINE	70.00
04/20/2018	01	71418	00000015	SPRINT	450.98
04/20/2018	01	71419	00001394	STANDARD INSURANCE COMPANY	7,347.90
04/20/2018	01	71420	00001847	STAPLES CONTRACT & COMMERCIAL, INC.	168.37
04/20/2018	01	71421	MISC-FIRE	STEVE SPLENDIDO	15.00
04/20/2018	01	71422	00000485	SYRENA COLLISION CENTER, INC.	2,354.18
04/20/2018	01	71423	00001783	THE HOMER GROUP	337.64
04/20/2018	01	71424	100000666	THERESA JACKSON	510.00
04/20/2018	01	71425	00002020	THOMSON REUTERS	210.00
04/20/2018	01	71426	00001273	TIM KUREK	684.50
04/20/2018	01	71427	00001771	TIMAC AGRO USA	3,375.00
04/20/2018	01	71428	MISC-FIRE	TREVOR DALTON	30.00
04/20/2018	01	71429	00000500	U.S. BANK	139,615.00
04/20/2018	01	71430	100000012	USA FOOTBALL	1,600.00
04/20/2018	01	71431	00000520	VALLEY POWER, INC.	811.05
04/20/2018	01	71432	00000040	VERIZON	139.99
04/20/2018	01	71433	MISC-FIRE	VINAY SETTY	180.00
04/20/2018	01	71434	MISC-FIRE	VINCE ZIRPOLI	90.00
04/20/2018	01	71435	MISC	Vivint Solar Developer, LLC	224.50
04/20/2018	01	71436	00001980	WALT H. DE TREUX 3RD	9,000.00
04/20/2018	01	71437	00001329	WELDON AUTO PARTS	928.86
04/20/2018	01	71438	MISC-FIRE	WILLIAM WIEGMAN	90.00

01 TOTALS:

(1 Check Voided)

Total of 119 Disbursements:

272,787.14

04/19/2018

Check List
For Check Dates 04/10/2018 to 04/23/2018

Check

Date	Name	Amount
04/11/2018	STATE OF PA	State Tax Payment \$ 8,865.55
04/16/2018	BERKHEIMER	1st Qtr. EIT Payment \$ 19,010.88
04/16/2018	BERKHEIMER	1st Qtr. LST Payment \$ 1,186.00
04/17/2018	PA UC FUND	1st Qtr. UC-2 Payment \$ 1,008.07
04/19/2018	BCG 401	401 Payment \$ 16,168.39
04/19/2018	BCG 457	457 Payment \$ 10,763.21
04/19/2018	PA SCDU	Withholding Payment \$ 1,011.52
04/19/2018	UNITED STATES TREASURY	941 Tax Payment \$ 73,252.31
Total Checks: 8		\$ 131,265.93