

**MINUTES OF MEETING
MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS
SEPTEMBER 26, 2023**

1. Call to Order: The September 26, 2023 action meeting of the Montgomery Township Board of Supervisors was held at the Montgomery Township Municipal Building, 1001 Stump Road, Montgomeryville, PA. Vice Chairwoman Annette M. Long called the meeting to order at 7:02 p.m.

IN ATTENDANCE:

Vice Chair Annette M. Long
Supervisor Tanya C. Bamford
Supervisor Beth A. Staab
Township Solicitor John Walko, Esq.
Township Manager Carolyn McCreary

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 Planning & Zoning Marianne McConnell
Director of IT Richard Grier
Recording Secretary Deborah Rivas
Public Information Coordinator Derek Muller

ABSENT:

Chair Candyce Fluehr Chimera
Supervisor Audrey R. Ware

2. & 3. Pledge of Allegiance and Public Comment: Following the Pledge of Allegiance, Ms. Long called for public comment and there was none. Ms. Long introduced North Penn High School tenth-grade student, Yash Verma, who is working on earning the rank of Eagle Scout and is attending this evening's meeting to earn his Citizenship in the Community badge. Mr. Verma was invited to join the Board of Supervisors at the dais for the remainder of the meeting.

4. Consent Agenda:

MOTION: Upon motion by Ms. Long, seconded by Ms. Bamford, and unanimously carried, the minutes of the September 11, 2023 Board meeting, and the payment of bills for September 26, 2023 were approved as submitted.

Recognition:

5. National Preparedness Month and PEMA Certifications for Township Emergency

Management Staff: Chief Wiegman reported that National Preparedness Month is an observance each September to raise awareness about the importance of preparing for disasters and emergencies that could happen at any time. This year's theme is Take Control in 1, 2, 3. The campaign focuses on preparing older adults for disasters, specifically older adults from communities that are disproportionately impacted by the all-hazard events, which continue to threaten the nation. The Township Emergency Management staff engages in various training and exercises to prepare, respond, mitigate, and recover from disasters. The staff also obtain certifications through PEMA including Municipal Associate and Professional Certifications. These certifications are required by PEMA for the Emergency Management Staff. Firefighter Jacob Weltman has obtained his Municipal Staff Professional Certification in 2023.

MOTION: Upon motion by Ms. Long, seconded by Ms. Staab and unanimously carried (3-0), the Board recognized September as National Preparedness Month and recognized Firefighter Jacob Weltman for obtaining his emergency management certification through PEMA.

Public Hearing:

6. Conditional Use – Atlas Broadband, 1011 Lansdale Avenue - Ms. Long opened the public hearing at 7:08 p.m. Notes of testimony were taken by Court Reporter Tim Kurek. Zach Morano, Esquire, represented the applicant, Anthony Rossi, who is proposing to subdivide an existing 1.61-acre parcel into two lots. Proposed Lot 1 will retain the existing single-family detached home, detached garage, and associated driveway. Proposed Lot 2 creates a flag lot, for a new single family detached home and new driveway with access off Lansdale Avenue. In the R-2 zoning district, flag lots are permitted when approved by Conditional Use. Township Solicitor John Walko, Esquire, introduced the Township exhibits B1 through B5 into the record. Anthony Rossi, applicant, and Susan Rice, Engineer, were also present. Township staff, consultants, and the County have had the opportunity to review the details of the proposed text amendment and the corresponding review letters are in the packet. The Montgomery Township Planning Commission unanimously recommended the Board of Supervisors approve the proposed ordinance as submitted. Under public comment, Sean Gorman of 1038 Pecan Drive expressed concerns regarding flag lots, the large pine trees on the property and storm drainage. Bob Tagert of 1036 Pecan Drive expressed concerns regarding the existing storm drainage and the proposed berm, stating that it will not work as the ground is clay and the stormwater will be a bigger problem in the area. The hearing was closed at 8:04 p.m. and the Board recessed into an executive session to deliberate on the matter. The Board reconvened the meeting at 8:24pm to render its decision.

MOTION: Upon motion by Ms. Long, seconded by Ms. Bamford, and unanimously carried (3-0), the Board approved the Conditional Use Application to permit the subdivision of the lot at 1011 Lansdale Avenue, creating a flag lot, and with the following conditions: 1) comply with all testimony and exhibits presented during the hearing; 2) comply with all laws, regulations, ordinances and standards established by state, federal and local authorities; 3) that there be no more further divisions of flag lots of this property; 4) that the property record a storm water operation and maintenance agreement related to the storm water facilities that would be constructed that will require those facilities to be maintained in perpetuity and 5) that the driveway that would be accessing the rear flag lot be constructed to the reasonable satisfaction of the Township’s fire department.

Parks and Recreation:

7. Knapp Road Dog Park Construction Project – Mr. Reiff reported that bids were received and opened for this project on September 14, 2023. Seven bids were received ranging from \$183,627.00 to \$411,068.66. The Township Engineer is recommending the award of the bid to Dane & Sons Construction, Inc., the second lowest bidder with a bid of \$355,123.31. The apparent lowest bidder at \$183,627.00 did not submit a complete bid package and are extremely low on

the fencing costs (which are the main part of the bid). Therefore, it is the recommendation of the Township Solicitor that if the bid is awarded, it should be awarded to the second lowest bidder. In 2022, Gilmore & Associates, Inc., the Township Engineer provided a cost estimate of \$212,744.25 and a total of \$235,000.00 was included in the 2022 Capital Investment Plan. The actual cost for the construction of the dog park came in at \$120,123.31 over the budgeted amount included in the Capital Investment Plan. The Board may choose to award the bid to the second highest bidder or reject all the bids and reconsider this in the 2024 budget. Discussion followed. Ms. Bamford and Ms. Staab stated that this new park is important to the residents and if the bids are rejected and rebid, it is most likely that the costs will increase. Ms. Long expressed concern about the project coming in over budget. Under public comment, Scott Hemmons of 105 Clayton Court, commented that the project amount seems very high for fencing and mulch and he inquired if there are other plans to do something else at that location for the cost involved. There are no other plans for the area around the dog park, but the project includes other amenities that are in the dog park.

MOTION: Upon motion by Ms. Bamford, seconded by Ms. Staab, and with a vote of 2 to 1, with Ms. Long opposed, the Board awarded the bid to Dane & Sons Construction, Inc., in the amount of \$355,123.31 for the construction of the Knapp Road dog park per the recommendation of Gilmore & Associates with the concurrence of the Township Solicitor.

Public Safety:

8. 2024-2026 Police Traffic Services Grant – Chief Bendig reported that the department is requesting the Board’s approval to submit the 2024-2026 Police Traffic Services Grant to the Pennsylvania Department of Transportation. Highway Safety Officer Michael Jenkins prepared the grant on behalf of the Montgomery Township Regional Traffic Safety Team. Established in 1993 as the Montgomery Township Regional DUI Enforcement Team, this team was initially organized 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 the use of 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.

MOTION: Upon motion by Ms. Long, seconded by Ms. Staab, and unanimously carried (3-0), the Board approved the submission of the 2024 through 2026 Police Traffic Services Grant on behalf of the Montgomery Township Regional Traffic Safety Team in the amount of \$288,296.80.

Administration and Finance:

9. Ordinance #23-337 – Single-Use Plastics Reduction: Ms. McCreary reported that in October of 2022, Township resident and EAC member, Don Hamp, spoke to the Board about considering a ban on single-use plastic bags. In May 2022, the Board adopted a resolution encouraging the

voluntary participation in reducing the use of single-use plastics. On August 14, 2023, the Board authorized the advertisement of Single-Use Plastics Reduction Ordinance for consideration at this evening's meeting. Under public comment, EAC Chair Ryan Rex said he was proud to support the ordinance and he presented a handmade trophy of single-use plastic products to Don Hamp, a member of the EAC, to celebrate the small, but important step forward in reducing single-use plastics. Don Hamp of 104 Terrace Court, thanked the Board for supporting the ordinance and provided additional information on global warming and future threats to the environment.

MOTION: Upon motion by Ms. Staab, seconded by Ms. Bamford, and unanimously carried (3-0), the Board adopted Ordinance #23-337 – Single Use Plastics Reduction.

10. Certification of 2023 Minimum Municipal Obligation (MMO) for the Police Pension Fund and Non-Uniformed Employees' Pension Fund:

MOTION: Upon motion by Ms. Long, seconded by Ms. Bamford, and unanimously carried (3-0), the Board accepted the 2024 Minimum Municipal Obligation for the Montgomery Township Police Pension Fund in the amount of \$316,605, and the 2024 Minimum Municipal Obligation for the Montgomery Township Non-Uniformed Employees' Pension Fund in the amount of \$369,556.

11. Real Estate Tax Assessment Appeal – 120 Garden Golf Boulevard – Mr. Shapiro reported that the taxpayer filed an appeal for the property at 120 Garden Golf Boulevard for the 2022 tax year. The Board of Assessment Appeals issued a Notice of No Change in Assessment in September 2021. In October 2021, the Taxpayer filed an appeal to the Court of Common Pleas. The North Penn School District negotiated a settlement with the taxpayer, resulting in a decrease of the assessed value to \$587,400. For 2023, the assessed value will become \$3,564,000.00. Based on the proposed settlement, the Township will need to issue a refund of \$876.23 for tax year 2022 and \$1,462.63 for tax year 2023.

MOTION: Upon motion by Ms. Long, seconded by Ms. Bamford, and unanimously carried (3-0), the Board approved the stipulated settlement for 120 Garden Golf Boulevard and authorized the Township Solicitor to execute the document on behalf of the Township.

Public Works:

12. Award of Bid for Stormwater Infrastructure Maintenance Projects – Mr. Reiff reported that bids were opened on September 20, 2023. Six bids were received ranging from \$192,155.00 to \$408,220.82. Gilmore & Associates, Township Engineer, is recommending award of the bid to KBC Construction, LLC, the lowest responsible bidder with a bid of \$192,155.00.

MOTION: Upon motion by Ms. Long, seconded by Ms. Bamford, and unanimously carried (3-0), the Board awarded the contract for the Stormwater Infrastructure Improvements to KBC Construction, LLC, the lowest responsible bidder, in the amount of \$192,155.00 per the recommendation of Gilmore & Associates, Township Engineer.

New Business:

13. Department Reports - Monthly reports were submitted by each department for activity in the month of August. Chief Bendig provided the Board with an update on the activity of the Department's newly created professional standards position. Chief Bendig stated that this new initiative has gotten off to a great start. Sgt. Davis is currently onboarding the new Police Recruits, but has also accomplished the following in the month of August: established a department training spreadsheet that encompasses all of the department training, distributed daily Lexipol training bulletins to the Sergeants for training during roll call and other times during the shift, organizing the transition to the new firearms, organizing regional training opportunities for law enforcement, the development of lesson training plans, organizing the department firearm qualifications, and building and distributing several Police One training modules sent out for assignment.

14. Committee Reports – Ms. Staab reported on the EAC and their excitement over the Single Use Plastics Reduction ordinance. She also reported that the BDP met at the Montgomery Mall and had a presentation by Melvin Ford, manager. Mr. Ford stated that the Mall is committed to partnering with the Township. They are doing what they can to maintain the parking lots, bring in new retailers, etc. Ms. Bamford reported on the Park and Recreation Board meeting. The park board is very excited about the approval of the feasibility study for the Windlestrae House. They also received a request from a resident for additional pickleball courts. The Shade Tree Commission is finalizing plans for its forestry workshop and discussing projects for next year. Ms. Long announced that the Public Safety Committee discussed the recent use of the drone for assessing a building fire on Stump Road. The rapid flashing beacon crosswalks are almost complete, Chief Bendig provided the update on the professional standards accomplishments, and it was also noted that Officer Rob Johnson will be retiring soon.

15. Adjournment: Upon motion by Ms. Long and seconded by Ms. Staab, the meeting was adjourned at 9:09 p.m.

Respectfully submitted,

Deborah A. Rivas, Recording Secretary