

**MINUTES OF MEETING
MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS
MAY 28, 2024**

1. Call to Order: The May 28, 2024 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
Supervisor Tanya C. Bamford
Supervisor Annette M. Long
Supervisor Beth A. Staab
Township Solicitor John Walko, Esq.
Township Manager Carolyn McCreary

ALSO IN ATTENDANCE:

Police Chief J. Scott Bendig
Fire Chief William Wiegman
Director of Finance Brian Shapiro
Director of Planning & Zoning Marianne McConnell
Director of Public Works Greg Reiff
Director of IT Richard Grier
Recording Secretary Deborah Rivas

ABSENT:

Vice Chair Audrey R. Ware

2. & 3. Pledge of Allegiance and Public Comment: Following the Pledge of Allegiance, Ms. Chimera asked for public comment from the audience and there was none.

4. Consent Agenda:

MOTION: Upon motion by Ms. Chimera, seconded by Ms. Long, and unanimously carried (4-0), the minutes of the May 13, 2024 Board meeting, and the payment of bills totaling \$528,253.38 for May 28, 2024 were approved as submitted.

Planning and Zoning:

5. Review of Zoning Hearing Board Applications: Ms. McConnell identified the pending hearing applications received for the June 5, 2024 Zoning Hearing Board meeting. Application 24050001 is for Boyd/126 Woodland Drive for relief from the provisions of Section 230-149A(2)(a)4 of the Code of Montgomery Township in order to allow a towing business to operate in an R-2 residential zoning district. Application 24050002 is for Glemser/750-752 Horsham Road to permit the proposed use of an automobile service and repair shop by special exception.

The Board discussed the applications and agreed to remain neutral on the second application and to send the Solicitor to oppose the first application.

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 June 5, 2024 Zoning Hearing Board to oppose application 24050001 - 26 Woodland Drive for relief from the provisions of Section 230-149A(2)(a)4 of the Code of Montgomery Township in order to allow a towing business to operate in an R-2 residential zoning district.

6. Resolution 2024-13 – Village of Windsor Request for Time Extension – Ms. McConnell reported that the applicants, Airport Square Associates and BRP Montgomeryville c/o RD Management LLC, received conditional preliminary and final land development approval on July 25, 2022 by Resolution 2022-32. That resolution will expire in two years unless extended in writing by the Township. The applicant is requesting an extension to continue to work with outside agencies to secure the required PennDOT and PADEP permits.

MOTION: Upon motion by Ms. Chimera, seconded by Ms. Bamford, and unanimously carried (4-0), the Board adopted Resolution 2024-13, granting a two-year extension of the Approval Resolution 2022-32 to expire on July 25, 2026.

7. Chase Bank – Preliminary / Final Land Development – Ms. McConnell reported that a land development application was submitted by JP Morgan Chase Bank to demolish a former car wash and gas station and construct a new 3,310 square-foot bank building with drive-through on a 0.931-acre lot, at the intersection of Route 309 and North Wales Road in the C Commercial district. The applicant requests waivers of buffers, shade street trees, and bollards and provides a minimum 40-foot turning radii at the Bethlehem Pike and North Wales Road intersection. A 25-foot best-fit radius currently exists at the corner. The applicant proposes to provide a 40 foot and 20 foot two-centered curve (compound radius) on the northeastern corner of Bethlehem Pike and North Wales Road per their supplemental waiver request letter. At their March meeting, the Planning Commission expressed their desire to see improvements at the intersection including the widening to allow for larger truck movements. Bob Careless, Esquire, represented the applicant, along with Brian Searcy, P.E., Aaron Bodenschatz, P.E., Eric Ostimchuk, P.E. and Eric Goff, P.E. Mr. Careless outlined the project and addressed each of the waivers requested. Mr. Careless stated that multiple potential issues have been identified at the northeastern corner of Bethlehem Pike and North Wales Road which may prohibit the Applicant's ability to satisfy the SALDO requirement for intersections. The applicant cannot locate the vault owner on the corner, prohibiting any further radius curve from being installed. Discussion followed regarding this waiver request. The Board members unanimously want to see this intersection improved for various reasons and asked the applicant to use additional measures to locate the owner of the vault. After consultation with the applicant, Mr. Careless asked for additional time.

MOTION: Upon motion by Ms. Chimera, second by Ms. Long, and unanimously carried (4-0) the Board agreed to consider the resolution for preliminary/final land development for Chase Bank at their July 8, 2024 meeting.

Public Works:

8. Bid Award for Traffic Signal Preemption Project – Horsham Road and County Line Road – Mr. Reiff reported that two bids were opened utilizing PennBid on May 20, 2024, ranging from \$153,525.00 to \$203,924.75. Gilmore and Associates is recommending award of the bid to Armour & Sons Electric, Inc., the lowest responsible bidder with a bid of \$153,525.00.

MOTION: Upon motion by Ms. Chimera, seconded by Ms. Bamford, and unanimously carried (4-0), the Board awarded the contract for the Traffic Signal Pre-Emption Detection upgrades along Horsham and County Line Roads to Armour & Sons Electric, Inc. in the amount of \$153,525.00.

Administration and Finance:

9. Resolution 2024-15 Township Communications – Solicitor Walko advised the Board of a recent Supreme Court decision (Lindke v. Freed), which noted that public officials and employees of government entities do not have the authority to act or speak on behalf of the entity, including through any social media platform, unless approved by the entity. Mr. Walko’s office recommends that the Board memorialize its communication practices in a resolution.

MOTION: Upon motion by Ms. Chimera, seconded by Ms. Long, and unanimously carried (4-0), the Board adopted Resolution 2024-15, affirming that public officials and employees of Montgomery Township do not have authority to act or speak on behalf of Montgomery Township, including through any social media platform, unless approved by the Township.

10. Waiver of Conflict of Interest: Solicitor Sean Kilkenny has asked the Board to consider a waiver of conflict of interest in connection with the representation of Montgomery Township negotiations with Rise Up Towers. Mr. Kilkenny’s firm represents Rise Up Towers in transactions for the development of wireless communications facilities in other municipalities.

MOTION: Upon motion by Ms. Chimera, seconded by Ms. Bamford, and with a vote of 3 to 1, Supervisor Long voting no, the Board approved the waiver of conflict of interest in connection with the Township Solicitor’s representation of Montgomery Township negotiations with Rise Up Towers for a zoning change, requested by Rise Up Towers, for the development, construction, and ownership/profit sharing of wireless communications facilities on Township Authority-owned property.

11. Adoption of Ordinance 24-341 and 24-342: Ms. McCreary reported that the MTMSA would like to amend Township Ordinance §187-75-Grease interceptors and sand, soil, and oil separators. Minor administrative changes are being requested, in addition to language regarding “single service kitchens” businesses. In addition, MTMSA is revising the limits for BIS (2-Ethlegexl) Phthalate & Mercury for the Hatfield Township Municipal Authority Wastewater Treatment Plant.

MOTION: Upon motion by Ms. Chimera, seconded by Ms. Bamford, and unanimously carried (4-0), the Board adopted Ordinances 24-341 and 24-342, amending Chapter §187-75 as noted.

12. Proposed Summer Schedule – Ms. McCreary reported that staff has reviewed ongoing subdivision and land development projects submitted to the Township, confirming their places in the review and approval process. Based on the current activity level, there appears to be an opportunity to eliminate one meeting a month for the summer. Land development applications

reviewed at a Planning Commission meeting would move forward to the first meeting of the following month, allowing staff and the applicant time to address any additional comments or concerns expressed by the Planning Commission before coming before the Board of Supervisors. Staff is recommending the Board provide consensus for meeting on the 2nd Monday of each month in June, July and August. The Board was unanimously agreeable to the proposed schedule.

New Business:

13. Department Reports: Monthly reports were submitted by each department for activity in the month of April. Brian Shapiro updated the Board on the Township's financial matters as detailed in the monthly report.

14. Committee Liaison Reports: Ms. Long reported that the Public Safety Committee discussed the Fire Department's proposed project to install sensors on the fire apparatus for collision detection. The Public Works Department reported on its monthly projects and handled over 217 PA One Calls. The VMSC handled 174 calls in Montgomery Township and is undergoing Autism Awareness Training. The accident on the 202 Parkway in April was reviewed, and the responsive departments were praised for their cooperation. The Police Department is undergoing the hiring process for new officers and National Night Out is scheduled for August 6 at Maule Park at Windlestrae.

Ms. Chimera reported that the Planning Commission did not meet.

Ms. Bamford reported that a long-time member of the Sewer Authority, Peggy Seitz, is officially retiring and will be missed. The Shade Tree Commission reviewed the Arbor Day Tree Giveaway event. The Park Board had a presentation on the estimates for the Windlestrae Farmhouse. While attending the PSATS Conference this year, Ms. Bamford became aware of grant money that may be available for this type of project.

Ms. Staab reported that the Business Development Partnership will acknowledge new businesses in the Township on social media and the website. The Environmental Advisory Committee discussed the feedback on the single-use plastic ordinance, which was mostly positive. They felt it was important to continue to educate the residents that the money charged for paper bags does not go back to the Township.

Ms. McCreary acknowledged the Stars, Stripes, and Remembrance event that was held the previous Friday. The staff was thrilled with the attendance and the sense of community. Ms. McCreary thanked everyone who played a part in the event.

15. Adjournment: Upon motion by Ms. Chimera and seconded by Ms. Bamford, the meeting was adjourned at 8:29 p.m.

Respectfully submitted,

Deborah A. Rivas, Recording Secretary