

**MINUTES OF MEETING
MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS
AUGUST 14, 2023**

1. Call to Order: The August 14, 2023 action meeting of the Montgomery Township Board of Supervisors was held at the Montgomery Township Municipal Building, 1001 Stump Road, Montgomeryville, PA. Chair Candyce Fluehr Chimera called the meeting to order at 7:00 p.m.

IN ATTENDANCE:

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

ALSO IN ATTENDANCE:

Lt. William Peoples
Fire Chief Bill Wiegman
Director of Finance Brian Shapiro
Director of Public Works Greg Reiff
IT Systems Administrator Favian Zendejas
Public Information Coordinator Derek Muller
Recording Secretary Deborah A. Rivas

2. & 3. Pledge of Allegiance and Announcements: Following the Pledge of Allegiance, Ms. Chimera announced the following:

- National Night Out was held on Tuesday, August 1st. Thank you to the staff and vendors who participated and everyone who joined in the festivities. It was a great community event.
- The outdoor bocce courts at Friendship Park and the Community and Recreation Center are officially opened.
- Fall Recreation Programs are now posted and open for registration on MontCRC.com.
- The American Red Cross Blood Drive will be held on August 30th at the CRC.
- Montgomery Township is one of eight municipalities in Montgomery County that was recently awarded a “Green Light-Go” grant from PennDOT. The grant of \$528,260 will be used for the updated traffic signal equipment at Bethlehem Pike and English Village Dr./Gwynedd Crossing Drive.

4. Public Comment: Ms. Chimera called for public comment from the audience and there was none.

5. Announcement of Executive Session – Township Solicitor Sean Kilkenny, Esquire, announced that the Board of Supervisors met in Executive Session at 6:15 p.m. in the Township building earlier this evening to discuss two matters involving litigation and three personnel matters. Mr. Kilkenny stated that the topics discussed are legitimate subjects of an Executive Session under the Commonwealth of Pennsylvania’s Sunshine Law.

6. Consent Agenda:

MOTION: Upon motion by Ms. Chimera, seconded by Ms. Bamford, and unanimously carried, the minutes of the July 10, 2023 Board meeting, the ratification of bills paid

through July 24, 2023, the payment of bills for August 14, 2023, and Escrow Release #11 and End of Maintenance for Maple Dr/Crystal Rd Townhouse Project were approved as submitted.

Presentation:

7. American Red Cross Life Saving Award Presentation – Chief Wiegman presented the timeline of the life-saving efforts made by various personnel to save the life of a gentleman who had suffered cardiac arrest at the Township’s community and recreation center in March of 2023. The swift and immediate actions of all parties resulted in saving the patient’s life and he made a full recovery. Laura Burke of the American Red Cross was present to award the American Red Cross Lifesaving Award to the following individuals:

Angelina Capozzi, MT CRC	Officer Peter Byrne, MTPD	Captain Andrew Backlund, DFS
FF Harry Reese, DFS	FF Jake Weltman, DFS	FF Anthony Rubas, DFS
FF Eoghan Lowry, DFS	John Ardiffe, Horsham	Amanda Csanady, Horsham
TJ Stressman, Horsham	John Schwartz, Horsham	

MOTION: Upon motion by Ms. Chimera, seconded by Ms. Long, and unanimously carried, the Board recognized the above individuals for their life-saving actions on March 16, 2023, at the Township’s Community and Recreation Center.

Parks and Recreation:

8. Bid Award – Concrete Work at the Community and Recreation Center -

MOTION: Upon motion by Ms. Chimera, seconded by Ms. Long, and unanimously carried, the Board awarded the bid for the concrete replacement project at the Community and Recreation Center to T. Schiefer Contractors, Inc., the lowest responsible bidder based on the recommendation of D’Huy Engineering LLC, the Township consultant for the project.

9. Bid Award – Fellowship Park Improvement Project –

MOTION: Upon motion by Ms. Chimera, seconded by Ms. Bamford, and unanimously carried, the Board awarded the bid for the Fellowship Park Improvement Project to Couzins, Inc., the lowest responsible bidder, in the amount of \$672,069.00 per the recommendation of Gilmore & Associates, Township Engineer.

Public Safety:

10. Intergovernmental Agreement – Bus Stop: Lt. Peoples reported that 1.3 million students are transported by more than 21,000 school buses throughout Pennsylvania. A 47-day study of two school buses within the state was conducted in 2019. Cameras recorded 205 illegal stop-arm

passes or 2.18 violations per bus per day. In 2020, Governor Wolf signed House Bill 364 (now Act 38), allowing school districts to implement violator-funded stop-arm enforcement programs to enforce school bus-stopping laws and ensure the safety of Pennsylvania students. The camera systems use sensors and cameras when the bus overhead lights are flashing. If the cameras record a vehicle driving around the bus, the violation is recorded. That video evidence is passed on to local law enforcement. Officers then review the video evidence for further disposition, which includes the ability to issue citations to the owners of vehicles that fail to stop for flashing red signals on a school bus. On February 16, 2023, the North Penn School District Board of School Directors approved an agreement with BusPatrol America, LLC, to provide a stop arm signal arm enforcement system on their school buses. Staff is asking for the Board's consideration for the execution of an Intergovernmental Agreement between the Montgomery Township Police Department and the North Penn School District for the department to have primary authority/jurisdiction to enforce the school bus-stopping law captured on camera. Under public comment, Linda Block-Love of 136 Claremont Drive inquired if the civil penalty would add points to someone's driving record. Lt. Peoples stated that no points would be assigned under the civil penalty as the infraction was not witnessed firsthand by a police officer. Ms. Block-Love asked if this program precludes an officer who observes an infraction to then issue a traffic citation with points. Lt. Peoples stated that if an officer observes the infraction firsthand, then a ticket with points would be issued and if the same situation was captured on the camera program, the civil penalty would be dismissed. There would not be two penalties for the same infraction.

MOTION: Upon motion by Ms. Chimera, seconded by Ms. Long, and unanimously carried, the Board authorized the execution of the Intergovernmental Agreement between the Montgomery Township Police Department and the North Penn School District.

11. Purchase of Crime Scene Mapping System: Lt Peoples reported that in 2019, police departments in the North Penn region formulated the North Penn Crash Team. The team is comprised of area police officers with specialized crash reconstruction and related training. Officers assist area departments in the investigation of serious motor vehicle crashes. In 2021, the team identified equipment that would be beneficial in assisting members in reconstructing these serious motor vehicle crashes, including a laser mapping system. This unit accurately measures and collects data from objects, surfaces, buildings, and landscapes. The Montgomery Township Police Department undertook efforts to secure funding to purchase the system with assistance from Senator Collett, Representative Malagari, Representative Cerrato, and former Representative Stephens. This April the department was informed that it was awarded a Department of Community and Economic Development grant of \$76,941.00 to purchase a laser mapping system for the team. The Montgomery County DA's office recommended the same technology platform that is utilized by their team and other county law enforcement agencies, which is the Faro Laser Mapping System from ZNET Tech.

MOTION: Upon motion by Ms. Chimera, seconded by Ms. Long, and unanimously carried, the Board authorized the contract for purchasing a Faro Laser Mapping System at a total cost of \$76,479.52, utilizing the grant monies awarded, per the quote received on June 8, 2023.

12. Purchase of New Pickup Truck for DFS Fire Marshal – Chief Wiegman reported that the department budgeted \$120,000.00 in the 2023 Capital Plan for the purchase of a pick-up truck for the Fire Marshal’s office. The Fire Department of Montgomery Township Relief Association (FDMT RA) currently owns Utility 18. This truck is underutilized by the FDMT RA. The FDMT RA is in the process of receiving a new Special Service pick-up truck to support the efforts of the fire department. The FDMT RA has agreed to sell Utility 18 to the Township for fair market value. The purchase of this truck from the FDMT RA will allow the DFS to purchase the needed truck without a long delivery time and at fair market value. The truck will be available for use by the FDMT when needed. The pick-up truck’s fair market value is \$78,000.00 and the necessary equipment, upfit, and striping of the new pick-up truck is \$25,845.61.

MOTION: Upon motion by Ms. Chimera, seconded by Ms. Bamford, and unanimously carried, the Board approved the purchase of a pick-up truck from the FDMT Relief Association at fair market value in the amount of \$78,000.00 and approved the purchase of the necessary equipment, upfit, and striping of the new pick-up truck in the amount of \$25,845.61 for a total cost of \$103,845.61.

13. Montgomery County Fire Services Recovery Grant – FDMT – Chief Wiegman reported that the FDMT received notice that their application to the Montgomery County Fire Services Recovery Grant Program was approved. The FDMT was awarded \$26,622.00 and will utilize this money to assist in the purchasing of new turn-out gear for the members of the FDMT.

MOTION: Upon motion by Ms. Chimera, seconded by Ms. Long, and unanimously carried, the Board approved the FDMT’s grant award of \$26,622.00 through the Montgomery County Fire Services Recovery Grant Program.

Public Works:

14. Montgomery County Consortium Fuel Bid – Mr. Reiff reported that the Township can purchase petroleum products from the Montgomery County Consortium Fuel Contract. The contract has been awarded to Petroleum Traders Corporation. The contract is valid for one year and will run from September 1, 2023, to August 31, 2024.

MOTION: Upon motion by Ms. Chimera, seconded by Ms. Bamford, and unanimously carried, the Board approved the Township’s participation in the Montgomery County Consortium Fuel Contract awarded to Petroleum Traders Corporation for the purchase of petroleum products for a period of one year ending on August 31, 2024.

15. Advertise Bid for Stormwater Infrastructure Maintenance Projects – Mr. Reiff reported that the Township has included improvements to various storm sewer infrastructures throughout the Township in the 2023 Capital Investment Plan. Gilmore & Associates has recommended that the work be completed at the following storm sewer basin locations: 108 Oxford Lane, 110 & 112 Addison Lane, and Magdalena Lane in compliance with MS4 Storm Water Compliance. Competitive bids will be solicited utilizing the PennBid website.

MOTION: Upon motion by Ms. Chimera, seconded by Ms. Bamford, and unanimously carried, the Board authorized the advertisement of the bid for storm sewer infrastructure improvements utilizing PennBid.

Planning:

16. Review of Zoning Hearing Board Applications: Ms. McConnell identified the pending hearings before the September 6, 2023 Zoning Hearing Board. Application 23080001 is for Mary Mother of the Redeemer Church at 1325 Upper State Road for relief to install a new proposed monument sign. Application #23080002 – is for Daniel and Caitlin Lynch for a variance to install a six-foot solid privacy fence.

Board consensus was not to enter an appearance for the applications, allowing the Zoning Hearing Board to render decisions based on the testimony presented.

17. Ratification of Township's Position for the Zoning Hearing Board Application – The Venue at Montgomery Mall – Ms. McCreary reported that the applicant seeks to expand the use variance granted on May 19, 2023, related to indoor recreation/entertainment, to now permit BYOB events. Staff is seeking ratification of the Board's prior opposition to the application and decision to send the Solicitor to the hearing to oppose the application or in the alternative, authorize the Township staff and Solicitor to discuss the matter with the applicant and their attorney to determine if conditions can be agreed to that would satisfy the Township's concerns related to the BYOB use. Ms. McCreary stated that she polled the Board members and a majority concurred to send the Township Solicitor to oppose the variance. Ms. Bamford and Ms. Staab were in favor of permitting the BYOB, stating that it will help bring foot traffic to the mall and the vendor may not be able to sustain the business if it is not permitted. Ms. Chimera, Ms. Long and Ms. Ware were not in favor of permitting the BYOB, stating that they had security concerns with no bartender and no oversight of the consumption of alcohol, as well as the claim of hardship since they had signed a lease stating no alcohol would be permitted. Discussion followed and a majority of the Board agreed that if the Township and the applicant met to develop conditions that would be acceptable to the Township, then this should be pursued. If conditions cannot be agreed to, then the Township Solicitor should represent the Township at the Zoning Hearing Board to oppose the application.

MOTION: Upon motion by Ms. Chimera, seconded by Ms. Long, and carried by a vote of 4 to 1, with Ms. Bamford opposing, the Board opposed the Zoning Hearing Board application for The Venue at Montgomery Mall and agreed to send the Solicitor to represent the Township in opposition to the application, unless conditions suitable to the Township's concerns related to the BYOB use, could be agreed upon in advance, resulting in the withdrawal of the authorization to send the Solicitor to oppose, but instead authorize the Solicitor to appear at the hearing to ensure such conditions are presented to the Zoning Hearing Board for consideration.

Administration and Finance:

18. Authorization to Advertise Single-Use Plastics Reduction Ordinance: Ms. McCreary reported that last year the EAC proposed a ban on single-use plastics. In May 2022 the Board adopted a resolution encouraging voluntary participation in reducing the use of single-use plastics. The Township is now able to have an ordinance in place to reduce/eliminate single-use plastics. The ordinance has been prepared by the Solicitor's office and has been reviewed by the EAC. Staff recommends the Board authorize advertisement. A discussion regarding dates, fees, and fines was held. Under public comment, Linda Block-Love of 136 Claremont Drive stated that the EAC had suggested \$.15 per bag as it was shown to be the number that drove the behavior of residents to begin using their own bags. Also, the EAC felt that January 1st was a good date to begin as it would be the same date as the King of Prussia Mall. Jonathan Katz, a member of the EAC, thanked the Board for their support of the ordinance. Mr. Katz stated that other municipalities are looking at Montgomery Township as a leader in this regard. To give businesses time to recover from the holiday shopping season and go through their inventory, the Board agreed to make the effective date of the ordinance coincide with Earth Day, April 22, 2024.

MOTION: Upon motion by Ms. Chimera, seconded by Ms. Staab, and unanimously carried, the Board authorized the advertisement of the Single-Use Plastics Reduction Ordinance, as amended.

19. Resolution 2013-13 – Support of Grant Application to DCED – Ms. McCreary reported that the current round of funding for the Multimodal Transportation Fund grant program closed on July 31, 2023. The Township made an application to the program and included a match to improve our opportunity in this competitive environment. The project would involve the installation of a sidewalk on Stump Road beginning across from the Village Shopping Center to ultimately connect to the Community and Recreation Center. The project also proposes to install a rectangular rapid flashing beacon (RRFB). A resolution must be adopted by the Board and submitted as an exhibit.

MOTION: Upon motion by Ms. Chimera, seconded by Ms. Bamford, and unanimously carried, the Board adopted Resolution No. 2023-13 supporting the grant application to the DCED Multimodal Transportation Fund Program for the installation of sidewalk and Rectangular Rapid Flashing Beacons and pedestrian improvements along Stump Road.

20. Resolution 2013-14 – Support of Grant Application to Montgomery County Transportation Program – Ms. McCreary reported that the new round of applications to the Montgomery County Transportation Program was open with applications due by July 28, 2023. The CTP uses revenues from the \$5.00 County vehicle registration fee to expand the reach of transportation investment and achieve the goals for the County's comprehensive plan. As part of the Township's continuing efforts to promote walkability, the staff has identified a gap along Stump Road and is seeking the Board's consensus to include this in the Capital Investment Plan. The project would involve the installation of a sidewalk on Stump Road beginning across from the Village Shopping Center to ultimately connect to the Community and Recreation Center. The project also proposes to install a rectangular rapid flashing beacon (RRFB). A resolution needs to be adopted to formally support the application.

MOTION: Upon motion by Ms. Chimera, seconded by Ms. Bamford, and unanimously carried, the Board adopted Resolution No. 2023-14 supporting the grant application to the Montgomery County Transportation Program for the installation of sidewalk and Rectangular Rapid Flashing Beacons and pedestrian improvements along Stump Road.

21. Appoint Voting Delegate for Pennsylvania Municipal League – Ms. McCreary reported that per its bylaws, as a member of the Pennsylvania Municipal League, the Township is entitled to appoint a voting delegate and alternate to serve at the annual resolutions committee and annual business meetings. Staff recommends the Board appoint the Township Manager as the voting delegate and the Chairwoman as the alternate delegate.

MOTION: Upon motion by Ms. Chimera, seconded by Ms. Long, and unanimously carried, the Board appointed the Township Manager and Board of Supervisors Chairwoman as the voting delegate and alternate delegate, respectively.

22. Award Bid for Leaf and Yard Waste Collection and Disposal – Ms. McCreary reported that staff received and opened bids on August 9, 2023. One bid was received from Solid Waste Services, Inc. d/b/a J.P. Mascaro & Sons. The bid total for one year was \$35,400.00, for two years \$73,560.00, and for three years \$114,876.00. The Board was concerned about the large increase in cost since the previous three-year contract was \$69,825. Under public comment, Albert DeGennaro, Counsel for J.P. Mascaro & Sons stated that the industry-wide costs have gone up significantly over the past several years as evidenced in the report he provided to the Board. Discussion followed and it was agreed that the DEP 904 Recycling Performance Grant Program does help to offset the cost of this program for the residents. The Board consensus was to award a two-year contract.

MOTION: Upon motion by Ms. Long, seconded by Ms. Bamford, and carried by a vote of 4 to 1 with Ms. Chimera opposing, the Board awarded the bid for Residential Leaf and Yard Waste Collection and Disposal to Solid Waste Services, Inc. d/b/a J.P. Mascaro & Sons, for a two-year contract in the amount of \$73,560, beginning on November 1, 2023, and ending on October 31, 2025.

23. Allocation of ARPA Funds to Capital Reserves Fund – Mr. Shapiro reported that in 2021 and 2022, the Township received \$2,742,894.57 in ARPA (American Rescue Plan Act) monies. The initial guidelines required the money to be used for specific purposes. At that time, the Township identified various storm sewer projects that these monies could fund. In 2022 the Treasury released a Final Rule regarding how municipalities, that received \$10 million or less in ARPA funding, can utilize the replacement of lost public sector revenue provision. The Final Rule allows recipients to select between a standard amount of revenue loss or complete a full revenue loss calculation. Recipients who select the standard allowance may use that amount for government services. In the 2021 and 2022 report filings, the Township preserved its right to choose this provision, as stormwater projects had yet to commence. The ARPA monies need to be spent by December 31, 2024, or the Treasury will reclaim the money. As the Township starts the various

stormwater projects, the Township would like to transfer these monies into the Capital Fund and finalize the ARPA documentation as a one-time standard amount allowance of revenue loss.

MOTION: Upon motion by Ms. Chimera, seconded by Ms. Bamford, and unanimously carried, the Board authorized the transfer of ARPA funds to the Capital Reserve Fund and designated \$2,742,894.57 for stormwater purposes.

24. Ratification of Real Estate Tax Appeal Settlement – 277 DeKalb Pike – Mr. Shapiro reported that in 2020, the owners of the property at 277 Dekalb Pike filed an assessment appeal. The assessed value of the property is \$2,080,430.00. The proposed settlement negotiated between the School District and the Taxpayer resulted in the Township issuing a refund of \$707.83 (\$270.54 for tax year 2021, and \$437.29 for tax year 2022).

MOTION: Upon motion by Ms. Chimera, seconded by Ms. Ware, and unanimously carried, the Board approved the stipulated settlement for 277 Dekalb Pike, and authorized the Township Solicitor to execute the document on behalf of the Township.

25. Ratification of Real Estate Tax Appeal Settlement – 1110 Bethlehem Pike: Mr. Shapiro reported that in 2022, the owners of the property at 1110 Bethlehem Pike filed an assessment appeal. The assessed value of the property is now \$4,752,000.00. The proposed settlement negotiated between the School District and the Taxpayer resulted in the Township issuing a refund of \$7,803.39 (\$3,557.14 for tax year 2022, and \$4,246.25 for tax year 2023).

MOTION: Upon motion by Ms. Chimera, seconded by Ms. Ware, and unanimously carried, the Board approved the stipulated settlement for 1110 Bethlehem Pike, and authorized the Township Solicitor to execute the document on behalf of the Township.

Old Business – Ms. McCreary reported that the new Dog Park bid specifications are live on the PennBid website with a bid opening scheduled for September 15, 2023. The anticipated start date for the project would be October with an approximate completion date of early December.

Ms. Staab stated that she would like to review the “mowing map” with Township staff to see where we currently mow and where we might be able to stop mowing. Mr. Reiff indicated that over the past several years, there has been a reduction in the areas that the Township mows.

14. Adjournment: Upon motion by Ms. Chimera and seconded by Ms. Long, the meeting was adjourned at 8:40 p.m.

Respectfully submitted,

Deborah A. Rivas, Recording Secretary