

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

**1. Call to Order:** The September 12, 2022, public meeting of the Montgomery Township Board of Supervisors was held at the Montgomery Township Municipal Building, 1001 Stump Road, Montgomeryville, PA. Chairwoman Tanya C. Bamford called the meeting to order at 7:00 p.m.

**IN ATTENDANCE:**

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

**ALSO, IN ATTENDANCE:**

Police Chief, J. Scott Bendig  
Fire Chief, William F. Wiegman  
Director of Finance, Brian Shapiro  
Director of Planning, Bruce Shoupe  
Director of Public Works, Greg Reiff  
Director of Information Technology Rich Grier  
Public Information Coordinator Derek Muller  
Recording Secretary, Deborah Rivas

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

- The PA Department of Conservation and Natural Resources has awarded a grant in the amount of \$250,000 for improvements to Whistlestop Park. Work to be done includes renovation of pedestrian walkways and softball field; construction of internal loop trail, pickleball courts, and stormwater measures; installation of play equipment with required safety surfacing; ADA access, landscaping, project sign, and other related site improvements.
- The Fire Department is partnering again with Wegmans of Montgomeryville for their annual Emergency Services Night. This event kicks off Fire Prevention Month and several area departments will be in attendance on Monday, October 10<sup>th</sup> from 5:30 p.m. to 8:30 p.m.
- Autumn Festival will be on Saturday, October 15<sup>th</sup> from 12:00 p.m. to 5:00 p.m., with fireworks following at approximately 7:00 p.m. Non-perishable food donations for Manna on Main are suggested and will be collected at the entrances. Activities include amusements, beer and wine garden, business & craft vendors, emergency services displays, food vendors, live music, petting zoo & pony rides, pumpkins, scarecrows and much more.

**4. Public Comment** – There was no public comment.

**5. Announcement of Executive Session** – Township Solicitor Sean Kilkenny, Esquire, announced that the Board of Supervisors met in an Executive Session virtually at 4:30 p.m. on Tuesday,

September 6 via TEAMS and earlier this evening at 6:30 p.m. to discuss litigation matters. 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 (5-0), the minutes of the August 22, 2022 meeting, the payment of bills for September 12, 2022, Escrow Release #6 (\$33,143.50) for Montgomery Realty Associates LLC for 740 Bethlehem Pike and Escrow Release #2 (\$201,137.50) and End of Maintenance Period for FedEx Ground for 1360 Welsh Road, and were approved as presented.**

#### **Recognition:**

**7. Retirement of Sergeant Robert Hart:** Chief J. Scott Bendig announced that Sergeant Robert Hart retired officially from the Montgomery Township Police Department on August 31, 2022, after 35 years of service to the community. During his career, Sgt. Hart received twenty-four departmental commendations for his actions as an officer and numerous letters of appreciation from township residents, civic groups, children, and neighboring law enforcement agencies. Chief Bendig outlined Sgt. Hart's career and presented him with a framed collection of his badges and patches worn over the years. Official State Citations were presented and read by Pennsylvania State Senator Maria Collett and Pennsylvania State Congressman Todd Stephens.

**MOTION: Upon motion by Ms. Bamford, seconded by Ms. Long, and unanimously carried (5-0), the Board recognized Sergeant Robert Hart and expressed their gratitude to him for his dedication and faithful service to the Montgomery Township Police Department and the Montgomery Township community.**

#### **Introductions:**

**8. Appointment to the Park and Recreation Board:** Ms. McCreary noted that there is a vacancy on the Park and Recreation Board and Township resident Moira Giordano has expressed an interest in serving on the Park and Recreation Board. Ms. Giordano provided a summary of her background and interest in serving on the Board.

**MOTION: Upon motion by Ms. Chimera, seconded by Ms. Bamford, and unanimously carried (5-0), the Board appointed Moira Giordano to the Park and Recreation Board for the remainder of the term which expires on January 1, 2024.**

**9. Introduction of Kristine Willard, Human Resources Administrator:** Ms. McCreary announced that due to changes in the Human Resources Office, she reevaluated the need for two HR professionals and the role HR should play in the organization in the future. The Township received 27 applications and conducted interviews with several candidates. An offer was

extended to our newest employee, Kristine Willard, who comes to the Township from the University of the Arts. Prior to that position, Ms. Willard was employed by Abington Township, where she was the HR Coordinator. Prior to assuming that role, she was the Accreditation Coordinator for the Abington Township Police Department. Ms. Willard comes with extensive experience in supporting both the organization and its employees. She began her new role on Monday, August 29<sup>th</sup>. The Board welcomed Ms. Willard to the Township and stated they looked forward to working with her.

### **Planning and Zoning:**

**10. Public Hearing: Ordinance #22-331Z - Amendment to Zoning Code – Ambulatory Health Care Center:** Ms. Bamford called for a motion to open the public hearing at 7:22 p.m. for the consideration of Ordinance #22-331Z, to allow for Ambulatory Health Care Centers in the C-Commercial zoning district by Conditional Use. Motion by Ms. Long, second by Ms. Chimera, and unanimously carried (5-0). Notes of testimony were taken by Court Reporter Ed McKenna. Mr. Kilkenny introduced the exhibits into the record. David Falcone, Esquire, Theresa Larivee, CEO, of Pennsylvania Hospital at Penn Medicine, and Kent Doss of Array Architects represented Penn Medicine who proposes to develop an ambulatory health care center in Montgomery Township. To permit this use, the zoning code must be updated to allow for ambulatory care centers in the C-Commercial zoning district by Conditional Use. A brief summary of the proposed conceptual plan was discussed. Ms. Bamford called for a motion to close the public hearing at 7:37 p.m. Motion by Ms. Bamford, second by Ms. Chimera, and unanimously carried (5-0).

**MOTION: Upon motion by Ms. Bamford, seconded by Ms. Staab, and unanimously carried (5-0), the Board adopted Ordinance #22-331Z – amending the Zoning Code to Allow Ambulatory Health Care Centers by Conditional Use in the C-Commercial Zoning District.**

**11. Public Hearing: Ordinance #22-329Z - Amendment to Zoning Code – Medical Marijuana, Smoking Lounges, Vape Shops:** Ms. Bamford called for a motion to open the public hearing at 7:38 p.m. for the consideration of Ordinance #22-329Z, to regulate Medical Marijuana Dispensaries / Grower / Processors, Smoke Lounges, and Vape Stores. Motion by Ms. Bamford, second by Ms. Chimera, and unanimously carried (5-0). Notes of testimony were taken by Court Reporter Ed McKenna. Mr. Kilkenny introduced the exhibits into the record. Mr. Shoupe reported that the Township wishes to update the Zoning Code to provide definitions and word usage for Medical Marijuana Dispensaries / Grower / Processors / Smoking Lounges / Vape Stores, subject to certain criteria requirements and locations. Ms. Bamford called for a motion to close the public hearing at 7:43 p.m. Motion by Ms. Bamford, second by Ms. Staab, and unanimously carried (5-0).

**MOTION: Upon motion by Ms. Bamford, seconded by Ms. Chimera, and unanimously carried (5-0), the Board adopted Ordinance #22-329Z – amending the Zoning Code to**

**regulate Medical Marijuana Dispensaries / Grower / Processors, Smoke Lounges, and Vape Stores.**

**12. Public Hearing: Ordinance #22-330 - Amendment to Township Stormwater Ordinance to comply with the Department of Environmental Protection's new MS4 Stormwater:** Ms.

Bamford called for a motion to open the public hearing at 7:44 p.m. for the consideration of Ordinance #22-330 – Amendment to Stormwater Management Code. Motion by Ms. Bamford, second by Ms. Chimera, and unanimously carried (5-0). Notes of testimony were taken by Court Reporter Ed McKenna. Mr. Kilkenny introduced the exhibits into the record. Mr. Shoupe reported that the existing Stormwater Management code was adopted on January 4, 2016 and does not comply with PA DEP's new MS4 Stormwater requirements. The new ordinance complies with DEP's requirements as well as contains some additional changes required by the Township, which are mostly administrative in nature. It is recommended that the Township repeal the existing Ordinance #15-291 and replace it with Ordinance #22-330. Ms. Bamford called for a motion to close the public hearing at 7:48 p.m. Motion by Ms. Bamford, second by Ms. Staab, and unanimously carried (5-0).

**MOTION: Upon motion by Ms. Chimera, seconded by Ms. Long and unanimously carried (5-0), the Board adopted Ordinance #22-330 – Amending the Township Stormwater Ordinance to comply with the Department of Environmental Protection's new MS4 Stormwater requirements.**

**Planning and Zoning:**

**13. Minor Subdivision Plan / Lot Line Adjustment – 1145 Kenas Road –** Mr. Shoupe reported that the applicant proposes a minor lot line adjustment between 1130 and 1145 Kenas Road in the R1 Zoning district to provide a vertical common property line vs. the existing diagonal property line shown on the plan submitted. There is no new land development proposed at this time, therefore, no land development waivers are necessary. Rachel Butch, P.E., represented the applicant.

**MOTION: Upon motion by Ms. Bamford, seconded by Ms. Staab and unanimously carried (5-0), the Board adopted Resolution 2022-33, granting the Minor Subdivision Plan/Lot Line Adjustment for 1139 and 1145 Kenas Road.**

**14. Comprehensive Plan Update:** Township Planning Consultants Judith Stern Goldstein and Stacy Yoder of Gilmore Associates provided a summary of the process to update the Township's Comprehensive Plan. The plan was last updated in 2008. The plan is a valuable tool to guide development, protect resources, and set forth a common community vision for the future of the Township. The Planning Commission held an additional public meeting each month as each component of the plan was drafted, presented, and reviewed. A community survey was conducted, and a public vision meeting was held in order to gain public input on the document. Ms. Stern Goldstein thanked many members of the Township staff who participated and helped educate the public on the planning process.

**MOTION: Upon motion by Ms. Bamford, seconded by Ms. Chimera and unanimously carried (5-0), the Board accepted the 2022 Comprehensive Plan and authorized the commencement of the 45-day review period.**

**Public Safety:**

**15. Approval of 2022/2023 Police Traffic Services Grant:** Chief Bendig reported that Highway Safety Officer David Dunlap has prepared a grant application to the Pennsylvania Department of Transportation on behalf of the Montgomery Township Regional Traffic Safety Team. The team was initially organized in 1993 as the Regional DUI Enforcement Team and created to battle the serious problem of drivers operating vehicles while impaired due to alcohol or drugs. Additional team initiatives now include combatting aggressive driving, promoting restraint systems, and improving pedestrian safety. The Township serves as the administrator for this multi-jurisdictional program involving police departments from Montgomery and Bucks Counties. The grant funds support police enforcement operations to promote traffic safety initiatives. The grant amount requested for October 1, 2022 to September 31, 2023 is \$93,150.00.

**MOTION: Upon motion by Ms. Bamford, seconded by Ms. Long and unanimously carried (5-0), the Board adopted Resolution 2022-34, authorizing the submission of the 2022/2023 Police Traffic Services Grant on behalf of the Montgomery Township Regional Traffic Safety Team in the amount of \$93,150.00.**

**Public Works:**

**16. Replacement HVAC System in IT Server Room (Basement):** Mr. Reiff reported that the HVAC system for the IT Server Room in the basement of the Administration building is freezing up, leaking on the floor and beyond repair. This unit is original to the building (1995) and now needs to be replaced. A quote was received from Scatton's Heating & Cooling, Inc. for a total cost of \$7,995.00.

**MOTION: Upon motion by Ms. Chimera, seconded by Ms. Long and unanimously carried (5-0), the Board approved the work quoted by Scatton's Heating and Cooling, Inc. to replace the HVAC system for the IT Server Room at a total cost of \$7,995.00 per their quote dated September 1, 2022.**

**Parks and Recreation:**

**17. Award Bids for Bocce Ball Courts:** Ms. McCreary reported that bids were received on PennBid for the installation of two bocce ball courts and opened on August 31, 2022 with two bids being received. Staff is recommending the Board accept the bids from TOPACOURT, LLC for both locations.

**MOTION: Upon motion by Ms. Chimera, seconded by Ms. Long and unanimously carried (5-0), the Board awarded the bids for the installation of bocce ball courts at the Community Recreation Center and Friendship Park to TOPACOURT, LLC, the lowest responsible bidder, in the amount of \$102,492.00 and \$109,388.00, per the recommendation of Gilmore & Associates.**

**Administration and Finance:**

**18. Ratification of Real Estate Tax Appeal Settlement:** Ms. McCreary reported that the North Penn School District filed an appeal for the property tax related to 430 and 436 Stump Road. The property owner challenged the assessment appeal and a settlement was negotiated by the School District's Solicitor and the property owner's attorney. The Township Solicitor's office has reviewed the proposed settlement and recommends the Board of Supervisors approve it. Based on the proposed settlement, the Township would receive an additional \$1,133.82 in real estate tax revenue for 2022.

**MOTION: Upon motion by Ms. Bamford, seconded by Ms. Chimera, and unanimously carried (5-0), the Board approved the stipulated settlement for 430 and 436 Stump Road and authorized the Township Solicitor to execute the document on behalf of the Township.**

**19. Funds Transfer to Capital Reserves:** Mr. Shapiro reported that in September of 2022, the Township received real estate transfer tax from the sale of a portion of the Montgomery Mall, Wegmans, in the amount of \$113,000. All real estate transfer taxes are accounted for in the General Fund, which is an operating fund of the Township. An operating fund should account for the recurring revenues and expenditures that the Township expects on a fiscal basis. As this sale is atypical, the revenue generated from that sale would not be classified as recurring revenue. It is recommended that this revenue be transferred to the Capital Reserve Fund.

**MOTION: Upon motion by Ms. Long, seconded by Ms. Chimera, and unanimously carried (5-0), the Board approved the transfer of \$113,000 from the General Fund to the Capital Reserve Fund.**

**20. North Wales Area Library Donation Request:** Ms. McCreary reported that she and Ms. Bamford met with representatives of the North Wales Area Library in August to discuss additional opportunities for collaboration and partnership with the Township. At this meeting, it was discovered that there are over 3,000 Township households who are members of the library, representing 22% of the total households. In 2021, the Township made a \$1,500 donation to the library as it has in prior years. The library is respectfully seeking an additional commitment of annual funding. Staff is seeking Board consensus about the level of funding to the North Wales Area Library so it can be properly accounted for in the 2023 budget and going forward. A discussion was held among the Board members. Board members were in favor of an increase, but not to the extent that the library was budgeting for. After deliberation, the consensus was to

increase the Township donation to \$10,000 for 2023 and then to address a potential incremental increase step approach in future years.

**21. Adjournment:** Upon motion by Ms. Bamford and seconded by Ms. Chimera, the meeting was adjourned at 8:33 p.m.

Respectfully submitted,

Deborah A. Rivas, Recording Secretary