

**MINUTES OF MEETING
MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS
FEBRUARY 14, 2022**

1. Call to Order: The February 14, 2022 public meeting of the Montgomery Township Board of Supervisors was held at the Montgomery Township Municipal Building, 1001 Stump Road, Montgomeryville, PA. Chairwoman Tanya C. Bamford called the meeting to order at 7:00 p.m.

IN ATTENDANCE:

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

ALSO, IN ATTENDANCE:

Police Chief, J. Scott Bendig
Director of Fire Services, William Wiegman
Director of Finance, Brian Shapiro
Director of Administration & HR, Ann Shade
Director of Rec. & Community Ctr., Floyd Shaffer
Director of Information Technology, Rich Grier
Public Information Coordinator, Derek Muller
Deputy Zoning Officer Marianne McConnell
Recording Secretary, Deborah A. Rivas

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

- The Township is currently hiring for summer seasonal positions. These opportunities include Summer Laborer with the Public Works Department and various positions within the Kids University Summer Program. More information about these opportunities can be found on the Township's website.

4. Public Comment – There was no public comment from the audience.

5. Announcement of Executive Session – Township Solicitor Sean Kilkenny, Esquire, announced that the Board of Supervisors met in an Executive Session earlier this evening at 6:45 p.m. to discuss a matter of potential litigation. Mr. Kilkenny stated that the topic discussed is a legitimate subject 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 January 24, 2022 meeting, the ratification of the Payment of Bills for January 24, 2022, and the Payment of Bills for February 14, 2022 were approved as presented.

7. Recognition – Black History Month (Resolution 2022-07): Ms. Bamford announced that the Board was proud to recognize the month of February as Black History Month for the first time in Montgomery Township by official resolution.

MOTION: Upon motion by Ms. Bamford, seconded by Ms. Ware and unanimously carried, the Board adopted Resolution No. 2022-07 recognizing February as Black History Month.

Planning and Zoning:

8. Land Development Waiver – Fence Guys, 111 Domorah Drive – Ms. McCreary reported that the applicant proposes to construct a 1440 square foot pole barn in the rear of the property to be attached on the north side of the existing building. The area is an existing impervious area. The property sits within the LI-Limited Industrial District and is currently improved with a one-story office/warehouse building with associated parking and outdoor storage area. Review letters from the Township Engineer and Public Safety staff indicated there are no concerns with this request.

MOTION: Upon motion by Ms. Chimera, seconded by Ms. Bamford and unanimously carried, the Board approved Resolution #2022-10, granting a waiver of the requirement of a formal land development application for the Fence Guys, located at 111 Domorah Drive for a 1440 square foot pole barn.

9. Land Development Waiver – Harbor Freight, 978 Bethlehem Pike: Ms. McCreary reported that the applicant proposes to construct a new loading area and forklift ramp at the southwest corner of an existing two-tenant building. Harbor Freight Tools will occupy the 15,627 square foot space formerly occupied by Thomasville Furniture. The applicant has submitted permits and building plans for the proposed interior alternations to the building and loading area with forklift ramp. No additional exterior work is proposed. The applicant has reviewed the Consultants and Township letters and has submitted response letters complying with all comments noted.

MOTION: Upon motion by Ms. Bamford, seconded by Ms. Long and unanimously carried, the Board approved Resolution #2022-11, granting a waiver of the requirement of a formal land development application for Harbor Freight Tools, located at 978 Bethlehem Pike for the construction of a loading dock with forklift ramp.

10. Escrow Release 14 – Firefox Phase 1 and Start of 18-Month Maintenance Period:

MOTION: Upon motion by Ms. Chimera, seconded by Ms. Ware and unanimously carried, the Board authorized the construction escrow release in the amount of \$358,344.84 as recommended by the Township Engineer for Crystal Road Enterprise, LLC, contingent upon payment of all outstanding bills and the submission of an 18-month Financial Maintenance Surety approved by the Township Solicitor.

Administration and Finance:

11. Resolution Establishing Authorized Signatures: Ms. McCreary reported that the Township's main operating and savings accounts are with Univest Bank and Trust Co. They require a yearly resolution establishing authorized signers for all accounts. The positions identified in the resolution as authorized signers are: Board of Supervisors Chairperson, Vice Chairperson, Township Manager and Director of Finance.

MOTION: Upon motion by Ms. Bamford, seconded by Ms. Chimera and unanimously carried, the Board approved Resolution #2022-08, establishing authorized signers for all accounts at Univest Bank and Trust Co.

12. Business Credit Card Account: Ms. McCreary reported that the Township currently utilizes Fulton Bank business credit cards for certain purchases of the Township. The cards are a secondary purchasing source and only used on a limited basis to facilitate certain purchases. Due to the current setup with Fulton Bank, the Finance Department has limited control to help assist the cardholders. Only the department head may contact Fulton Bank to resolve issues and make other necessary adjustments. The Finance Department is recommending canceling the business account with Fulton Bank and establishing a corporate account with T.D. Bank. A corporate account will allow the Finance Department to assist department heads with any issues and provide on-line access to manage each cardholder's account. The Township did discuss a corporate account with Fulton Bank and they do not provide that service, nor does Univest Bank.

MOTION: Upon motion by Ms. Bamford, seconded by Ms. Staab and unanimously carried, the Board approved Resolution #2022-09, establishing a corporate business credit card account with T.D. Bank.

Ms. Bamford requested Mr. Shapiro to provide an explanation of the ARPA funds that have been received by the Township and what the funds can be used for. The American Rescue Plan Act (ARPA), signed into law in March 2021, provides funds in relief to states and local governments to combat the continued impact of the COVID-19 pandemic. Mr. Shapiro reported that to date the Township has received \$1.3 million and will receive an additional \$1.3 million next year. A bank account, separate from the Township's business accounts, was established. The funds cannot be used for bills or other general Township expenses and there will be strict reporting rules. Eligible uses of these funds include:

- Revenue replacement for the provision of government services to the extent of the reduction in revenue due to the COVID-19 public health emergency, relative to revenues collected in the most recent fiscal year prior to the emergency,
- COVID-19 expenditures or negative economic impacts of COVID-19, including assistance to small businesses, households, and hard-hit industries, and economic recovery,
- Premium pay for essential workers,
- Investments in water, sewer, and broadband infrastructure.

Ms. McCreary explained that the Township has until 2025 to spend the money and plans to use the funds for its significant stormwater mitigation efforts and MS4 requirements, which can include basin retrofitting and education of residents.

13. IRS Section Updates Required for Non-Sworn Employees' 401(a) Plan: Ms. McCreary reported that last year the Board approved changes to the Township's 401(a) Pension Plan. Those changes were submitted to the plan administrator, Empower. Any plan change prompts a review of the entire plan. During that review, Empower identified a regulatory item, IRS Notice 2017-37, that should be incorporated into the plan documents. This establishes a six-year review cycle in which the IRS publishes Cumulative Lists to identify changes in the qualification requirements that will be considered by the IRS in its review of pre-approved plan documents for purposes of issuing opinion letters. A change in the qualification requirements includes a statutory change or a change in the requirement provided in regulations or other guidance published in the Internal Revenue Bulletin. The plan documents allow for the Township Manager to execute the changes to the plan.

Public Safety:

14. PA Office of the State Fire Commissioner Grant Awards: Chief Wiegman reported that the Department of Fire Services and the Fire Department of Montgomery Township applied for the 2021-2022 PA Office of State Fire Commissioner Grant in the Fall of 2021. The DFS and FDMT were notified on January 31, 2022 that both agencies were awarded the full grant amount of \$15,000.00. The grant money will be utilized to purchase new rope and confined space rescue equipment that will replace the department's aging technical rescue equipment.

MOTION: Upon motion by Ms. Bamford, seconded by Ms. Chimera and unanimously carried, the Board approved the PA Office of State Fire Commissioner Grant Awards of \$15,000.00 for the DFS and \$15,000.00 for the FDMT.

15. Tower 18 Mounting of Equipment: Chief Wiegman reported that the new Tower truck will need to have the equipment and tools mounted on the apparatus prior to the Tower being placed in service with the Township and the County. The Department requested three bids and Campbell Supply Company, the dealer for Tower 18, provided a service estimate of \$21,495.10. The other two companies were unable to perform the work for a least three to five months.

MOTION: Upon motion by Ms. Chimera, seconded by Ms. Long and unanimously carried, the Board approved the service estimate for the mounting of tools and equipment on Tower 18 by Campbell Supply Company in the amount of \$21,495.10.

16. Fire Services Agreement – Proposed Amendments: Chief Wiegman reported that he and Ms. McCreary have been working to eliminate any conflicting language in the fire services agreement and ordinance while the volunteers of FDMT are simultaneously updating their bylaws. This is being done to support the vision of One Department, One Mission. The Board recently adopted

the ordinance changing the title of Director of Fire Services to Fire Chief. Amending the fire services agreement will complete that change.

MOTION: Upon motion by Ms. Bamford, seconded by Ms. Staab and unanimously carried, the Board approved and executed the amended Fire Services Agreement.

17. Discussion – Proposed Ordinance Regarding Dogs in Township Parks: Chief Bendig reported that in January 2022, the Public Safety Committee addressed correspondence received from a Montgomery Township resident regarding dogs running at large in Montgomery Township parks. At present, the Township has no mechanisms in place requiring dogs to be on leash within Township Parks. Currently, the Police Department utilizes a provision under the Pennsylvania Dog Law that does not require dogs to be on a leash, only *under the reasonable control of some person*. Staff reviewed ordained municipal park regulations in surrounding communities, many of whom require dogs to be on a leash while in municipality-owned parks. Ms. Bamford and Ms. Ware indicated that they are aware of residents who meet with their dogs in Hourglass and Friendship parks and allow the dogs to play together off leash. Ms. Chimera asked Chief Bendig if the Police Department received many calls regarding dogs off leash and he indicated that they do not receive very many. They do receive a lot of dog bites which must be investigated. After some discussion the Board agreed to ask Chief Bendig to evaluate dogs off leash complaints for the next six months and report back to the Board. In addition, Ms. Chimera commented on vehicles parked in Township parks after hours and after discussion, the Board asked Chief Bendig to move forward with crafting an ordinance to prohibit parking of vehicles in Township parks after hours.

Public Works:

18. 2022 Annual Road Paving Project:

MOTION: Upon motion by Ms. Bamford, seconded by Ms. Chimera and unanimously carried, the Board authorized the advertisement of the bid for the 2022 Road Paving projects.

19. Sassafras Stormwater Pipe Replacement Project:

MOTION: Upon motion by Ms. Chimera, seconded by Ms. Long and unanimously carried, the Board authorized the advertisement of the bid for the Sassafras Stormwater Pipe Replacement project.

20. Purchase of Zero-Turn Mower:

MOTION: Upon motion by Ms. Bamford, seconded by Ms. Chimera and unanimously carried, the Board awarded the contract for the purchase of one 2022 Toro Z Master 7500D Series (Model #72076) Zero-Turn Mower from Turf Equipment and Supply

Company, an authorized vendor under the Co-Stars Cooperative Purchase Program, at a total cost of \$23,576.35 per their quote dated January 16, 2022.

21. Purchase of Backhoe:

MOTION: Upon motion by Ms. Chimera, seconded by Ms. Bamford and unanimously carried, the Board awarded the contract for the purchase of one Case 590SN T4 Backhoe from Eagle Power and Equipment, an authorized vendor under the Co-Stars Cooperative Purchase Program, at a total cost of \$152,243.00 per their quote dated January 24, 2022.

22. Purchase of a Vibratory Roller:

MOTION: Upon motion by Ms. Chimera, seconded by Ms. Long and unanimously carried, the Board awarded the contract for the purchase of one Case DV36E T4 Vibratory Roller from Eagle Power and Equipment, an authorized vendor under the Co-Stars Cooperative Purchase Program, at a total cost of \$65,643.00 per their quote dated January 25, 2022.

At the conclusion of this motion, Ms. Bamford mentioned that there were some icing issues that are a reoccurring problem and complaints have been received about the intersection of Canterbury Drive and Upper State Road. Ms. Bamford asked staff to investigate this issue to see if there is something that can be done about it.

23. Proposed Property Dimensions to Accommodate Chickens: Ms. McCreary reported that this matter was previously brought before the Board to obtain consensus about the proposed use on residential properties, and the recommended size of the property. Based on the consensus of the majority of the past Board, Township staff prepared language for an ordinance that would permit the keeping of backyard chickens on residential properties 20,000 SF or greater. This would not apply to properties where an HOA is in place that prohibits this. Additionally, if property owners cannot meet the setback requirements for an accessory structure or other requirements noted in the ordinance, they will need to seek relief from the Zoning Hearing Board in the form of a variance. Other requirements proposed were listed.

Discussion followed regarding inspections, permitted usage vs. special exception and the various requirements were discussed. Ms. Chimera indicated that she had concerns about residential neighbors not having to be notified if the use was permitted by right.

Under public comment, Valerie Moyer of 116 Gwynmont Circle stated that she appreciated the time and attention that the Board has given this subject. She stated that the requirements being proposed have restrictions that would prohibit her family from putting up a coop. She asked the Board to reconsider the setback requirements and make them reasonable for most residents in the Township.

Emily Stark of 134 Heartwood Drive wanted to share her interest and support of raising chickens. Ms. Stark worked in a long-term care center as an activity director and she has raised chickens for the residents to adopt and care for. She said that she supports the raising of backyard chickens.

Harry Ettinger of 305 Cowpath Road stated that he is in favor of chickens and that he currently has his own backyard coop. He has not had a single complaint from any neighbors. He gives eggs to his neighbors and he keeps his chickens purely for the eggs. Mr. Ettinger stated that the requirements in the proposed ordinance are not reasonable because you are asking residents to put a 10 x 10 coop in a 20,000 square foot property. He feels that the requirements are too restrictive, and that the Township should consider a trial run and test the process with five people. He also said that he is willing to work with whomever wants to spearhead any further efforts on this subject.

Ms. Bamford took a poll of the Supervisors regarding the lot size suggested and all five Board members were in favor of 20,000 square feet of property or larger. Ms. Long and Ms. Chimera preferred that the use be by special exception and Ms. Bamford, Ms. Staab and Ms. Ware preferred that the use be permitted by right. The Board agreed that they would prefer to revisit this matter in the future if experience dictates that is necessary.

Under additional public comment, Amy Hanson of 116 Gwynmont Circle stated that after reviewing the proposed ordinance requirements, she believes that most residents will be unable to meet them and will still have to apply for a variance. Most people who raise chickens will want to give them more space than 100 square feet as it is more humane and provides more room, leads to less noise, less pecking, running around and less smell. Ms. Hanson stated that another concern was a different approach to predator proofing and securing the coop as there are ways to do it besides trenching down underneath.

MOTION: Upon motion by Ms. Bamford, seconded by Ms. Staab and carried by a vote of 3 to 2, with Ms. Long and Ms. Chimera voting nay, the Board authorized the preparation and advertisement of an ordinance permitting the keeping of backyard chickens on residential properties.

15. 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