

**MINUTES OF MEETING
MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS
AUGUST 23, 2021**

1. Call to Order: The August 23, 2021 public meeting of the Montgomery Township Board of Supervisors was held at the Montgomery Township Municipal Building, 1001 Stump Road, Montgomeryville, PA. Chair Tanya C. Bamford called the meeting to order at 7:00 p.m.

IN ATTENDANCE:

Chair Tanya C. Bamford
Vice Chair Matthew W. Quigg
Supervisor Candyce Fluehr Chimera
Supervisor Annette M. Long
Supervisor Beth A. Staab
Township Manager, Carolyn McCreary
Township Solicitor, Sean Kilkenny, Esq.

ALSO IN ATTENDANCE:

Police Chief, J. Scott Bendig
Director of Administration & HR, Ann Shade
Director of Planning and Zoning, Bruce Shoupe
Director of Public Works, Greg Reiff
Director of Rec & Community Ctr, Floyd Shaffer
Director of IT, Rich Grier
Recording Secretary, Deborah A. Rivas
Public Information Coordinator, Derek Muller

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

- Montgomery Township Day community event is scheduled for Saturday, October 9, 2021 from 1pm to 6pm at the William F. Maule Park at Windlestrae Park. Township officials are monitoring current events concerning the surge in COVID cases locally and a decision will be made with regard to continuing the event as the date approaches.
- The Township wishes to thank everyone who donated to the Build-a-Bag Backpack and School Supply Drive.
- Michael "Scoogie" Snyder announced that the annual Turkey Trot which is held the morning of Thanksgiving along the Route 202 Parkway will officially be called the MoTown Turkey Trot in 2021.

4. Public Comment – Under public comment, Gary Gelbart of 103 Preserve Lane stated that residents are very pleased about Friendship Park but are concerned about the use of port-a-potties for bathroom facilities and neighbors are not happy about staring at outhouses that belong to construction sites.

Hana Mondelblatt of 109 Preserve Lane stated that she is surprised and disappointed because no matter where she looks out her window, the port-a-potties are in her view.

Lee Stein of 128 Bayhill Drive suggested a portable bathroom facility that uses composting rather than needing to be emptied by a truck.

Ms. Bamford thanked the residents for their feedback and said that numerous requests were made from people enjoying the park for restroom facilities, which is why the port-a-potties were delivered there. Staff did try to position them in a way that was unobtrusive, but still convenient and accessible to the play areas. Ms. McCreary reported that the Public Works crew will be putting up a structure around the area so that it is partially hidden.

5. Announcement of Executive Session – Township Solicitor Sean Kilkenny, Esquire, announced that the Board of Supervisors met in an Executive Session prior to this public meeting at 6:30 p.m. to discuss one litigation matter and one personnel matter. Mr. Kilkenny stated that the topics discussed are legitimate subjects of an Executive Session pursuant to the Commonwealth of Pennsylvania’s Sunshine Law.

6. Consent Agenda:

MOTION: Upon motion by Ms. Bamford, seconded by Ms. Chimera and unanimously carried, the minutes of the August 9, 2021 meeting and the Bills List dated August 23, 2021 were approved as presented.

7a. Presentation: Recognition of Katie Farrell, Jefferson Lansdale Hospital: Police Chief Bendig announced that the Township’s emergency services would like to recognize Katie Farrell, Chief Administrative Officer of Abington-Lansdale Hospital for her efforts in providing COVID-19 vaccinations for Montgomery Township’s first responders.

MOTION: Upon motion by Ms. Bamford, seconded by Ms. Staab and unanimously carried, the Board recognized Katie Farrell.

7b. Presentation: Swearing-in of Police Officers Rardin and Hernandez: Police Chief Bendig presented, after an extensive hiring process, the top two candidates, Michael Rardin and Eric Hernandez to be sworn in as Recruit Police Officers.

MOTION: Upon motion by Ms. Long, seconded by Mr. Quigg and unanimously carried, the Board appointed Michael Rardin and Eric Hernandez to the position of Recruit Police Officers in the Montgomery Township Police Department, effective August 24, 2021.

8. Solicitor’s Report: Mr. Kilkenny reported on the 2021 Sunshine Act Changes and updated the Board on new publishing requirements, the Board’s limited ability to act on non-agenda items, the required procedures to act on non-agenda items and the effects of not following the new procedures. These amendments are effective August 29, 2021.

Planning & Zoning:

9. Public Hearing: Ordinance #21-320Z – Text Amendment HLI-Zoning District – Proposed Residential Use at Higher Rock Mixed Use Development: Ms. Bamford opened the public

hearing at 7:33 p.m. Notes of testimony were taken by Court Stenographer Tim Kurek. Chris Canavan, President of W.B. Homes, provided a summary of the request for a text amendment to add residential use to the HLI District for the Higher Rock Mixed Use Development. Mr. Canavan explained that there is one remaining undeveloped pad site at the Higher Rock location of approximately four acres. A plan was presented previously, and staff worked with W.B. Homes to come up with a text amendment that would permit this use. The concept plan is to build 36 townhomes on the site with pedestrian connectivity a priority. Discussion followed.

Upon motion by Ms. Bamford, seconded by Ms. Long and unanimously carried, the hearing was closed at 7:45 p.m.

MOTION: Upon motion by Ms. Bamford, seconded by Ms. Long and unanimously carried, Ordinance #21-320Z – Text Amendment HLI Zoning District – Residential Use at Higher Rock Mixed Use Development was approved.

10. Krispy Kreme Preliminary/Final Land Development Plan Approval: Amy Farrell, Esquire, representing the applicant, summarized the proposed redevelopment of the former Applebee's site. The proposed plan is to remove the existing building, reconfigure the site area and construct a little over 4,000 square foot Krispy Kreme building, with a 480 square foot outdoor dining component. The applicant has agreed to reconstruct the non-ADA compliant curb ramp at the corner of Knapp Road and Route 309, but is requesting that the resolution be modified to allow that site and building permits be issued, and construction be allowed to occur while the PennDOT review is ongoing, because typically those reviews take a long time. The applicant is agreeable to the resolution as presented otherwise. Under public comment, Joanne Cunningham, North Wales, commented about the queue line and where the cars will be lining up. Ms. Cunningham stated that there is a lot of pedestrian traffic in that area. Ms. Judith Stern-Goldstein responded that the queuing for the drive-thru will be further evaluated and addressed.

MOTION: Upon motion by Ms. Bamford, seconded by Mr. Quigg and unanimously carried, the Board granted preliminary/final land development approval to the Krispy Kreme development, with the modification to allow for site and building permits to be issued and construction to be permitted while the PennDOT review of the ADA curb ramp is underway.

11. Advertisement of Proposed Landscape Ordinance Amendment: Ms. McCreary reported that recent discussions with Township staff and professionals pointed to the need to update the Township's landscape ordinance. Updates will better reflect the current conditions within the Township, provide more flexibility, and meet the Township's performance goals.

MOTION: Upon motion by Ms. Bamford, seconded by Ms. Staab and unanimously carried, the Board authorized the advertisement of the proposed amendment to the Township's landscape ordinance.

12. Board Positions for Zoning Hearing Board Applications: Mr. Shoupe presented three applications to be considered by the Zoning Hearing Board at their September meeting. The first application is for 129 Preston Drive for the construction of a patio. The second application is for 121 Country Lane for the construction of a deck. The third application is for 111 David Lane for a variance to operate a personal / boxing training facility within the garage of the home. The Board declined to intervene on the applications.

Public Safety:

13. Adoption of “No Parking” Ordinance Amendment for Bridle Path Road:

MOTION: Upon motion by Ms. Bamford, seconded by Ms. Chimera and unanimously carried, the Board adopted an amendment to Chapter 222, Article IV Stopping, Standing, and Parking, section 222-20 *Parking prohibited at all times* regulating parking on Bridle Path Road.

Recreation:

14. Approval of Fall 2021 Recreation Programs and Fees: Recreation Program Supervisor Angelina Capozzi presented the proposed Fall 2021 Recreation Programs and Fees.

MOTION: Upon motion by Ms. Chimera, seconded by Mr. Quigg and unanimously carried, the Board approved the 2021 Fall Recreation Program and Fee Schedule amendment submitted.

15. Purchase of Solar Parking Lot Lighting with EPA Grant Funds: Mr. Shaffer reported that the Township received funds from the Department of Environmental Protection during the first quarter of 2021. The grant application process stipulated that proposed projects had to involve “Green Initiatives” that are energy efficient. Staff proposed the installation of additional solar street lights near the Community Recreation Center’s Stump Road entrance and a grant was awarded in the amount of \$24,680.00. The purchase and installation of the two solar lights has been quoted in the amount of \$26,354.94 under a PA COSTARS contract.

MOTION: Upon motion by Ms. Bamford, seconded by Ms. Staab and unanimously carried, the Board approved the expenditure of \$26,354.94 for the purchase and installation of two new solar parking lot lights at the Community and Recreation Center.

Administration & Finance:

16. Proposal for Energy Assessment and Development of Ready for 100 Plan: Ms. McCreary outlined the steps that the Board previously approved for the Ready for 100 Renewable Energy resolution. Staff recommended the Township contract with a consultant to guide the committee in the process, and ensure the work doesn’t stall given the short timeframe to work with.

MOTION: Upon motion by Ms. Chimera, seconded by Ms. Staab and unanimously carried, the Board accepted the proposal from Practical Energy Solutions dated August 17, 2021 in the amount of \$9,900.00 and authorized the Township Manager to execute the agreement.

17. Proposal to Amend Wireless Facilities Ordinance: Ms. McCreary reported that on June 30th, Act 50 was signed into law. This act adds a new set of regulations to municipal management of small cell wireless facilities in the public rights-of-way. Due to these recent legislative and legal actions, staff recommends the Board accept the proposal from the Cohen Law Group thereby positioning the Township to be in full compliance with the Commonwealth legislation and FCC order concerning small wireless facilities.

MOTION: Upon motion by Ms. Bamford, seconded by Mr. Quigg and unanimously carried, the Board approved the proposal from the Cohen Law Group dated August 10, 2021 for wireless facilities management services in the amount of \$4,800.

18. Authorization to Issue Note for Capital Investment Plan: Ms. McCreary reported that at the last meeting, the Board discussed the Capital Investment Plan, as well as the potential for the Township to borrow money. A majority of the Board authorized staff to move forward with the advertisement for borrowing. Currently, expenditures for the next five years are about \$17.5 million, and without borrowing funds, we would be using a little over \$12 million of the fund balance in the capital, and we do not have \$12 million. With interest rates being historically low, it was the recommendation of staff that we consider borrowing \$15 million. Ms. McCreary stated that this borrowing to maintain capital projects, traffic signals, roads, stormwater, etc. would not only benefit the residents who are here now but are going to benefit residents in future generations. Nothing in the capital investment plan is fluff and the concern if we wait, even for a few years, is the interest rates will be higher and if we have to borrow in the future, it is going to cost more. Discussion followed.

MOTION: Upon motion by Ms. Bamford, seconded by Mr. Quigg and carried by a majority vote of 3 to 2, with Ms. Chimera and Ms. Long voting no, the Board authorized the incurrence of Non-Electoral, General Obligation debt pursuant to the issuance of the General Obligation Notes, 2021 A Series in the aggregate principal amount of \$15 million for certain capital projects.

Other Business:

19. Other Business: Department and Committee Liaison Reports: There were no questions for the Department heads regarding their reports for the month of July.

At the request of Ms. Bamford, each Department has been asked to be featured each month and provide an update at the meeting. The Police Department was selected for this meeting. Chief Bendig provided an update on traffic in the township and tracking serious accidents and the steps being taken by the police department to assist motorists in minimizing accidents as much as

possible. Chief Bendig stated that distracted driving has been a continuous problem with drivers using their phones in vehicles.

20. Committee Liaison Reports: Ms. Chimera reported that the Planning Commission reviewed the Outdoor Dining Ordinance. The Business Development Partnership did not meet in August. Ms. Staab reported that the Shade Tree Commission discussed their 2021 planting projects, and a Copper Beech tree was to be installed at the Recreation Center. In addition, there will be a community forestry workshop taking place in the near future.

21. Adjournment: Upon motion by Ms. Bamford and seconded by Ms. Chimera, the meeting was adjourned at 8:45 p.m.

Respectfully submitted,

Deborah A. Rivas, Recording Secretary