

**MINUTES OF MEETING
MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS
OCTOBER 23, 2023**

1. Call to Order: The October 23, 2023 action meeting of the Montgomery Township Board of Supervisors was held at the Montgomery Township Municipal Building, 1001 Stump Road, Montgomeryville, PA. Chairwoman Candyce Fluehr Chimera called the meeting to order at 7:00 p.m.

IN ATTENDANCE:

Chair Candyce Fluehr Chimera
Vice Chair Annette M. Long
Supervisor Tanya C. Bamford
Supervisor Audrey R. Ware
Township Solicitor John Walko, Esq.
Township Manager Carolyn McCreary

ABSENT:

Supervisor Beth A. Staab

ALSO IN ATTENDANCE:

Police Chief J. Scott Bendig
Fire Chief Bill Wiegman
Director of Finance Brian Shapiro
Director of Public Works Greg Reiff
Director of Rec & Community Ctr. Floyd Shaffer
Director of IT Richard Grier
Recording Secretary Deborah Rivas

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

- Montgomery County Dept of Health and Human Services Thanksgiving Food Drive is underway! Nonperishable food items may be dropped off at the Township building or the Community & Recreation Center now through November 9th.
- Drug Take Back Day is October 28, 2023, from 10 am to 1 pm at Giant on Knapp Road.
- The Fall Curbside Leaf & Yard Waste collection is scheduled for Saturday, November 25th, 2023.

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

5. Announcement of Executive Session – Township Solicitor John Walko, Esquire, announced that the Board of Supervisors met in Executive Session at 6:30 p.m. in the Township building earlier this evening to discuss two litigation matters and one personnel matter. Mr. Walko 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 (4-0), the minutes of the October 9, 2023 Board meeting, and the payment of bills for October 23, 2023 were approved as submitted.

7. Presentation of Donations: Ms. Chimera presented a check in the amount of \$6,000 to the Montgomery Township Historical Society. Lisa Siegel, President, accepted the donation. Ms.

Chimera presented a check in the amount of \$5,000 to the MontCo Anti-Hunger Network. Amanda Musselman, Executive Director, was present to accept the donation. Ms. Chimera presented a check in the amount of \$3,000 to the PEAK Center – North Penn Senior Services. Elizabeth Beil, Executive Director, accepted the donation. Ms. Chimera also presented a check in the amount of \$1,500 to the Visiting Nurse Association Community Services organization. Marcus Primavera, Director of Strategic Partnerships, and Denise Frattara, Director of Development/Administrator of Children's Programs, were present to accept the donation.

Presentation:

8. Mobile Crisis Prevention Initiative – Access Services and the Montgomery Township Police Department – Chief Bendig introduced Moira Tumelty, Director of Montgomery County Mobile Crisis, and Shane Madden, the Assistant Director of Forensic Partnership for Montgomery County Mobile Crisis, who were present to brief the Board of Supervisors on the Mobile Crisis Colocation Team partnership with the police department. Ms. Tumelty stated that the crisis team has served as a resource to support local law enforcement departments with the goal of reducing repeat calls. The unit has worked closely with the Montgomery Township Police Department and is excited to be creating a partnership whereby crisis workers are located onsite at the Police Department on certain days to assist officers immediately and to provide an increase in referrals for positive outcomes. The Montgomery County Mobile Crisis unit provides immediate support for crisis situations, as well as assistance with managing recurring or future crises. Support is available to anyone in Montgomery County, including children, teens, adults, and families. There is no fee and everyone is eligible for assistance.

Planning and Zoning:

9. Update on Zoning Hearing Board Application for ESW America, Inc. – Ms. McCreary reported that at the October 9th public meeting, the Board learned of the Zoning Hearing Board application of ESW America to install a 7,000 gallon above-ground diesel fuel container within the side yard of the property at 200 Progress Drive. The consensus of the Board at that meeting was to send the Solicitor to oppose the application. After the meeting, the Fire Chief and Planning/Zoning Director met with the Operations and Chief Technical Officer of ESW America, Inc. to obtain more details about the proposed tank. John McShea, Esquire, representing the applicant and Michael Streichsbier, Chief Technical Officer of ESW America provided an explanation for the proposed diesel fuel container. Their company tests engines and it requires consistent and quality fuel to properly test the engines. The standards for testing are changing and they are required to test engines more frequently, therefore requiring a larger resource of fuel from the same delivery. The Board members expressed their concerns with a 7,000-gallon external diesel fuel tank and possible fuel leaks, among other safety concerns. Mr. McShea and Mr. Streichsbier reviewed the safety protocols that would be put in place to ensure a safe operation. Mr. Walko reviewed the additional conditions that the Board members would like to see in place such as any additional fire suppression requirements from the Fire Chief and more frequent testing/inspections. The Board consensus was to remove their opposition to the application, but asked the Solicitor to attend the hearing to ensure that the Board's concerns and conditions were addressed.

MOTION: Upon motion by Ms. Chimera, seconded by Ms. Long, and unanimously carried (4-0), the Board agreed to send the Township Solicitor to the Zoning Hearing Board meeting on November 1, 2023, to ensure that their conditions were included in the application of ESW America, LLC.

10. Review Zoning Hearing Board Application: Ms. McCreary identified the additional pending hearing application that was recently received for the November 1, 2023 Zoning Hearing Board. Application 23100003 is for Chick-Fil-A at 794 Bethlehem Pike for variances to reduce the parking below the required 52 spaces to 44 spaces, maximum impervious coverage, minimum green area, minimum side yard setback and rear yard setbacks to make modifications to the existing drive-through to create a second drive-through lane.

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

11. Preliminary/Final Land Development – Raising Cane’s Restaurant LLC - Attorney Amee Farrell, representing Raising Cane’s Restaurant, LLC, reviewed the proposed plan for the former Bertucci’s Restaurant pad site at 860 Bethlehem Pike. The applicants propose to demolish the existing vacant building and construct a new 2,913 square foot restaurant with a 1,098 square foot covered outdoor seating area, a double lane drive-through, and associated parking. The project site consists of a 59,446 square foot lease area within the 105.60-acre Montgomery Mall property in the RS-Regional Shopping Center District. The proposed development includes the removal of one driveway access from the Mall ring road and the modification of the other two driveways. No access is proposed from Bethlehem Pike. Township staff and consultants have had the opportunity to review the details of the land development plan, and the corresponding review letters and waiver requests. At their October 19, 2023 meeting, the Planning Commission unanimously recommended the Board of Supervisors grant preliminary/final approval for the project. Ms. Farrell concurred that the resolution had been reviewed and the applicant was agreeable to all conditions.

MOTION: Upon motion by Ms. Chimera, seconded by Ms. Bamford, and unanimously carried (4-0), the Board adopted Resolution No. 2023-16, approving the preliminary/final land development application with requested waivers for the Raising Cane’s Restaurant, LLC.

Administration and Finance:

12. Acceptance of Annual Audit Engagement Letter – Mr. Shapiro reported that Maillie has submitted an engagement letter for the 2023 audit. Maillie would audit the financial statements of the governmental activities, the business-type activities, the component units, each major fund, and the aggregate remaining fund information of Montgomery Township as of December 31, 2023, and for the year that ended and the related notes to the financial statements, which collectively comprise the Montgomery Township’s basic financial statements. The estimated cost

is \$31,500.00. Mr. Shapiro indicated that Maillie does an excellent job for the Township, and he would recommend that they be appointed for another year as they are familiar with the Township's financials and will be auditing two different financial software programs as the Township made a change over the summer. Mr. Shapiro recommended that next year a Request for Proposal (RFP) be done for auditing services.

MOTION: Upon motion by Ms. Chimera, seconded by Ms. Bamford, and unanimously carried (4-0), the Board approved the attached engagement letter with Maillie for the 2023 annual audit at the estimated cost of \$31,500.00.

13. Approval of Distribution of 2023 Act 205 General Municipal Pension System State Aid:

MOTION: Upon motion by Ms. Chimera, seconded by Ms. Long, and unanimously carried (4-0), the Board accepted the recommendation to allocate the 2023 Act 205 General Municipal Pension System State Aid to the Police Pension Plan in the amount of \$466,327.91, and to the Non-Uniformed Employee Pension Plan in the amount of \$221,362.90.

14. 2024 Proposed Capital Projects and Purchases – This item was moved to the Budget Worksession scheduled for Friday, October 27, 2023 at 9:00 a.m.

Old Business:

New Business:

15. Department Reports - Monthly reports were submitted by each department for activity in the month of September.

16. Committee Reports – Ms. Chimera reported that the Planning Commission reviewed Raising Cane's Restaurant application at their meeting. Ms. Bamford reported that the Park and Recreation Board had a discussion about additional pickleball courts and a request from a resident to provide lighting for tennis courts. Ms. Ware reported that the Senior Committee did not have a quorum to meet, but did discuss the upcoming Breakfast with Santa event that the committee members participate in. The Senior Committee also hosted a Medicare seminar on October 18th and will be hosting another on October 25th.

17. Adjournment: Upon motion by Ms. Chimera and seconded by Ms. Long, the meeting was adjourned at 8:05 p.m.

Respectfully submitted,

Deborah A. Rivas, Recording Secretary