

UPPER MORELAND TOWNSHIP

Regular Meeting

November 14, 2022 at 7:00 p.m.

AGENDA ITEMS ARE SUBJECT TO CHANGE

INSTRUCTIONS TO JOIN:

Go to Zoom.us. Click “Join a Meeting”

Webinar ID: 917 5771 7982

Password: 182130

Join by Phone: Dial 1-929-205-6099

Webinar ID: 917 5771 7982

Password: 182130

***Residents requiring special accommodations:*

*please call the Township during normal business hours at 215-659-3100 x1058 or x1057***

I. **Call Meeting to Order**

II. **Moment of Silent Meditation/Pledge of Allegiance**

III. **Roll Call**

IV. **Presentations/Announcements –**

A. Presentation of Service Award Certificates for the following Township employees and their years of service:

- Andrew C. Gerth – 25 Years
- Patrick T. Stasio – 25 Years
- Elda Maggeo – 20 Years
- James Murphy – 15 Years
- Christopher Strange – 15 Years

PUBLIC HEARING

PUBLIC HEARING #1960 – To receive public comment on the adoption of Ordinance #1734, amending the subdivision and land development ordinance of the Township regarding the Transportation Impact Fee (attachments).

REGULAR MEETING

V. **Public Comments – Non-Agenda Items Only**

VI. **Treasurer’s Activity Report – October 2022 (attachment)**

VII. **Approval of Minutes – October 3, 2022 (attachment)**

VIII. **Committee Recommendations**

A. **Finance & Administrative Committee – October 24, 2022** – The Committee recommends the Board of Commissioners take action on the following:

1. Appointments/Reappointments:

- a. **Motion to Approve** the appointment of Natalie Baine-Schilisky to serve the Alternate position vacancy of Michael Lovecchio on the **Historical Commission** and complete the remainder of the current term that will expire on December 31, 2024.
- b. **Motion to Approve** the appointment of Albert J. DerMovsesian to serve the voting position of Natalie Baine-Schilisky on the **Historical Commission** and complete the remainder of the current term that will expire on December 31, 2024.

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- c. **Motion to Approve** the reappointment of Ronald Sanceciz as an At-Large member of the Parks and Recreation Advisory Council to serve a new two-year term that will expire on May 5, 2024.

2. List of Bills Payable (attachment) – The Committee recommends the approval of:

General Funds Checks:

Beginning Check No.: 135678

Ending Check No.: 135965

General: \$ 3,846,055.16

Debt: \$ 2,648.33 (Check No.135735, 135736, 135900)

Capital: \$ -----

Total: \$ 3,848,703.49

Voids: =====

Escrow Fund Checks:

Beginning Check No.: 9511

Ending Check No.: 9520

Total: \$ 5,580.63

Voids: -----

Liquid Fuel Fund Checks:

Beginning Check No.: 3032

Ending Check No.: 3036

Total: \$ 77,415.93

Voids: -----

3. Other Items:

- a. **Motion to Approve** the following with respect to the Eastern Montgomery County Turnpike Interchange Group (attachments):
- Become a member
 - Allocate the annual \$10,000 fee to be a member
 - Approve the proposed Memorandum of Understanding Agreement
- b. **Motion to Approve** the Township's Engineer, McMahon & Associates, 2023 hourly rate increase (attachments).
- c. **Motion to Approve** the Tax Assessment Appeal between the Township, the School District of Upper Moreland and the tax payer, CGCMT 2013-GC17 Maryland Road (attachments)
- d. **Motion to Approve Ordinance #1734** – Amending the subdivision and land development ordinance of the Township regarding the Transportation Impact Fee (attachments).

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4. New Business

B. Community Development Committee – October 17, 2022 – The Committee recommends the Board of Commissioners take action on the following:

1. Code Enforcement
2. Land Development/Subdivision Applications:
 - a. **Motion to Approve Resolution R-2022-38** – Granting Preliminary/Final Minor Land Development approval with conditions to L&A Forever, LLC for a truck parking terminal at the property located at 1740 County Line Road (attachments)
3. List of Upcoming Zoning Hearing Board Applications – No applications for the month of November.
4. Other Items:
 - a. **Motion to Approve Resolution R-2022-39** – Approving an agreement to permit the use of an area within the Township's Right-of-Way for the placement of a retaining wall located at 418 Lawnton Road (attachments).
 - b. **Motion to Approve Resolution R-2022-40** – Granting amended Preliminary/Final Land Development approval with conditions to Olive Garden Holdings, LLC D/B/A Olive Garden (attachments).
 - c. **Motion to Approve** the amended Conditional Use and Decision Order for the Station at Willow Grove (attachments).
 - d. **Motion to Approve** the concept of converting the current trash collection to automated trash collection (attachments).
 - e. **Motion to Approve ratifying** a letter supporting Pennsylvania Ecological Restoration Trust's submission of a DCNR Grant (attachments).
 - f. **Motion to Approve awarding** the bid for the installation of signalization upgrades as part of the Green Light-Go grant (attachments).
 - g. **Motion to Approve** the Maryland Culvert rehab/replacement option (attachments)

C. Public Health & Safety Committee – October 24, 2022 - The Committee recommends the Board of Commissioners take action on the following:

1. **Motion to Approve Resolution R-2022-41** – Approving the Civil Service Commission's adopted Resolution R-2022-12, which revised Section 4.3; General Examination Requirements for Promotion; Section A. Police Department to change the weighting for the promotional examination for the position of Sergeant and Lieutenant to (30%) for the Written Exam and (70%) for the Oral Exam on a (100) point scale (attachments).

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D. **Parks & Recreation Committee – October 24, 2022** – The Committee recommends the Board of Commissioners take action on the following:

1. **Motion to Approve** and authorize the Director of Parks and Recreation to submit a Tree City USA application (attachment).

IX. Commissioner Comments:

A. Upcoming Township Meetings (based on current calendar):

Date	Subject	Location	Time
November 17	Advisory Planning Agency (APA)	Township Building – Council Room	5:00 PM
November 21	Community Development Committee Meeting of the BOC	Township Building – Council Room	7:00 PM
November 22	Historical Association	Township Building – Council Room	7:00 PM
November 24	Thanksgiving Day	HOLIDAY	
November 25	Thanksgiving Day Holiday	HOLIDAY	
November 28	Committee Meetings of the BOC	Township Building – Council Room	7:00 PM
November 29	Human Relations Commission	Zoom	7:00 PM
November 30	Woodlawn Steering Committee	Township Building – Council Room	7:00 PM
December 5	Regular Meeting of the BOC	Township Building	7:00 PM
December 6	Historical Commission	Library Community Room	7:00 PM
December 7	Environmental Advisory Council	Zoom	7:00 PM
December 8	Zoning Hearing Board	Township Building – Council Room	7:30 PM
December 12	Community Development Committee Meeting of the BOC	Township Building – Council Room	7:00 PM
December 15	Advisory Planning Agency (APA)	Township Building – Council Room	7:00 PM
December 19	Committees Meeting of the BOC	Township Building – Council Room	7:00 PM
December 22	Zoning Hearing Board	Township Building – Council Room	7:00 PM

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X. Adjournment

TOWNSHIP of UPPER MORELAND

Montgomery County, Pennsylvania

117 Park Avenue, Willow Grove, PA 19090-3215

Telephone (215) 659-3100 / Fax (215) 659-7363

COMMISSIONERS

KIP McFATRIDGE

President

CHERYL LOCKARD

Vice President

ANTHONY S. PROUSI

NICHOLAS O. SCULL

KEVIN C. SPEARING

R. SAMUEL VALENZA

CHARLES M. WHITING



OFFICIALS

MATTHEW H. CANDLAND

Township Manager

RANDALL K. SCHAIBLE

Assistant Township Manager/

Director of Finance

ALEX H. LEVY

Township Treasurer

SEAN P. KILKENNY, ESQ.

Township Solicitor

Agenda Summary **Special Presentation**

Regular Meeting - November 14, 2022

Agenda Item:	Employee Service Award Recognition
Recommended Action:	Recognize the employees, present them with their Service Award certificate and take photos with employees.
Background/Analysis:	<p>Earlier this year, the Board of Commissioners approved a employee service award program. The purpose of this program is to recognize those employees who have demonstrated their commitment to the Township through many years of service.</p> <p>At this board meeting the Board will be recognizing five employees who have reached service milestones during the last quarter (July 1 – Sept. 30). These employees have served the Township with dedication for many years. Attached is a description of each of these employees.</p>
Fiscal Impact/Source:	N/A
Alternatives:	N/A
Attachments:	List of Service Award Recipients
Prepared by:	Matt Candland, Township Manager

**Upper Moreland Township
Employee Service Award Program
November 14, 2022**

<u>Employee Name</u>	<u>Years of Service</u>	<u>Description of Tenure with the Township</u>
Andy Gerth	25	Andy started his fire service career with Upper Moreland Township in 1997. During his tenure with UMT, Andy has served as a first aid and CPR Instructor along with working closely with the Eastern Center for Arts and Technology. Andy has served in a variety of other roles including state certified fire suppression instructor, inspector and fire investigator and Officer in Charge of a shift.
Pat Stasio	25	Pat initially served as the Recreation Program Coordinator from 1988 to 1995. In 1997 he was hired as the Director of Parks and Recreation and has served in that role since then. Pat supervises a department with eight full time employees, one part time employee and many seasonal employees.
Elda Maggeo	20	Elda began with Upper Moreland Township in 2002 as a part time secretary in the Office of Emergency Services/Fire Marshal. In 2016 she began full time for the Code Enforcement Dept. In addition to her duties as a Codes secretary, she also serves as Secretary to the Zoning Hearing Board.
Jim Murphy	15	Jim Murphy joined Upper Moreland Township in 2007 and has served in the Parks and Recreation Dept. since. Jim oversees all maintenance operations for our 19 parks and open spaces. He supervises five full time staff members as well as 8 – 10 seasonal employees.
Chris Strange	15	Chris began his firefighting career in 1989 when he joined the Willow Grove Volunteer Fire Co. In 2007, joined the Upper Moreland Fire Dept. as a full time firefighter. In addition to his firefighter responsibilities, Chris has also served as the Emergency Management Coordinator. He currently serves as an Officer in Charge.

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Telephone (215) 659-3100 / Fax (215) 659-7363



TREASURER'S ACTIVITY REPORT

October, 2022

GENERAL FUND:	EXPENDITURES	RECEIPTS	BALANCE
General Fund	\$ 4,974,215.68	\$ 801,139.12	\$1,511,366.44
Treasurer's Fund			\$100.00
Highway Fund			\$75.00
Secretary Fund			\$150.00
Finance Department			\$500.00
			<hr/> \$1,512,191.44
OTHER FUNDS:			
Escrow Fund	\$ 5,729.63	\$ 346,449.31	\$1,137,277.48
Debt Fund	\$ 2,648.33	\$ 1,292.45	\$40,969.43
TD ACCOUNT:			
Cash Account	\$0.00	\$188.06	\$245,333.24
P.L.G.I.T. ACCOUNTS:			
U.M. Twp. General Fund	\$ -	\$ 139,834.50	\$7,062,903.46
Capital Reserve For Equip.	\$ -	\$ 941.90	\$392,567.65
Fire Truck Fund		\$ 239.05	\$99,632.09
Liquid Fuels Fund	\$ 77,415.93	\$ 711.74	\$266,313.08
American Rescue Plan Act	\$ -	\$ 5,760.43	\$2,400,713.61
2021 Bond	\$ -	\$ 5,825.17	\$2,183,674.70
2022 Bond	\$ -	\$ 2,639.95	\$989,676.93

NOTE: This monthly Treasurer's Report is a summary of receipts and expenditures only.

A complete Financial Statement is available for public review in the Township's Finance Office.



ALEX LEVY
TREASURER, TAX COLLECTOR

October 2022 -- Treasurer's Report

**Upper Moreland Township
Board of Commissioners - Regular Meeting
October 3, 2022 Meeting Minutes**

Board of Commissioners Members: Commissioner and President, Clifton "Kip" McFatridge; Commissioner and Vice President Cheryl Lockard; Commissioners Nicholas O. Scull, Kevin C. Spearing, Charles M. Whiting, Anthony S. Prousi, and R. Samuel Valenza.

- I. **Call to Order:** The Regular Meeting of the Board of Commissioners of Upper Moreland Township was called to order by Board President McFatridge.
- II. **Moment of Silent Meditation/Pledge of Allegiance**
- III. **Roll Call:** Commissioner and Board President McFatridge, Commissioner and Vice President Lockard; Commissioners Spearing, Whiting, Scull, Valenza. Absent: Commissioner Prousi. Also present: Randy Schaible, Assistant Township Manager/Director of Finance, Matthew H. Candland, Township Manager, Sean Kilkenny, Township Solicitor.
- IV. **Presentations/Announcements:**
 - a. Commissioner McFatridge announced that the Board of Commissioners met in an Executive Session prior to tonight's Public Hearing and Regular Meeting to discuss legal and personnel matters.
 - b. **Motion to Approve** an honorable discharge to Lieutenant Mark F. Drakeley from the Upper Moreland Township Police Department, and in recognition of his retirement effective August 28, 2022, present a proclamation for his service to the residents of Upper Moreland Township.
 - Commissioner Valenza motioned, seconded by Commissioner Spearing and the Board of Commissioners approved by a vote of 6-0.
 - Chief Block discussed Lieutenant Drakeley's career background, read a proclamation and offered congratulations.
 - The Board of Commissioners thanked and congratulated Lieutenant Drakeley.
 - Chief Block conveyed thanks on behalf of the Hatboro, Cheltenham, Abington, and Jenkintown Chiefs of Police.

PUBLIC HEARING

PUBLIC HEARING #1959 – To receive public comments concerning the JERC Partners XXXIX, LLC for a Conditional Use application to request a modification of the prior Conditional Use Approval to permit office or retail within the 2,000 square feet on the first floor previously designed for mixed use (office and retail) for the property known as the Stations at Willow Grove (attachment).

- Commissioner McFatridge motioned, seconded by Commissioner Valenza and the Board of Commissioners approved by a vote of 5-0 (5 aye: Commissioners Scull, Spearing, McFatridge, Valenza, Whiting; 1 recuse: Commissioner Lockard), to open Public Hearing #1959.
- Public Hearing #1959 was held.
- Commissioner Valenza motioned, seconded by Commissioner Scull and the Board of Commissioners approved by a vote of 5-0 (5 aye: Commissioners Scull, Spearing, McFatridge, Valenza, Whiting; 1 recuse: Commissioner Lockard), to close Public Hearing #1959.
- The Board of Commissioners recommends a vote for action at the November 14, 2022 Regular Meeting.

REGULAR MEETING

- V. **Public Comments** - Nothing to report.

VI. **Treasurer's Activity Report – September 2022:**

- Commissioner Valenza motioned, seconded by Commissioner Lockard and the Board of Commissioners approved by a vote of 6-0, the report as submitted.

VII. **Approval of Minutes – September 12, 2022 - Regular Meetings:**

- The minutes were amended on page three, section IX, fourth arrow, ninth circle, to read, "... high school walkers...".
- Commissioner Valenza motioned, seconded by Commissioner Lockard and the Board of Commissioners approved by a vote of 6-0, the minutes as amended.

VIII. **Committee Recommendations:**

A. **Finance & Administrative Committee – (September 26, 2022)** – The Committee recommends the Board of Commissioners take action on the following:

1. Appointments/Reappointments:

- a. **Motion to Approve Resolution R-2022-30** - the appointment of Sandra Richman to fill the Alternate position vacancy on the **Zoning Hearing Board** left by Raymond Fox, Jr. and complete the remainder of the current three-year term that will expire on December 31, 2023:

- Commissioner Valenza motioned, seconded by Commissioner Lockard and the Board of Commissioners approved **Resolution R-2022-30**, by a vote of 6-0.

- b. **Motion to Approve** the appointment of Albert J. DerMovsesian to fill the Alternate position vacancy on the **Historical Commission** left by Renee Anderley and complete the remainder of the current term that will expire on December 31, 2024.

- Commissioner Valenza motioned, seconded by Commissioner Lockard and the Board of Commissioners approved by a vote of 6-0.

- Sue Worth-LaManna, Chair of the Historical Commission, proposed to appoint Albert J. DerMovsesian to fill an At-Large vacancy left by Natalie Baine-Schliskey to complete the remaining three-year term to expire on December 31, 2024.

- Sue Worth-LaManna, Chair of the Historical Commission, proposed to appoint Natalie Baine-Schliskey to fill an Alternate vacant position left by Michael Lovecchio for a remaining three-year term to expire on December 31, 2024.

- The Committee recommends a discussion at the October 24, 2022 Finance & Administrative Committee Meeting on these two proposed appointments.

- c. **Motion to Approve** the appointment of Jennifer T. Mullen to fill the Ward 4 vacancy on the **Advisory Planning Agency** left by Deirdre Barnes and complete the remainder of the current two-year term that will expire on June 1, 2024.

- Commissioner Valenza motioned, seconded by Commissioner Lockard and the Board of Commissioners approved by a vote of 6-0.

2. List of Bills Payable:

- Commissioner Valenza motioned, seconded by Commissioner Lockard and the Board of Commissioners approved by a vote of 6-0.

3. Other Items:

- a. **Motion to Approve** advertisement of a public meeting on November 14, 2022 to consider adoption of an amended ordinance to increase the Transportation Impact Fee:

- Commissioner Valenza motioned, seconded by Commissioner Lockard and the Board of Commissioners approved by a vote of 6-0.

**Upper Moreland Township
Board of Commissioners - Regular Meeting
October 3, 2022 Meeting Minutes**

- b. **Motion to Approve** the Township's Solicitor's engagement letter and hourly rate increase to \$165.00 (an increase of \$5.00 hourly) for legal services provided by Kilkenny Law, LLC:
 - Commissioner Valenza motioned, seconded by Commissioner Lockard and the Board of Commissioners approved by a vote of 6-0.
 - c. **Motion to Approve** the purchase of a 2022 Chevrolet Express Cargo Van for the Parks and Recreation Department in 2022 and avoid the 20% increase if purchased in 2023:
 - Commissioner Valenza motioned, seconded by Commissioner Lockard and the Board of Commissioners approved by a vote of 6-0.
 - d. **Motion to Approve** a proposed change order for the fire alarm installation at the Public Works facility and the Township Administration Building:
 - Commissioner Valenza motioned, seconded by Commissioner Lockard and the Board of Commissioners approved by a vote of 6-0.
 - e. **Motion to Approve** a proposed change order for Library Restroom improvements:
 - Commissioner Valenza motioned, seconded by Commissioner Lockard and the Board of Commissioners approved by a vote of 6-0.
 - f. **Motion to Approve** the bid approval for Solid Waste Direct Haul Disposal Services to Covanta:
 - Commissioner Valenza motioned, seconded by Commissioner Lockard and the Board of Commissioners approved by a vote of 6-0.
 - g. **Motion to Approve Resolution R-2022-37**, adopting the additional Roth 457 Plan Option as part of the Township's Deferred Compensation Plan:
 - Commissioner Valenza motioned, seconded by Commissioner Lockard and the Board of Commissioners approved by a vote of 6-0.
 - h. **Motion to Approve** the submission of a State Fire Grant:
 - Commissioner Valenza motioned, seconded by Commissioner Lockard and the Board of Commissioners approved by a vote of 6-0.
4. New Business – Nothing to report.

B. Community Development Committee – (September 19, 2022):

- 1. **Code Enforcement** - Nothing to report.
- 2. **Land Development/Subdivision Applications:**
 - a. **Motion to Approve Resolution R-2022-31** – Approving the proposed land development of the Olive Garden located at 2402 Easton Road:
 - Christopher Lang, Engineer at Core States Group, reviewed the waivers.
 - Commissioner Spearing motioned, seconded by Commissioner Valenza and the Board of Commissioners approved Waivers A., C., D., E., F., G., H., I. and denied Waiver B., by a vote of 6-0.
 - The Board of Commissioners recommends a discussion continue on amendments to Waiver B at a future Community Development Committee Meeting.
 - A resident expressed concerns and requested signs limiting access to the entry ways of the property on Sycamore Avenue.
 - Commissioner Spearing motioned, seconded by Commissioner Lockard and the Board of Commissioners approved **Resolution R-2022-31** by a vote of 6-0.
 - b. **Motion to Approve Resolution R-2022-32** – Approving a two-lot consolidation to develop a 1,720 square foot two-story dwelling and two-car garage for the property located on New Street:

- Kris Reiss, LVL Engineers, reviewed the waivers and stated that a waiver from sidewalks is being withdrawn.
 - Commissioner Spearing motioned, seconded by Commissioner Valenza and the Board of Commissioners approved Waivers A., C., D., E., and withdrew Waiver B., by a vote of 6-0.
 - Commissioner Spearing motioned, seconded by Commissioner Valenza and the Board of Commissioners approved **Resolution R-2022-32** by a vote of 6-0.
3. **List of Upcoming Zoning Hearing Board Applications – October 27, 2022:**
- Commissioner Spearing stated that there are currently no applications to be heard.
4. **Other Items:**
- a. **Motion to Approve Resolution R-2022-33** – Granting the request for a waiver of curb for the property located at 4121 Blair Mill Road:
 - Commissioner Spearing motioned, seconded by Commissioner Valenza and the Board of Commissioners approved Waiver A. by a vote of 5-1 (5 aye: Commissioners Scull, Spearing, McFatridge, Lockard, Whiting; 1 nay: Commissioner Valenza).
 - Commissioner Spearing motioned, seconded by Commissioner Valenza and the Board of Commissioners approved **Resolution R-2022-33** by a vote of 6-0.
 - b. **Motion to Approve Resolution R-2022-34** – Granting an amended waiver of ADA compliant ramps to Federal Realty Investment Trust's HOP application for the Moreland Road driveway and request to defer the construction of ramps:
 - Commissioner Spearing motioned, seconded by Commissioner Valenza and the Board of Commissioners approved by a vote of 6-0.
 - c. **Motion to Approve** authorizing the Township Traffic Engineer's submission of a grant application to PennDOT for the Traffic Signal Technologies Program:
 - Commissioner Spearing motioned, seconded by Commissioner Valenza and the Board of Commissioners approved by a vote of 6-0.
 - d. **Motion to Approve** the submission of a Green Light-Go Grant proposal for bids:
 - Commissioner Spearing motioned, seconded by Commissioner Valenza and the Board of Commissioners approved by a vote of 6-0.
 - e. **Motion to Approve** Change Order #2 for testing, soil removal and disposal beneath Underground Storage Tank #2, as part of the Woodlawn School Demotion project
 - Commissioner Spearing motioned, seconded by Commissioner Valenza and the Board of Commissioners approved by a vote of 6-0.

C. Public Health & Safety Committee – (September 26, 2022):

- 1. **Motion to Approve Resolution R-2022-35** - The adoption of the Civil Service Commission's Resolution 2022-11, which expanded the pool of potential applicants for the position of Patrol Officer in the Police Department by removing the requirement that an applicant either be actively enrolled in the Police Academy or had graduated within two years:
 - Commissioner Whiting motioned, seconded by Commissioner Spearing and the Board of Commissioners approved by a vote of 5-1 (5 aye: Commissioners Scull, McFatridge, Lockard, Valenza, Whiting; and 1 nay: Commissioner Spearing).
- 2. **Motion to Approve** the submission of a grant to the Pennsylvania Commission on Crime and Delinquency Office of Justice Programs:
 - Commissioner Whiting motioned, seconded by Commissioner Spearing and the Board of Commissioners approved by a vote of 6-0.

**Upper Moreland Township
Board of Commissioners - Regular Meeting
October 3, 2022 Meeting Minutes**

3. **Motion to Approve Resolution R-2022-36** – Approving designating Fire Zones at the following locations:
- Walmart
 - The Home Depot
 - Commissioner Whiting motioned, seconded by Commissioner Spearing and the Board of Commissioners approved by a vote of 6-0.

D. Parks and Recreation Committee – (September 26, 2022):

1. Motion to Approve request from UM Historical Commission for an October 22, 2022:
- Sue Worth-LaManna, Chair of the Historical Commission, announced that the request to serve alcohol has been withdrawn.
 - Commissioner Scull motioned, seconded by Commissioner Spearing and the Board of Commissioners amended the motion by withdrawing a request for alcohol and approved by a vote of 6-0, an open firepit.

IX. Commissioner Comments:

A. Upcoming Township Meetings:

Date	Subject	Location	Time
October 5	Woodlawn Steering Committee	Township Building – Finance Conference Room	7:00 PM
October 6-9	PML/PSATC Conference	Pittsburgh, PA	
October 13	Zoning Hearing Board	TBD (AV Equipment Installation – Council Room not available)	7:30 PM
October 17	Community Development Committee of the BOC	Township Building – Council Room	7:00 PM
October 20	Advisory Planning Agency (APA)	Township Building – Council Room	5:00 PM
October 24	Committee Meetings of the BOC	Township Building – Council Room	7:00 PM
October 25	Historical Association	Library Community Room	7:00 PM
October 26	Woodlawn Park Steering Council	Township Building – Council Room	7:00 PM
October 27	Zoning Hearing Board	Township Building – Council Room	7:30 PM
November 1	Historical Commission	Library Community Room	7:00 PM
November 2	Environmental Advisory Council	ZOOM	7:00 PM
November 5	Budget Workshop	Township Building – Council Room	8:30 AM
November 8	ELECTION DAY		
November 10	Zoning Hearing Board	Township Building – Council Room	7:30 PM
November 11	Veterans Day	HOLIDAY	
November 14	Regular Meeting of the Board of Commissioners	Township Building – Council Room	7:00 PM

**Upper Moreland Township
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October 3, 2022 Meeting Minutes**

November 17	Advisory Planning Agency (APA)	Township Building – Council Room	5:00 PM
November 21	Community Development Committee Meeting of the BOC	Township Building – Council Room	7:00 PM
November 22	Historical Association	Township Building – Council Room	7:00 PM
November 24	Thanksgiving Day	HOLIDAY	
November 25	Thanksgiving Day Holiday	HOLIDAY	
November 28	Committee Meetings of the BOC	Township Building – Council Room	7:00 PM
November 30	Woodlawn Steering Committee	Township Building – Council Room	7:00 PM

- Chief Block announced that the Upper Moreland Police Department and Upper Moreland School District will jointly host "Hidden, High and Hammered" on Thursday, October 6, 2022 at 7 p.m. The free virtual program will be conducted online and is designed to give parents information about student drug and alcohol consumption.
- Commissioner Spearing announced the Faith & Blue community event on Saturday, October 8, 2022, 10 a.m. to 2 p.m., at the Willow Grove YMCA, which will be dedicated to Hatboro K9 Officer Ryan Allen who passed away in 2022.
- Commissioner Spearing commented on his vote for Resolution R-2022-35, and explained the need to pursue scholarships and participation from organizations, which will grow the applicant pool for positions of Patrol Officer in the Police Department.

X. **Visitor Comments** – Nothing to report.

XI. **Adjournment:** There being no further business to discuss, the meeting was adjourned at 8:30 p.m.

Respectfully submitted by Kathleen Kristire.

REGULAR MEETING MONDAY EVENING FOR UPPER MORELAND TOWNSHIP

11/14/2022

10/01/22 - 10/31/22

BILLS PAID TO BE APPROVED

CHECK NUMBER	PAYEE	DESCRIPTION	INV AMOUNT ACCOUNT NUMBER	AMOUNT	CHECK AMOUNT
01*135678	ALLIED LANDSCAPE SUPPLY	3 CY SOIL- MMP	129.00 01-454-800-	129.00	1,032.00
		3 CY SOIL- MMP	129.00 01-454-800-	129.00	
		3 CY SOIL- MMP	129.00 01-454-800-	129.00	
		3 CY SOIL- MMP	129.00 01-454-800-	129.00	
		3 CY SOIL- MMP	129.00 01-454-800-	129.00	
		3 CY SOIL- MMP	129.00 01-454-800-	129.00	
		3 CY SOIL- MMP	129.00 01-454-800-	129.00	
		3 CY SOIL- MMP	129.00 01-454-800-	129.00	
01*135679	AQUA PA	0001283340128334: WGFH 08/16-0	111.70 01-411-360-	111.70	111.70
01*135680	AQUA PA	0001284730128473: WGFC 08/16-0	101.85 01-411-360-	101.85	101.85
01*135681	AQUA PA	0001285050128505: WGFS 08/16-0	115.20 01-411-360-	115.20	115.20
01*135682	AQUA PA	0004827010404097: WGFS 08/16-0	110.50 01-411-360-	110.50	110.50
01*135683	AVM SERVICES	MINI MOOS, FUEL SURCHARGE	29.61 01-401-200-	29.61	29.61
01*135684	BETTE'S BOUNCES	DEPOSIT FUNHOUSE/MOONBOUNCE	154.50 01-452-240-	154.50	154.50
01*135685	BETTE'S BOUNCES	BALANCE FUNHOUSE/MOONBOUNCE	154.50 01-452-240-	154.50	154.50
01*135686	BKH ELECTRICAL INC	RE-FEED HEATER/ACU UNIT IN QUI	780.00 01-409-373-	780.00	780.00
01*135687	BRIDGET McDONALD	REFUND PAVILION	180.00 01-367-000-	180.00	180.00
01*135688	CARYN GILL	PAVILION REFUND	90.00 01-367-000-	90.00	90.00
01*135689	CLARK HILL	SERVICES RENDERED THROUGH 09/3	5,016.00 01-402-314-	5,016.00	5,016.00
01*135690	COMCAST CABLE	8499101410242512: PILEGGI PK 0	286.10 01-401-320-	286.10	286.10
01*135691	CRYSTAL SPRINGS	(13) 5G CRYSTAL SPRINGS WATER	137.02 01-410-200-	137.02	137.02
01*135692	DAVID CHUBB	3RD QUARTER PHONE ALLOWANCE	105.00 01-401-320-	105.00	105.00
01*135693	DAVID WALTER	CLD CLASS "A" ROAD TEST	300.00 01-430-240-	300.00	300.00
01*135694	DAVIS FEED MILL & COUNTRY STORE	50 STRAW HAY BALES	397.50 01-452-240-	397.50	397.50
01*135695	DELTA DENTAL OF PENNSYLVANIA	OCTOBER, 2022 COVERAGE	8,100.00 01-486-156-	8,100.00	8,100.00
01*135696	DISTRICT COURT 38-2-08	SECOND SERVICE FEE FOR CV-134-	7.44 01-401-240-	7.44	7.44
01*135697	EASTERN AUTOPARTS WAREHOUSE	SEPTEMBER 2022 STATEMENT	1,894.13 01-430-330-	1,894.13	1,894.13
01*135698	EDITS 2010	2022 EMERGENCY DISASTER INCIDE	300.00 01-411-460-	300.00	300.00
01*135699	ELLIOTT & FRANTZ, INC.	PAVER RENTAL FOR MMP	9,000.00 01-454-800-	9,000.00	6,000.00
		PAVER EARLY RETURN	-3,000.00 01-454-800-	-3,000.00	
01*135700	EMILY QUEDENFELD	PAVILION REFUND	160.00 01-367-000-	160.00	160.00
01*135701	EUREKA STONE QUARRY, INC.	09/15/22 MMP	2,701.46 01-454-800-	2,701.46	27,399.67
		09/16/22 MMP	2,713.02 01-454-800-	2,713.02	
		09/19/22 MMP	2,688.68 01-454-800-	2,688.68	
		09/20/22 MMP	2,258.62 01-454-800-	2,258.62	
		09/21/22 MMP	2,732.49 01-454-800-	2,732.49	
		09/22/22 MMP	2,736.14 01-454-800-	2,736.14	
		09/23/22 MMP	4,130.35 01-454-800-	4,130.35	
		09/26/22 MMP	4,171.73 01-454-800-	4,171.73	
		09/27/22 MMP	3,267.18 01-454-800-	3,267.18	
01*135702	EXTRA SPACE STORAGE	MONTHLY INVOICE	418.00 01-401-450-	418.00	418.00
01*135703	FOLEY INCORPORATED	BEARINGS, BOLTS, PLUGS, SEALS,	518.17 01-430-330-	518.17	2,544.31

CHECK NUMBER	PAYEE	DESCRIPTION	INV AMOUNT ACCOUNT NUMBER	AMOUNT	CHECK AMOUNT
		(4) STUDS	45.16 01-430-330-	45.16	
		(1) BRACKET	748.13 01-430-330-	748.13	
		ADAPTER, BRACKET, PULLEY	1,232.85 01-430-200-	1,232.85	
01*135704	GINA TOHANCZYN	PAVILION REFUND	120.00 01-367-000-	120.00	120.00
01*135705	GOOSE SQUAD	SEPTEMBER, 2022 GOOSE CONTROL	1,350.00 01-454-450-	1,350.00	1,350.00
01*135706	GRAINGER	(2) US FLAG	68.22 01-409-373-	68.22	200.35
		mouse trap, screwdriver set	66.01 01-409-373-	66.01	
		PARKS TOILET PAPER	66.12 01-454-200-	66.12	
01*135707	HATBORO LUMBER	(12) 2x4x8	99.72 01-454-200-	99.72	99.72
01*135708	HEWLETT-PACKARD	HP Custom Font for P4515	299.00 01-401-320-	299.00	299.00
01*135709	JENNIFER HARTIGAN	MILEAGE REIMBURSEMENT: JULY, A	31.44 01-452-240-	31.44	31.44
01*135710	JULIA KOBRENKO	PAVILION REFUND	140.00 01-367-000-	140.00	140.00
01*135711	KAITLIN RACZYNSKI	PAVILION REFUND	120.00 01-367-000-	120.00	120.00
01*135712	KALYN CALLAHAN	PAVILION REFUND	160.00 01-367-000-	160.00	160.00
01*135713	KATIE HAMILTON	PAVILION REFUND	60.00 01-367-000-	60.00	60.00
01*135714	KATIE KOLLAR	3RD QUARTER PHONE ALLOWANCE	105.00 01-401-320-	105.00	406.88
		3RD QUARTER MILEAGE	301.88 01-452-240-	301.88	
01*135715	KATIE MAYER	PAVILION REFUND	140.00 01-367-000-	140.00	140.00
01*135716	KENNEDY CULVERT & SUPPLY CO.	(2) STRAW MAT	64.00 01-454-450-	64.00	64.00
01*135717	KEYSTONE FIRE PROTECTION CO	UMT 75' ANTENNAE EXTENSION	1,435.00 01-130-100-	1,435.00	1,435.00
01*135718	KEYSTONE HEALTH PLAN EAST	OCTOBER, 2022	240,790.45 01-486-156-	240,790.45	240,790.45
01*135719	LEXISNEXIS	SEPTEMBER, 2022 CHARGES	150.00 01-401-240-	150.00	150.00
01*135720	MICHAEL GIOVINAZZO	3RD QUARTER PHONE ALLOWANCE	105.00 01-401-320-	105.00	105.00
01*135721	MyRecDept.com	11/01/22-10/31/23 MODULES	4,687.50 01-452-240-	4,687.50	4,687.50
01*135722	PATRICK STASIO	3RD QUARTER PHONE ALLOWANCE	105.00 01-401-320-	105.00	105.00
01*135723	PECO ENERGY-PAYMENT PROCESSING	2979900200: WOODLAWN: 08/30-09	18.81 01-454-360-	18.81	18.81
01*135724	PHILA OCCHEALTH	J.KELLY	725.17 01-410-240-	275.96	725.17
		J.FUGELO	01-415-240-	449.21	
01*135725	ROBERT E. LITTLE, INC.	(7) CHAIN LOOP	218.93 01-454-374-	218.93	218.93
01*135726	SIMONE COLLINS	WOOLAWN PK MASTER PLAN- SEPT	3,231.73 01-130-100-	3,231.73	3,231.73
01*135727	SOLLY BROTHERS FARM	SPOOKIE PUMPKINS	924.75 01-452-240-	825.00	924.75
		CORN STALKS	01-452-240-	99.75	
01*135728	SYNATEK	10-20-10 STARTER FERTILIZER 40	3,062.50 01-454-374-	562.50	3,062.50
		3 WAY TALL FESCUE GRASS SEED (01-454-200-	2,500.00	
01*135729	TALIA SMITH	PAVILION REFUND	140.00 01-367-000-	140.00	140.00
01*135730	THE STANDARD INSURANCE	OCTOBER 2022	5,785.40 01-486-156-	5,785.40	5,785.40
01*135731	UPPER MORELAND FREE LIBRARY	CONTRIBUTION TO LIBRARY 4TH QU	215,157.00 01-456-520-	215,157.00	215,157.00
01*135732	VERIZON BUSINESS	08/15-09/14/22	217.52 01-401-320-	217.52	217.52
01*135733	VICTOR SECURITY, INC.	BOILEAU PARK 10/01/22-10/31/22	76.50 01-454-450-	76.50	76.50
01*135734	WORKPLACE CENTRAL	MAT'L.S. & SUPPLIES-OFFICE	238.55 01-452-200-	238.55	306.47
		MAT'L.S. & SUPPLIES-OFFICE	67.92 01-452-200-	67.92	
01*135737	ACCESS SECURITY CORP.	11/01/22-01/31/23 SERVICE AGRE	4,140.00 01-409-450-	4,140.00	4,140.00
01*135738	ALEX LEVY, PETTY CASHIER	REIMBURSEMENT FOR PARKING	4.00 01-410-240-	4.00	14.00
		REIMBURSEMENT FOR MEALS	10.00 01-401-240-	10.00	
01*135739	ALLIED LANDSCAPE SUPPLY	3 CY SOIL- MMP	129.00 01-454-800-	129.00	275.50
		3CY SOIL- MMP	129.00 01-454-800-	129.00	
		(2) BALED STRAW- MMP	17.50 01-454-800-	17.50	
01*135740	ANDREW BLOCK	REIMBURSEMENT- FAITH & BLUE EX	538.81 01-410-240-	538.81	538.81
01*135741	AQUA PA	0001284750128475: DPW 08/16-09	155.12 01-409-360-	155.12	155.12
01*135742	ARDMORE TIRE, INC.	POLICE STOCK	320.00 01-430-330-	320.00	3,311.00

CHECK NUMBER	PAYEE	DESCRIPTION	INV AMOUNT	ACCOUNT NUMBER	AMOUNT	CHECK AMOUNT
		(2) SANITATION	410.00	01-430-330-	410.00	
		(2) SANITATION	410.00	01-430-330-	410.00	
		Good year eagle. snow tires f	2,171.00	01-430-330-	2,171.00	
01*135743	ATLANTIC REFRIGERATION CO INC.	(2) OPTIPURE 10" CARBON BLOCK	143.99	01-411-373-	143.99	143.99
01*135744	BOB ROSSER	3RD QUARTER PHONE ALLOWANCE	105.00	01-401-320-	105.00	680.00
		DESIGN, BUILD, DELIVER RE COMP	575.00	01-411-372-	575.00	
01*135745	CELIE McVAUGH	POP FACEPAINTER	175.00	01-452-450-	175.00	175.00
01*135746	CHARLES JONES JR.	2021 TAX CREDIT	231.77	01-411-329-	231.77	455.44
		2020 TAX CREDIT	223.67	01-411-329-	223.67	
01*135747	CHRISTOPHER JONES	2020 TAX CREDIT	176.86	01-411-329-	176.86	360.14
		2021 TAX CREDIT	183.28	01-411-329-	183.28	
01*135748	CITY ELECTRIC SUPPLY	1000FT CABLE REEL, POWER OUTLE	290.08	01-409-373-	290.08	343.03
		COUNCIL ROOM AV PROJECT	52.95	01-130-100-	52.95	
01*135749	CIVIC PLUS	WEBSITE ANNUAL FEE RENEWEAL 11	3,038.77	01-401-320-	3,038.77	3,038.77
01*135750	CLEAN NET USA	JANITORIAL SERVICE FOR OCTOBER	2,075.00	01-409-450-	2,075.00	2,075.00
01*135751	CODE INSPECTIONS INC.	CODE ENFORCEMENT- APRIL 2022	128.00	01-413-450-	128.00	278.00
		CODE ENFORCEMENT- AUG 2022	150.00	01-413-450-	150.00	
01*135752	COMCAST CABLE	8499101410258401: BOILEAU PK 1	408.10	01-401-320-	408.10	408.10
01*135753	COMCAST CABLE	8499101380374931: UMT 10/09-11	328.39	01-401-320-	328.39	328.39
01*135754	COMCAST CABLE	8499101380374949: UMT 10/09-11	53.78	01-401-320-	53.78	53.78
01*135755	CONVERGE ONE INC.	SOFTWARE & HARDWARE	334.95	01-401-320-	334.95	334.95
01*135756	COUNTY OF MONTGOMERY TREASURER'S OF	REFUND BOOKING FEES	1,718.72	01-362-100-	1,718.72	1,718.72
01*135757	COVANTA ENERGY, LLC	09/16 - 09/30/22	16,388.35	01-427-365-	16,388.35	16,388.35
01*135758	DAVID BIAGI	RE TAX REFUND	422.10	01-401-460-	422.10	422.10
01*135759	DONALD B. TUCKER, JR.	2022 TAX CREDIT	152.69	01-411-329-	152.69	152.69
01*135760	DOUGHERTY LANDSCAPING INC.	110 BONNETT LANE	225.00	01-413-450-	225.00	450.00
		304 GREENBELT	225.00	01-413-450-	225.00	
01*135761	ELLIOTT LEWIS CORPORATION	IT ROOM AC REPAIR	568.00	01-409-373-	568.00	568.00
01*135762	ESI EQUIPMENT, INC.	TRAINING CLASS HIGH VOLTAGE VE	670.00	01-411-240-	670.00	670.00
01*135763	ESO SOLUTIONS INC.	ANNUAL SERVICE CONTRACT FIRE R	2,431.10	01-415-450-	2,431.10	2,431.10
01*135764	EUREKA STONE QUARRY, INC.	09/28/22 MMP	2,328.57	01-454-800-	2,328.57	2,328.57
01*135765	FASTENAL COMPANY	NUTS, WASHERS	387.91	01-430-330-	387.91	387.91
01*135766	FRANCIS J. GALLAGHER	2022 CLOTHING ALLOWANCE	550.00	01-410-238-	550.00	550.00
01*135767	GEORGE ALLEN PORTABLE	WOODLAWN 09/28-10/25/22	74.00	01-454-450-	74.00	592.00
		MMP 09/28-10/25/22	74.00	01-454-450-	74.00	
		UMMS 09/28-10/25/22	148.00	01-454-450-	148.00	
		BOILEAU PARK 09/28-10/25/22	74.00	01-454-450-	74.00	
		UMHS 09/28-10/25/22	148.00	01-454-450-	148.00	
		14905 FAIR OAKS 09/28-10/25	74.00	01-454-450-	74.00	
01*135768	GRAINGER	HAND SOAP	124.19	01-454-200-	124.19	124.19
01*135769	GRANTURK EQUIPMENT CO., INC.	(2) ELEMENT AIR FILTER	220.74	01-430-330-	220.74	220.74
01*135770	H.A. BERKHEIMER, INC.	SEPTEMBER, 2022	2,523.09	01-402-312-	2,523.09	2,523.09
01*135771	HAVIS-SHIELDS EQUIP.CORP.	(4) LAMPS FOR SD 10	552.00	01-411-372-	552.00	552.00
01*135772	INTERNATIONAL CODE COUNCIL	22 CHANGES TO PA UNIFORM CONST	68.00	01-413-240-	68.00	68.00
01*135773	J&J TRUCK EQUIPMENT	CONTROL, QUADCO	277.10	01-430-330-	277.10	277.10
01*135774	JAMES G. HOTCHKISS JR.	2022 TAX CREDIT	198.25	01-411-329-	198.25	198.25
01*135775	JENNIFER HARTIGAN	3RD QUARTER PHONE ALLOWANCE	105.00	01-401-320-	105.00	105.00
01*135776	JOE DOUGHERTY	3RD QUARTER PHONE ALLOWANCE	105.00	01-401-320-	105.00	105.00
01*135777	JOHN FUGELO	3RD QUARTER PHONE ALLOWANCE	105.00	01-401-320-	105.00	105.00
01*135778	KATIE KOLLAR	SOFTBALL PLAYOFFS OFFICIALS FE	252.00	01-452-450-	252.00	252.00

CHECK NUMBER	PAYEE	DESCRIPTION	INV AMOUNT	ACCOUNT NUMBER	AMOUNT	CHECK AMOUNT
01*135779	KILKENNY LAW	1740 COUNTY LINE RD INJUNCTIO	31.00	01-402-314-	31.00	5,192.50
		WARMINSTER RD SIDEWALK PROJECT	465.00	01-402-314-	465.00	
		CHIPOTLE 09/23/22	1,395.00	01-402-314-	1,395.00	
		2820 BYBERRY RD 09/07-09/08/22	1,782.50	01-402-314-	1,782.50	
		ZHB OPPOSITION TO 2955 TERWOOD	542.50	01-402-314-	542.50	
		OLIVE GARDEN 09/15-09/28/22	976.50	01-402-314-	976.50	
01*135780	KILKENNY LAW	UMT GENERAL 09/08-09/30/22	6,352.25	01-402-314-	6,352.25	9,095.75
		2405 MARYLAND ROAD- 09/20/22	77.50	01-402-314-	77.50	
		UMT LIENS 09/29/22	310.00	01-402-314-	310.00	
		UMT TAX APPEALS 09/16/22-09/28	387.50	01-402-314-	387.50	
		UMT BPT 09/08-09/30/22	325.50	01-402-314-	325.50	
		10-170 PARK AVE 09/13-09/30/22	1,643.00	01-402-314-	1,643.00	
01*135781	KING OF PRUSSIA RECYCLING	09/31/22 SERVICE DATE	10,935.59	01-427-384-	10,935.59	10,935.59
01*135782	KIWANIS CLUB OF OLD YORK RD.	POP SAFETY TOWN DECOR/ACTIVITY	250.00	01-452-450-	250.00	250.00
01*135783	LAURA DAY	POP FACEPAINTER	200.00	01-452-450-	200.00	200.00
01*135784	LINDA LEWIS	POP FACEPAINTER	200.00	01-452-450-	200.00	200.00
01*135785	LORCO PETROLEUM SERVICES	(100) ANTI-FREEZE REMOVAL	150.00	01-430-330-	150.00	150.00
01*135786	MAC MEDICAL GASES, INC.	(1) 100LB PROPANE	95.00	01-430-330-	95.00	257.40
		(1) 100LB PROPANE	95.00	01-430-330-	95.00	
		(1) 100LB PROPANE	67.40	01-430-330-	67.40	
01*135787	MARK BOULDIN	2022 CLOTHING ALLOWANCE	550.00	01-410-238-	550.00	550.00
01*135788	MARK MANJARDI	PUBLIC HEARING 10/03/22	250.00	01-402-314-	250.00	250.00
01*135789	MCCLOSKEY & FABER, P.C.	2290 COMPUTER AVE	26.00	01-430-313-	26.00	466.00
		4121 BLAIR MILL RD	52.00	01-430-313-	52.00	
		91 N. YORK RD	52.00	01-430-313-	52.00	
		432-514 DAVISVILLE RD	52.00	01-430-313-	52.00	
		OLIVE GARDEN	93.00	01-430-313-	93.00	
		2300 COMPUTER AVE	191.00	01-430-313-	191.00	
01*135790	MCCLOSKEY & FABER, P.C.	1740 COUNTY LINE RD	197.00	01-430-313-	197.00	1,914.91
		2452 BLAIR MILL RD	374.88	01-430-313-	374.88	
		WGSC ZONING	697.40	01-430-313-	697.40	
		LIGHTBRIDGE ACADEMY	382.63	01-430-313-	382.63	
		TOWNSHIP CONSULTING	263.00	01-430-313-	263.00	
01*135791	MONTGOMERY COUNTY PLANNING	PLANNING ASSISTANCE INVOICE #4	7,423.50	01-401-450-	7,423.50	7,423.50
01*135792	MONTGOMERY COUNTY RECORDER	ESCROW BALANCE INCREASE	33.00	01-401-240-	33.00	33.00
01*135793	PECO ENERGY - PAYMENT PROCESSING	7931200105: PILEGGI PK 09/06-1	1,128.65	01-454-360-	1,128.65	1,128.65
01*135794	PECO ENERGY - PAYMENT PROCESSING	7032000202- MMP ELECTRIC 09/07	1,251.86	01-454-360-	1,251.86	1,251.86
01*135795	PECO ENERGY - PAYMENT PROCESSING	1415145006: UMT STORAGE ELECTR	38.09	01-409-360-	38.09	38.09
01*135796	PEREGRINE ASSOCIATES	ENVELOPES	910.00	01-401-200-	910.00	910.00
01*135797	PETER ADAMOW	3RD QUARTER PHONE ALLOWANCE	105.00	01-401-320-	105.00	105.00
01*135798	PETROLEUM TRADERS CORPORATION	1055.0 GROSS	4,038.78	01-430-330-	4,038.78	4,038.78
01*135799	PIONEER AUTO BODY & REPAIR LLC	REPAIR TO PD #3512 (UM-22-0155	2,641.62	01-430-330-	2,641.62	2,641.62
01*135800	PRESTON MOYER	CONTROL TACTICS TRAINING MEALS	126.66	01-410-240-	126.66	228.38
		GEAR NEEDED FOR CONTROL TACTIC	101.72	01-410-240-	101.72	
01*135801	RACHEL SMITH	POP FACEPAINTER	200.00	01-452-450-	200.00	200.00
01*135802	RICK MICHAEL	POP DJ	300.00	01-452-450-	300.00	300.00
01*135803	ROBERT J. KENNEDY	33MM DP IMP SKT, 3IN IMP EXT	213.00	01-430-330-	213.00	213.00
01*135804	RUSS WHELAN DOORS &	PWD- REAR DOOR REPAIR	323.75	01-409-373-	323.75	323.75
01*135805	SEMISCH AND SEMISCH	ZONING HEARING SOLICITOR 09/08	575.00	01-413-314-	575.00	575.00
01*135806	SENSIT TECHNOLOGIES	CALIBRATION GAS	671.27	01-411-240-	671.27	671.27

CHECK NUMBER	PAYEE	DESCRIPTION	INV AMOUNT	ACCOUNT NUMBER	AMOUNT	CHECK AMOUNT
01*135807	SEVEN WRAPS	TINT- PD #3534	200.00	01-430-330-	200.00	200.00
01*135808	SIGNAL SERVICE INC.	YORK & EASTON RAD- CONTROLLER	320.00	01-430-373-	320.00	320.00
01*135809	STAN SHOEMAKER	(6) FIBERGLASS PADDLES	240.00	01-452-247-	240.00	240.00
01*135810	SYNATEK	50LB FESCUE BLEND, 50LB STARTE	465.00	01-452-200-	465.00	465.00
01*135811	THE LINGO GROUP, INC.	WINTERIZATION OF IRRIGATION SY	320.00	01-454-450-	320.00	544.00
		WINTERIZATION OF IRRIGATION SY	224.00	01-454-450-	224.00	
01*135812	THERESA O'BRIEN	POP FACEPAINTER	200.00	01-452-450-	200.00	200.00
01*135813	TIM KUREK	09/08/22 HEARING	1,145.00	01-413-316-	1,145.00	1,145.00
01*135814	TIMOTHY LYNCH	NTDA TRAINING	47.70	01-410-240-	47.70	51.09
		REMAINDER OF 2022 BOOT ALLOWAN	3.39	01-410-238-	3.39	
01*135815	TODD SMITH	2022 CLOTHING ALLOWANCE	550.00	01-410-238-	550.00	550.00
01*135816	TREASURE SIGN	EAGLE SCOUT PROJECT	50.00	01-454-450-	50.00	50.00
01*135817	TRUCK PRO	HIGHWAY, PLUGS & SOCKETS	96.08	01-430-330-	96.08	96.08
01*135818	UNIFIRST CORPORATION	UNIFORM MAINTENANCE	433.73	01-430-191-	216.87	433.73
		UNIFORM MAINTENANCE		01-427-191-	216.86	
01*135819	VAULT HEALTH	HEALTH & LIFE INSURANCE	160.70	01-486-156-	160.70	160.70
01*135820	VERIZON	250350262000116: 10/01-10/31	39.42	01-401-320-	39.42	2,315.35
		450724913000147: 10/03-11/02	83.27	01-401-320-	83.27	
		250581599000177: 10/01-10/31/2	2,192.66	01-401-320-	2,192.66	
01*135821	VINCENT SMALL	2022 CLOTHING ALLOWANCE	550.00	01-410-238-	550.00	550.00
01*135822	WORKPLACE CENTRAL	MATERIALS & SUPPLIES	114.28	01-413-200-	114.28	378.66
		MATERIALS & SUPPLIES	44.20	01-413-200-	44.20	
		MATERIALS & SUPPLIES	142.88	01-409-200-	142.88	
		MAT'LS. & SUPPLIES-OFFICE	72.26	01-452-200-	72.26	
		MAT'LS. & SUPPLIES-OFFICE	5.04	01-452-200-	5.04	
01*135823	A LIGHTHOUSE WITH HEALTHCARE SOLUTI	BUSINESS PRIVILEGE TAX REFUND	78.50	01-310-800-	78.50	78.50
01*135824	AED BRANDS, LLC	Cardiac Science Powerheart G5	734.80	01-410-260-	384.30	734.80
		Cardiac Science Powerheart G5		01-410-260-	337.50	
		Shipping and Handling		01-410-260-	13.00	
01*135825	AHOLD FINANCIAL SERVICES	MAT'LS. & SUPPLIES - REC.	237.45	01-452-247-	237.45	237.45
01*135826	ALEX LEVY, PETTY CASHIER	REIMBURSEMENT FOR PARKING	8.00	01-401-240-	8.00	8.00
01*135827	ARDMORE TIRE, INC.	SANITATION	430.00	01-430-330-	430.00	1,098.00
		SANITATION	233.00	01-430-330-	233.00	
		SANITATION	435.00	01-430-330-	435.00	
01*135828	BERGEY'S INC.	(2) LEVEL SENSOR	172.06	01-430-330-	172.06	956.10
		MIRROR FOR #442	329.72	01-430-330-	329.72	
		MIRROR, COVER	454.32	01-430-330-	454.32	
01*135829	COMCAST CABLE	8499101410018938: DPW 10/11-11	210.58	01-401-320-	210.58	210.58
01*135830	COMCAST CABLE	8499101380131182: UMT 10/11-11	203.35	01-401-320-	203.35	203.35
01*135831	COMCAST CABLE	8499101410185414: WG SUB STA 1	236.10	01-411-327-	236.10	236.10
01*135832	COMCAST CABLE	8499101410218777: VOL FIRE 10/	232.92	01-411-327-	232.92	232.92
01*135833	COMCAST CABLE	8499101410219510: WGVC 10/18-	352.04	01-401-320-	352.04	352.04
01*135834	COMCAST CABLE	849101410240870: BUEHLER PK 10	237.33	01-401-320-	237.33	237.33
01*135835	COMCAST CABLE	8499101410244682: VET PARK 10/	143.05	01-401-320-	143.05	143.05
01*135836	DAE-HAH CHOI	REFUSE CHARGES REFUND PERMIT #	15.00	01-364-300-	15.00	15.00
01*135837	DAVIDHEISER'S INC.	(3) SPEED TEST, (7) STOP WATCH	458.00	01-410-240-	458.00	458.00
01*135838	EAGLE POWER & EQUIPMENT CORP.	SPRINGS, BOLTS, NUTS, FLANGE,	2,350.39	01-430-330-	2,350.39	2,350.39
01*135839	ELLIOTT LEWIS CORPORATION	DPW- CONDENSATION PUMP	1,134.98	01-409-373-	1,134.98	1,899.94
		DPW INSPECTION AND SERVICE TO	764.96	01-409-373-	764.96	
01*135840	ENZO'S CLEANING SOLUTIONS, LLC	salt neutralizer	2,210.00	01-430-330-	2,090.00	2,210.00

CHECK NUMBER	PAYEE	DESCRIPTION	INV AMOUNT	ACCOUNT NUMBER	AMOUNT	CHECK AMOUNT
		shipping		01-430-330-	120.00	
01*135841	EUREKA STONE QUARRY, INC.	10/14 MMP	174.24	01-454-800-	174.24	174.24
01*135842	FARM AND GARDEN STATION	(45) MUMS	270.00	01-452-247-	270.00	270.00
01*135843	FASTENAL COMPANY	VEHICLE OPERATING EXPENSE	159.03	01-430-330-	159.03	159.03
01*135844	FRED BEANS PARTS	SENSOR	57.77	01-430-330-	57.77	609.90
		(1) S-LATCH	120.15	01-430-330-	120.15	
		(6) RODS, (2) CABLE ASY	78.72	01-430-330-	78.72	
		(2) BRAKE KIT, (1) ROTOR ASY	241.30	01-430-330-	241.30	
		(4) ELEMENTS	111.96	01-430-330-	111.96	
01*135845	GATEHOUSE MEDIA PENNSYLVANIA HOLDIN	SEPTEMBER 2022 BILLING- ORDINA	844.01	01-401-340-	844.01	844.01
01*135846	GRAINGER	(10) NITRILE GLOVES	209.90	01-410-240-	209.90	518.13
		LED LAMP REPLACEMENT	17.10	01-409-200-	17.10	
		UPRIGHT VACUUM	291.13	01-409-373-	291.13	
01*135847	GRANTURK EQUIPMENT CO., INC.	(6) GRABBER TIPS	233.69	01-430-330-	233.69	233.69
01*135848	HAVIS-SHIELDS EQUIP.CORP.	K9 CAR 9	1,936.60	01-410-240-	1,936.60	1,936.60
01*135849	HUNTINGDON MECHANICAL	Furnish and Install Daikin- He	6,810.00	01-409-373-	6,810.00	6,810.00
01*135850	IRON MOUNTAIN	SEPTEMBER 2022 CHARGES	787.98	01-401-320-	787.98	787.98
01*135851	JAMES BALDWIN	2022 BOOT ALLOWANCE	91.99	01-410-238-	91.99	91.99
01*135852	JOE DOUGHERTY	SHIPPING COSTS	11.22	01-411-460-	11.22	11.22
01*135853	JOSEPH MOONEY	BOOT ALLOWANCE 2022	200.00	01-427-195-	200.00	200.00
01*135854	KEYSTONE FIRE PROTECTION CO	FIRE ALARM MONITORING - ONE TI	997.00	01-411-460-	997.00	1,592.00
		MONITORING 10/01/22-/09/30/202	595.00	01-411-460-	595.00	
01*135855	KIMBALL MIDWEST	FITTINGS, FUSE, DRILL BITS	351.36	01-430-330-	351.36	646.11
		DRILL BITS	294.75	01-430-330-	294.75	
01*135856	LAWRENCE NESMITH	2021 IBX REBATE	269.95	01-486-156-	269.95	269.95
01*135857	LEADING EDGE TOOLING	MERCANTILE TAX REFUND	20.63	01-310-300-	20.63	20.63
01*135858	MAC MEDICAL GASES, INC.	20LB PROPANE	22.50	01-430-330-	22.50	22.50
01*135859	MCI COMM SERVICE	OCTOBER STATEMENT DATE	38.29	01-401-320-	38.29	38.29
01*135860	MCKESSON MEDICAL-SURGICAL GOVERNMEN	(4) CS SHEETS	126.39	01-410-240-	126.39	126.39
01*135861	MICHAEL TRAVAGLINE	BOOT ALLOWANCE 2022	200.00	01-427-195-	200.00	200.00
01*135862	MICHAEL WATSON	BOOT ALLOWANCE 2022	200.00	01-427-195-	200.00	200.00
01*135863	MOYER LAWN CARE	MMP COMMERCIAL LAWN CARE	1,818.00	01-454-450-	1,818.00	3,687.00
		FARMSTEAD PARK	441.00	01-454-450-	441.00	
		WOODLAWN PARK	771.00	01-454-450-	771.00	
		WILLOW GROVE PARK	504.00	01-454-450-	504.00	
		UMT BUILDING	153.00	01-454-450-	153.00	
01*135864	MYERS TIRE- YORK #26	TIRE REPAIR KITS, VALVES	118.68	01-430-330-	118.68	118.68
01*135865	NAPA AUTO PARTS	SEPTEMBER 2022 STATEMENT	1,472.56	01-430-330-	1,472.56	1,472.56
01*135866	PA FISH & BOAT COMMISSION	J.DOUGHERTY WATER RESCUE CERTI	10.00	01-411-360-	10.00	10.00
01*135867	PA FISH & BOAT COMMISSION	E. QUIGG WATER RESCUE CERTIFIC	10.00	01-411-360-	10.00	10.00
01*135868	PECO ENERGY - PAYMENT PROCESSING	1452700407: UMT GAS 09/09-10/1	217.25	01-409-360-	217.25	217.25
01*135869	PECO ENERGY - PAYMENT PROCESSING	45545-01300: LIBRARY G&E 09/09	1,322.65	01-409-360-	1,322.65	1,322.65
01*135870	PECO ENERGY - PAYMENT PROCESSING	6401701408: FITZWATERTOWN 09/0	266.56	01-454-360-	266.56	266.56
01*135871	PECO ENERGY - PAYMENT PROCESSING	0218801508: TRAFFIC 08/29-09/2	525.20	01-430-373-	525.20	525.20
01*135872	PECO ENERGY - PAYMENT PROCESSING	1143101700: UMT ELECTRIC 09/09	2,756.17	01-409-360-	2,756.17	2,756.17
01*135873	PECO ENERGY-PAYMENT PROCESSING	4237200501: MEMORIAL PK 09/08-	46.20	01-454-360-	46.20	46.20
01*135874	PECO ENERGY-PAYMENT PROCESSING	4236501000: BYBERRY RD APT 09/	230.23	01-454-360-	230.23	230.23
01*135875	PECO ENERGY-PAYMENT PROCESSING	4545801109- BYBERRY RD COTTAGE	13.22	01-454-360-	13.22	13.22
01*135876	PECO ENERGY-PAYMENT PROCESSING	7639001203: MMP 09/07-10/07	952.94	01-454-360-	952.94	952.94
01*135877	PECO ENERGY-PAYMENT PROCESSING	0808020028: MMP PKG LOT 09/09-	10.21	01-454-360-	10.21	10.21

CHECK NUMBER	PAYEE	DESCRIPTION	INV AMOUNT ACCOUNT NUMBER	AMOUNT	CHECK AMOUNT
01*135878	PECO ENERGY-PAYMENT PROCESSING	2163122078: WAR MEM DR 09/08-1	32.01 01-454-360-	32.01	32.01
01*135879	PENDERGAST SAFETY	GLOVES, RAIN GEAR	147.55 01-427-192-	147.55	420.55
		GLOVES	113.16 01-427-192-	113.16	
		GLOVES	159.84 01-427-192-	159.84	
01*135880	PENN POWER GROUP	HIGHWAY SALT SPREADERS	139.05 01-430-330-	139.05	139.05
01*135881	PENN POWER SYSTEMS	POLICE PARKING LOT GENERATOR	1,134.20 01-409-373-	1,134.20	1,134.20
01*135882	PENNSYLVANIA ONE CALL	MONTHLY ACTIVITY FEE	145.20 01-430-240-	145.20	145.20
01*135883	PEREGRINE ASSOCIATES	GENERAL FUNDS CHECKS	566.92 01-401-200-	566.92	566.92
01*135884	PETROLEUM TRADERS CORPORATION	715.20 GAL	2,560.63 01-430-330-	2,560.63	2,560.63
01*135885	PLASTERER EQUIPMENT CO., INC.	LEAF VAC FUEL PUMP	101.31 01-430-330-	101.31	101.31
01*135886	RUSS WHELAN DOORS &	PHOTO EYE ALIGNMENT	231.25 01-411-373-	231.25	231.25
01*135887	SAMUEL VALENZA	2021 IBX REFUND	104.34 01-486-156-	104.34	104.34
01*135888	SHAPIRO FIRE PROTECTION CO.	ANNUAL MAINTENANCE AND INSPECTI	486.11 01-411-373-	486.11	822.90
		ANNUAL MAINTENANCE & INSPECTIO	74.54 01-410-240-	74.54	
		ANNUAL MAINTENANCE & INSPECTIO	109.09 01-409-450-	109.09	
		(2) FIRE EXTINGUISHERS, (2) RE	153.16 01-430-330-	153.16	
01*135889	STANLEY W. COOPER	REPAIRS TO PD BREAKROOM HEATIN	2,681.00 01-409-373-	2,681.00	2,681.00
01*135890	SUPPORT WAREHOUSE	Annual Service Contract for UM	2,871.70 01-401-374-	2,871.70	2,871.70
01*135891	T.W. REISS, INC.	CHAINSAW	368.00 01-430-330-	368.00	788.14
		(3) FUELMIX	354.54 01-430-330-	354.54	
		(3) CHAIN LOOP	65.60 01-430-330-	65.60	
01*135892	TRANSWORLD SYSTEMS INC	REF # 91355119: AQUA- 118 CENT	12.49 01-409-360-	12.49	12.49
01*135893	TRUCK PRO	CARTRIDGE VALV (2)	292.92 01-430-330-	292.92	1,223.25
		BRAKE KIT (3)	323.89 01-430-330-	323.89	
		BRAKE KIT (3)	325.57 01-430-330-	325.57	
		(15) PLUGS, (15) SOCKETS	280.87 01-430-330-	280.87	
01*135894	UNIFIRST CORPORATION	UNIFORM MAINTENANCE	395.98 01-430-191-	395.98	791.96
		UNIFORM MAINTENANCE	395.98 01-427-191-	395.98	
01*135895	VINCENT SMALL	2022 BOOT ALLOWANCE	136.82 01-410-238-	136.82	136.82
01*135896	WILLOW GROVE FIRE COMPANY	GENERAL FIRE PREVENTION	259.44 01-411-340-	234.00	259.44
		SHIPPING	01-411-250-	25.44	
01*135897	WILLOW GROVE OIL SERVICE CO.	MERCANTILE TAX REFUND	677.44 01-310-300-	677.44	677.44
01*135898	WORKPLACE CENTRAL	MAT'LS. & SUPPLIES-OFFICE	24.30 01-452-200-	24.30	426.26
		MATERIAL & SUPPLIES	29.94 01-410-200-	29.94	
		MATERIAL & SUPPLIES	176.14 01-401-200-	176.14	
		HDMI CABLE	51.33 01-401-320-	51.33	
		ENVELOPES	52.57 01-401-200-	52.57	
		HDMI ADAPTER	22.57 01-401-320-	22.57	
		PAPER	20.96 01-401-200-	20.96	
		TONER	67.99 01-401-320-	67.99	
		MAT'LS. & SUPPLIES-OFFICE	-19.54 01-452-200-	-19.54	
01*135899	Y-PERS, INC.	TOWELS, RAGS, SOAP	684.35 01-430-330-	684.35	684.35
01*135901	911 SAFETY EQUIPMENT LLC	(2) COATS CLEANED AND REPAIRED	310.30 01-411-250-	310.30	310.30
01*135902	AHOLD FINANCIAL SERVICES	JAMMY JAM REFRESHMENTS	25.67 01-452-247-	25.67	100.67
		(300) COOKIES- POP	75.00 01-452-247-	75.00	
01*135903	AMAZON CAPITAL SERVICES	ACCOUNT # A37RU9SAQFV4CA- STAT	119.20 01-401-240-	119.20	119.20
01*135904	AMY A. BORWN	BUSINESS PRIVILEGE TAX REFUND	60.81 01-310-800-	60.81	60.81
01*135905	AQUA PA	0001285100128510: LIBRARY 09/1	206.31 01-409-360-	206.31	206.31
01*135906	AQUA PA	0001283340128334: WGFH 09/16-1	110.50 01-411-360-	110.50	110.50
01*135907	AQUA PA	0001283930128393: FIRE SERVICE	243.40 01-409-360-	243.40	243.40

CHECK NUMBER	PAYEE	DESCRIPTION	INV AMOUNT	ACCOUNT NUMBER	AMOUNT	CHECK AMOUNT
01*135908	AQUA PA	0001284670128467: UMT 09/19-10	365.75	01-409-360-	365.75	365.75
01*135909	AQUA PA	0001284700128470: FITZWATERTOW	27.52	01-454-360-	27.52	27.52
01*135910	AQUA PA	0001284730128473: WGFC 09/16-1	100.45	01-411-360-	100.45	100.45
01*135911	AQUA PA	0001285030128503: PILEGGI PK 0	175.21	01-454-360-	175.21	175.21
01*135912	AQUA PA	0001285050128505: WGFS 09/16-1	122.21	01-411-360-	122.21	122.21
01*135913	AQUA PA	0003099050309905: HYDRANTS 08/	2,628.44	01-411-363-	2,628.44	2,628.44
01*135914	AQUA PA	0003485790348579: HYDRANTS 06/	17,484.84	01-411-363-	17,484.84	17,484.84
01*135915	AQUA PA	0004308690389901: FULMOR HEIGH	285.70	01-411-360-	285.70	285.70
01*135916	AQUA PA	0004827010404097: GWFS 09/16-1	110.50	01-411-360-	110.50	110.50
01*135917	AQUA PA	0003485790706163: HYDRANTS 06/	1,885.62	01-411-363-	1,885.62	1,885.62
01*135918	AQUA PA	0014793381052247: ORANGEMANS P	164.00	01-454-360-	164.00	164.00
01*135919	AQUA PA	0025017651465955: MMP 09/16-10	201.23	01-454-360-	201.23	201.23
01*135920	AUSTIN-EDWARD COMPANY	FIRE POLICE REPLACEMENT: TRUCK	125.00	01-411-241-	125.00	125.00
01*135921	BARRY R. ANGELY	BUSINESS PRIVILEGE TAX REFUND	27.30	01-310-800-	27.30	27.30
01*135922	CAMPBELL DURRANT BEATTY	SEPTEMBER 2022 LEGAL SERVICES	1,247.00	01-402-314-	1,247.00	1,247.00
01*135923	CDW GOVERNMENT, INC.	Veritas Essential Support for	504.98	01-401-320-	504.98	504.98
01*135924	COLLEEN COHEN	FALL GIRLS FIELD HOCKEY LEAGUE	400.00	01-452-450-	400.00	400.00
01*135925	COMCAST CABLE	8499101410242314: MMP 10/21-11	143.05	01-401-320-	143.05	143.05
01*135926	CONTRACT CLEANERS SUPPLY INC.	8CS TOWELS	271.82	01-409-200-	271.82	271.82
01*135927	CRYSTAL SPRINGS	(25) 5G SPRING WATER, COOLER R	375.45	01-410-200-	375.45	375.45
01*135928	DELAWARE VALLEY WORKERS'	TRUST YEAR 2021 FINAL AUDITED	8,269.00	01-486-354-	8,269.00	8,269.00
01*135929	EAGLE POINT GUN	15 CASES AMMUNITION	3,212.70	01-410-239-	3,212.70	3,212.70
01*135930	FUTURISTIC DEE JAYS, INC.	DRAMARAMA SUMMER CAMPS SOUND E	450.00	01-452-450-	450.00	450.00
01*135931	GALLS INC.	(1) MID VENT BOOT- E.QUIGG	122.39	01-415-240-	122.39	122.39
01*135932	GEORGE ALLEN PORTABLE	10/07-11/03/22 WILLOW GROVE PA	74.00	01-454-450-	74.00	74.00
01*135933	GEORGE MYERS	FOREFEIT FEE ON 10/20/22	44.00	01-452-450-	44.00	44.00
01*135934	GLICK FIRE EQUIPMENT CO.,INC.	(3) WIPERS	52.53	01-411-372-	52.53	730.52
		QUINT 10- NEW FILTER BREATHER	677.99	01-411-372-	677.99	
01*135935	JACK GIULIANNA	PROGARM ASSISTANT FOR 8 SESSIO	200.00	01-452-450-	200.00	200.00
01*135936	JAMES R. SMITH	BUSINESS PRIVILEGE TAX REFUND	327.00	01-310-800-	327.00	327.00
01*135937	KEYSTONE FIRE PROTECTION CO	Furnish and Install Fire Alarm	4,302.83	01-409-373-	4,302.83	4,302.83
01*135938	KIM BUCHOLSKY	INSTRUCTION & MATERIALS - ADULT	390.00	01-452-450-	390.00	390.00
01*135939	KYLE LONG	PROGARM ASSISTANT FOR 9 SESSIO	225.00	01-452-450-	225.00	225.00
01*135940	LISA PEARSALL	SUPERVISOR OCTOBER 2022 JAMMY	320.00	01-452-450-	320.00	320.00
01*135941	LORI M. OJEDA	MERCANTILE TAX REFUND	3.87	01-310-300-	3.87	3.87
01*135942	MCDONALD UNIFORMS	GLASSMAN- PATCHES, EMBROIDERY,	137.98	01-415-238-	137.98	561.15
		E.QUIGG UNIFORM	423.17	01-415-238-	423.17	
01*135943	MIKE ALMACK	PROGARM ASSISTANT FOR 12 SESSI	300.00	01-452-450-	300.00	300.00
01*135944	NATIONAL RECREATION AND	KATHRYN KOLLAR-RENEWAL 2023- I	175.00	01-452-240-	175.00	175.00
01*135945	PA DEPT. OF AGRICULTURE	2023 APPLICATORS LICENSE	35.00	01-452-200-	35.00	35.00
01*135946	PA MUNICIPAL RETIREMENT SYSTEM	FIRE MMO 2022: 46-159-4F	57,978.00	01-483-160-	57,978.00	57,978.00
01*135947	PA MUNICIPAL RETIREMENT SYSTEM	ADMIN MMO 2022: 46-159-4N	845,514.00	01-483-160-	845,514.00	845,514.00
01*135948	PACIFIC TELEMAGEMENT SERVICES	NOVEMBER, 2022 CYCLE	99.00	01-401-320-	99.00	99.00
01*135949	PECO ENERGY-PAYMENT PROCESSING	3624500401- WGFC GAS 09/06-10/	49.32	01-411-360-	49.32	49.32
01*135950	PECO ENERGY-PAYMENT PROCESSING	9499200405- WGFC ELECTRIC 09/0	146.87	01-411-360-	146.87	146.87
01*135951	PECO ENERGY-PAYMENT PROCESSING	1143500707: WGFC G/E 09/08-10/	858.84	01-411-360-	858.84	858.84
01*135952	PHILA OCCHEALTH	L.PINSON	340.96	01-410-240-	340.96	340.96
01*135953	POSITIVE PROMOTIONS	FIRE PREVENTION PROMOTIONS	1,489.44	01-411-340-	1,489.44	1,489.44
01*135954	PRINCIPAL CUSTODY SOLUTIONS	POLICE MMO 2022	2,178,633.00	01-483-160-	2,178,633.00	2,178,633.00
01*135955	REBECCA COUTTS	FALL FIELD HOCKEY LEAGUE	400.00	01-452-450-	400.00	400.00

CHECK NUMBER	PAYEE	DESCRIPTION	INV AMOUNT	ACCOUNT NUMBER	AMOUNT	CHECK AMOUNT
01*135956	ROBERT E. LITTLE, INC.	HEAVY DUTY PRO BROADCAST SPREA	227.90	01-454-260-	227.90	227.90
01*135957	SAMANTHA CWALINO	REFUND PAJAMA JAMMY JAM	20.00	01-367-000-	20.00	20.00
01*135958	SHAPIRO FIRE PROTECTION CO.	ANNUAL MAINTENCE & INSPECTION	151.07	01-454-450-	151.07	151.07
01*135959	THE KSA GROUP LLC	CONSULTING GRANT DEVELOPMENT A	4,500.00	01-401-450-	4,500.00	4,500.00
01*135960	TRI-STATE ELEVATOR CO., INC.	OCTOBER MAINTENANCE	165.00	01-409-450-	165.00	165.00
01*135961	VERIZON	250339403000176: 10/15-11/14 U	39.35	01-401-320-	39.35	39.35
01*135962	VERIZON WIRELESS	523565805-00001: 09/17-10/16	3,405.02	01-401-320-	3,405.02	3,405.02
01*135963	WILLOW TREE & LANDSCAPE SER. INC	STUMP GRINDING BY MMP POND	2,450.00	01-454-450-	2,450.00	6,050.00
		REMOVAL OF 2 OAK TREES, GRIND	3,600.00	01-454-800-	3,600.00	
01*135964	WITMER PUBLIC SAFETY GROUP	(2) BULLARD ECLIPSE RECHARGABL	141.00	01-411-250-	141.00	141.00
01*135965	WORKPLACE CENTRAL	VAC BAG	22.05	01-409-200-	22.05	635.74
		(2) USB CABLES	51.98	01-401-320-	51.98	
		CALCULATOR RIBBON	9.12	01-401-200-	9.12	
		5 PORT SWITCH	37.45	01-401-320-	37.45	
		10CS PAPER	489.00	01-401-200-	489.00	
		MAT'LS. & SUPPLIES-OFFICE	26.14	01-452-200-	26.14	
04*9511	CAROL HARTMAN	3RD QUARTER PHONE ALLOWANCE	105.00	04-384-100-	105.00	105.00
	**** VOIDED CHECK ****					
04*9513	SAFETY BUS	FINAL PAYMENT FOR 11/28/22 WIN	880.00	04-384-100-	880.00	2,750.00
		[AU,EMT FPR TROI PM 05/01/23 T	1,870.00	04-384-100-	1,870.00	
04*9514	ALEX LEVY, PETTY CASHIER	DRIVER TIP EVERLY BROTHERS 10/	90.00	04-384-100-	90.00	90.00
04*9515	PENN'S PEAK, LLC	PAYMENT (2) EXTRA PEOPLE 10/18	94.00	04-384-100-	94.00	94.00
04*9516	PATRICIA HOLLABAUGH	REFUND GAC TRIP - AMT CHRISTMA	110.00	04-384-100-	110.00	110.00
04*9517	ALEX LEVY, PETTY CASHIER	DRIVER TIP FOR GAC TRIP- 12/14	108.00	04-384-100-	108.00	108.00
04*9518	CAROL HARTMAN	REIMBURSEMENT FOR GAC TRIP	76.88	04-384-100-	76.88	76.88
04*9519	HERSHEY FARM RESTAURANT AND INN	FINAL PMT FOR TRIP ON 12/14/22	1,272.35	04-384-100-	1,272.35	1,272.35
04*9520	VEREINIGUNG ERZGEBRIDGE	OCTOBERFEST	974.40	04-384-100-	974.40	974.40
23*135735	RICOH USA, INC.	LEASE PAYMENTS 10/15-11/14/22	45.55	23-471-600-	45.55	45.55
23*135736	WILLOW GROVE FIRE COMPANY	REIMBURSE FOR LOAN PAYMENT	965.26	23-471-300-	965.26	965.26
23*135900	RICOH USA, INC.	LEASE PAYMENTS 10/01-10/31/22	1,637.52	23-471-600-	1,637.52	1,637.52
35*3032	ASPHALT CARE EQUIPMENT & SUPPLIES	TACK DISTRIBUTOR, PROPANE	3,613.15	35-439-210-	3,613.15	7,764.85
		2 PALLETS (140 BLOCKS) AC20	4,151.70	35-439-210-	4,151.70	
35*3033	EUREKA STONE QUARRY, INC.	ELM AVENUE	27,220.22	35-439-210-	27,220.22	69,051.42
		SUNSET LANE	17,925.98	35-439-210-	17,925.98	
		WYANDOTTE RD	19,093.94	35-439-210-	19,093.94	
		NASH AVE, ELM AVE	1,485.39	35-439-210-	1,485.39	
		SUNSET LANE	1,651.26	35-439-210-	1,651.26	
		WYANDOTTE RD	1,674.63	35-439-210-	1,674.63	
35*3034	BILLOWS ELECTRIC SUPPLY INC.	LIGHT FIXTURES	275.00	35-434-240-	275.00	275.00
35*3035	CITY ELECTRIC SUPPLY	LIGHT FIXTURES	176.21	35-434-240-	176.21	243.30
		LIGHT FIXTURES	67.09	35-434-240-	67.09	
35*3036	PECO ENERGY - PAYMENT PROCESSING	0540400109: STREET 08/29-09/28	81.36	35-434-361-	81.36	81.36

GRAND TOTAL OF CHECKS = 3,931,700.05

TOWNSHIP of UPPER MORELAND

Montgomery County, Pennsylvania

117 Park Avenue, Willow Grove, PA 19090-3215
Telephone (215) 659-3100 / Fax (215) 659-7363

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Township Manager
RANDALL K. SCHAIBLE
*Assistant Township Manager/
Director of Finance*
ALEX H. LEVY
Township Treasurer
SEAN P. KILKENNY, ESQ.
Township Solicitor

Agenda Summary

Finance and Administration Committee Meeting - October 24, 2022 Regular Meeting – November 14, 2022

Agenda Item:	Proposed Eastern Montco Interchanges Group
Recommended Action:	Consider the draft MOU to create the Eastern Montco Interchanges Group.
Background/Analysis:	<p>Several months ago, Upper Dublin Township invited managers from surrounding jurisdictions and Montgomery County officials to meet to discuss the best way to address regional transportation needs. There was some consensus for the creation of a regional group made up of local governments, private developers and state officials, whose collective voices, would be more impactful than our respective individual voices would be.</p> <p>This group would work cooperatively in identifying transportation projects that could be beneficial for the region and would present a stronger lobbying force to state and even federal officials.</p> <p>To create this group, it was suggested that an MOU be drafted for the consideration of the local jurisdictions' elected officials.</p>
Fiscal Impact/Source:	\$10,000 per year
Alternatives:	Approve, disapprove or seek amendments to the proposed MOU
Attachments:	Proposed Eastern Montco Interchanges Group MOU
Prepared by:	Matt Candland, Township Manager
Committee Recommendations:	At the October 24, 2022 meeting of the Finance and Administration Committee, the Committee recommends action by the Board of Commissioners at their November 14, 2022 Regular Meeting, on the proposed Eastern Monto Interchange Group.

Eastern Montco Interchanges Group
Draft Sample Memorandum of Understanding (Jack Smyth 9/23/22)

Whereas, in 2015 the Montgomery County Planning Commission released the *Turnpike Corridor Interchanges Project*, a study which recommended seven (7) new and/or improved interchanges along I-276 within Montgomery County's borders; and

Whereas, the municipalities along the I-276 corridor subsequently endorsed the document and its recommendations; and

Whereas, the Willow Grove Interchange Reconfiguration Project requires transportation projects for improvements to the surrounding road network and reconfiguration of the existing PA Turnpike interchange ramps at PA 611 (Willow Grove) with no PA Turnpike mainline involvement; and

Whereas, the New Welsh Road Interchange Project requires transportation projects for improvements to the surrounding road network, establishment of new PA Turnpike ramps and widening the PA Turnpike mainline; and

Whereas, the Virginia Drive Interchange Completion Project requires transportation projects for improvements to the surrounding road network, reconfiguration of the existing PA Turnpike West ramps, completion of new PA Turnpike East ramps and widening the PA Turnpike mainline; and

Whereas, once completed, the Willow Grove, Welsh Road and Virginia Drive PA Turnpike Interchanges (the "Interchanges") proposed by the Montgomery County Planning Commission's *Turnpike Corridor Interchanges Project* and transportation improvements to the surrounding road network will work in tandem throughout eastern Montgomery County to improve mobility, provide economic redevelopment potential, and balance projected future traffic; and

Whereas, the municipalities of Abington Township, Hatboro Borough, Horsham Township, Upper Dublin Township and Upper Moreland Township (the "Municipalities") agree on the importance of partnering together to program and fund the transportation projects required to construct the Interchanges and surrounding road network improvements; and

Whereas, a Capital Interchanges & Surrounding Road Projects Program will be created that will develop a Timeline of Projects for 0 to 3 Years with objectives for:

1. transportation projects to design and construct surrounding road network improvements for the Interchanges
2. Willow Grove Interchange improvements to complete design and construction of the concept developed by Upper Moreland Township
3. PA Turnpike Commission coordination to initiate design for Virginia Drive and Welsh Road Interchange improvements that include PA Turnpike mainline construction
4. definition and advancement of Required Right-of-Way acquisition; and

Whereas the Capital Interchanges & Surrounding Road Projects Program will develop a Timeline of Projects for 3 to 7 Years with objectives for:

1. secondary transportation improvement projects to the surrounding road network
2. PA Turnpike Commission coordination for the New Welsh Road Interchange improvements to advance design and program full or phased construction

Eastern Montco Interchanges Group
Draft Sample Memorandum of Understanding (Jack Smyth 9/23/22)

3. PA Turnpike Commission coordination for the Virginia Drive Interchange Completion improvements to advance design and program full or phased construction
4. definition and advancement of Required Right-of-Way acquisition.

Now Therefore, Be It Resolved, the Municipalities affirm to partner and support the advancement of designated Eastern MontCo Interchanges Group projects identified in the Capital Interchanges & Surrounding Road Projects Program, with shared objectives for project timelines, design, funding and construction; and

Be It Further Resolved, the Municipalities pledge to work together to further funding and construction of the Capital Interchanges & Surrounding Road Projects Program; and

Be It Further Resolved, the Municipalities agree to support each other's efforts to fund and complete design/right-of-way acquisition/ utility relocation/environmental permitting/ construction of the Capital Interchanges & Surrounding Road Projects Program; and

Be It Further Resolved, the Municipalities agree to each provide \$10,000 in annual funding for a maximum of seven (7) years, with a renewal of this Memorandum of Understanding in 2025, for engineering support services and technical assistance in the collective effort to pursue completion of the Capital Interchanges & Surrounding Road Projects Program; and

Be It Further Resolved, that if this Memorandum of Understanding is renewed in 2025 then this Memorandum of Understanding would expire on December 31, 2029 or after seven (7) calendar years, whichever is greater.

TOWNSHIP of UPPER MORELAND

Montgomery County, Pennsylvania

117 Park Avenue, Willow Grove, PA 19090-3215

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Township Treasurer

SEAN P. KILKENNY, ESQ.

Township Solicitor

Agenda Summary

Finance and Administration Committee Meeting - October 24, 2022

Regular Meeting – November 14, 2022

Agenda Item:	McMahon Associates Inc 2023 Engagement Fee
Recommended Action by Committee:	Approve the proposed contract with rate increases and move to November 14 th board meeting for a vote
Background/Analysis:	Our transportation engineer McMahon has provided the township with an engagement letter for 2023. The rates were last adopted five years ago in 2018. Based on their proposal, the rate for the Principal/Associate of \$195 will remain the same. The other rates are proposed to have modest increases.
Fiscal Impact/Source:	A small increase in our transportation engineering fees
Alternatives:	N/A
Attachments:	McMahon Associates Inc. Engagement letter
Prepared by:	Matt Candland, Township Manager
Committee Recommendations:	At the October 24, 2022 meeting of the Finance and Administration Committee, the Committee recommends approval by the Board of Commissioners at their November 14, 2022 Regular Meeting, on the modest increase of traffic engineering services provided by McMahon Associates Inc.



October 19, 2022

Mr. Matthew Candland, Manager
Upper Moreland Township
117 Park Avenue
Willow Grove, PA 19090

RE: Request for Professional Services Rates – 2022 Traffic Engineering Services
Township of Upper Moreland, Montgomery County

Dear Matt:

McMahon Associates, Inc. is pleased to provide to you and the Board of Commissioners with our *Standard Provisions for Professional Services* to provide Traffic Engineering Services to Upper Moreland Township. McMahon appreciates the opportunity we have had to assist Upper Moreland Township these past years in handling various day-to-day objectives and in helping the Township achieve its transportation infrastructure goals and vision for the future. We are eager to continue our relationship with Upper Moreland Township as Township Traffic Consultant, building upon our foundation of trust and cooperation.

Attached to this letter is our *Standard Provisions for Professional Services* Upper Moreland Township, which includes our **rate schedule** for the various staffing levels within our firm. We are requesting an increase in most categories since rates have been held for the Township since the reappointment in 2018; however, the top category rate has been maintained. Please note our services can be provided to Upper Moreland Township on an hourly time-and-materials basis, or on a pre-arranged fee basis for specific assignments, as desired and requested by the Township.

Thank you again for your confidence in McMahon serving as your Traffic Engineering Consultant and we look forward to continuing our association with the Township. If you have any questions or need additional information, please contact me at your earliest convenience.

Sincerely,

A handwritten signature in black ink that reads "Joseph DeSantis". The signature is written in a cursive, flowing style.

Joseph DeSantis, P.E., PTOE
President

Attachment

I:\eng\UPPERMO1\0_806056 - General Traffic Services\Correspondence\Rate\10-19-2022 Upper Moreland Township letter.doc

425 Commerce Drive, Suite 200, Fort Washington, PA 19034

P: 215.283.9444

mcmahonassociates.com | bowman.com

McMAHON ASSOCIATES, INC.
STANDARD PROVISIONS FOR PROFESSIONAL SERVICES
UPPER MORELAND TOWNSHIP
2023

SERVICES

McMahon Associates, Inc. reserves the right to make adjustments for individuals within these classifications as may be desirable in its opinion by reason of promotion, demotion, or change in wage rates. Such adjustments will be limited to the manner in which charges are computed and billed and will not, unless so stated in writing, affect other terms of an agreement, such as estimated total cost. The following rates will apply to actual time devoted by McMahon Associates, Inc. staff to this project computed to the nearest one-half hour.

<u>PERSONNEL</u>	<u>HOURLY RATES</u>	<u>2018 HOURLY RATES</u>
Principal/Associate/General Manager/Service Leader	\$195	\$195
Senior Project Manager	\$185	\$175
Project Manager/Survey Manager	\$165	\$155
Senior Project Engineer	\$140	\$135
Project Engineer	\$130	\$120
Staff Engineer/Survey Party Chief/FAA Certified Drone Pilot	\$105	\$100
Technician/Admin/Survey Tech	\$90	\$75
Field Personnel/Drone Field Spotter	\$50	New Category

TERMS

1. **Invoices** – Invoices will be provided on a monthly basis and will be based upon percentage of completion or actual hours, plus expenses. Payment is due to McMahon Associates, Inc. within 30 days of the invoice date. Unpaid balances beyond 30 days are subject to interest at the rate of 1.5% per month. This is an annual percentage rate of 18%.
2. **Confidentiality** – Technical and pricing information in this proposal is the confidential and proprietary property of McMahon Associates, Inc. and is not to be disclosed or made available to third parties without the written consent of McMahon Associates, Inc.
3. **Commitments** – Fee and schedule commitments will be subject to renegotiation for delays caused by the client's failure to provide specified facilities or information, or any other unpredictable occurrences.
4. **Expenses** – Automatic Traffic Recorder equipment usage will be billed at \$25.00 per 24-hour count. Drone equipment usage, inclusive of insurance costs, will be billed at \$250/day, or portion of a day. Incidental expenses are reimbursable at cost. These include reproduction, postage, graphics, reimbursement of automobile usage at the IRS-approved rate, parking and tolls. Expenses which by company policy are not billed as reimbursable expenses to clients and therefore, will not be billed as part of this contract include the following: air travel, rental car, lodging, meals, and long-distance phone charges between McMahon Associates offices. If it becomes necessary during the course of this project to travel elsewhere, those travel costs will be treated as reimbursable expenses. These expenses will be reflected in the monthly invoices.
5. **Attorney's Fees** – In connection with any litigation arising from the terms of this agreement, the prevailing party shall be entitled to all costs including reasonable attorney's fees at both the trial and appellate levels.
6. **Ownership and Use of Documents** – All original drawings and information are to remain the property of McMahon Associates Inc. The client will be provided with copies of final drawings and/or reports for information and reference purposes.
7. **Insurance** – McMahon Associates, Inc. will maintain at its own expense Workman's Compensation Insurance, Comprehensive General Liability Insurance and Professional Liability Insurance and, upon request, will furnish the client a certificate to verify same.
8. **Termination** – This agreement may be terminated by the authorized representative effective immediately on receipt of written notice. Payment will be due for services rendered through the date written notice is received.
9. **Binding Status** – The client and McMahon Associates, Inc. bind themselves, their partners, successors, assigns, heirs, and/or legal representatives to the other party to this Agreement, and to the partners, successors, assigns and legal representatives of such other party with respect to all covenants of this Contract.

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Montgomery County, Pennsylvania

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Township Treasurer

SEAN P. KILKENNY, ESQ.

Township Solicitor

Agenda Summary

Finance and Administration Committee Meeting - October 24, 2022

Regular Meeting – November 14, 2022

Agenda Item: Proposed Stipulation of Settlement Tax Assessment Appeal for 2408 Maryland Road (2020-19129)

Recommended Action by Committee: Move to November 14th Board of Commissioners for approval

Background/Analysis: This is a tax assessment appeal filed by the owner of 2408 Maryland Road, which contains the Springfield Suites Marriot. After appeal to the Court of Common Pleas and review of appraisals the taxing bodies and the property owner have agreed to a settlement which will see a refund to the property owner for the 2021 and 2022 tax years. This refund is due to a significant loss of property value associated with the decline in the hotel and hospitality industry.

Fiscal Impact/Source: Township real estate taxes

Alternatives: Do not approve settlement and proceed to jury trial

Attachments: Stipulation of Settlement

Prepared by: Kilkenny Law, LLC., Township Solicitor

Committee Recommendations: At the October 24, 2022 meeting of the Finance and Administration Committee, the Committee recommends approval by the Board of Commissioners at their November 14, 2022 Regular Meeting, on the stipulation of settlement tax assessment appeal.

**IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY
PENNSYLVANIA**

CGCMT 2013-GC17 Maryland Road,	:	
	:	
Petitioner,	:	NO. 2020-19129
v.	:	
	:	TAX ASSESSMENT APPEAL
MONTGOMERY COUNTY BOARD OF	:	
ASSESSMENT OF APPEALS,	:	Parcel No.: 59-00-12307-00-9
	:	
Respondent(s).	:	

ORDER

AND NOW, on this _____ day of _____, 2022, it is hereby ORDERED and DECREED that the terms and conditions of the attached Settlement Stipulation are accepted as terms and conditions of a binding Court Order.

IT IS FURTHER ORDERED and DECREED that the Montgomery County Board of Assessment Appeals shall make the appropriate adjustments in assessments as agreed to in the attached Settlement Stipulation, and that the Prothonotary shall mark the above-captioned action as “settled, discontinued and ended”.

J.

Stavitsky & Associates LLC
By: Andrew W. Hood, Esq.
Identification No. 34640
350 Passaic Avenue, Suite 102
Fairfield, New Jersey 07004
(973) 227-1912

Attorneys for Petitioner
**CGCMT 2013-GC17 Maryland
Road.**

**IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY
PENNSYLVANIA**

CGCMT 2013-GC17 Maryland Road,	:	
	:	
Appellant,	:	NO. 2020-19129
v.	:	
	:	TAX ASSESSMENT APPEAL
MONTGOMERY COUNTY BOARD OF	:	
ASSESSMENT OF APPEALS,	:	Parcel No.: 59-00-12307-00-9
	:	
Appellees.	:	

STIPULATION TO SETTLE

It is hereby stipulated by and between Petitioner, CGCMT 2013-GC17 Maryland Road. ("Petitioner"), the School District of Upper Moreland, ("the School District"), Upper Moreland Township ("the Township"), the County of Montgomery ("the County"), and the Montgomery County Board of Assessment Appeals, ("the Board" and together with the School District, Township, and County "the Taxing Authorities"), through their undersigned counsel, that the Tax Assessment Appeal filed by the Appellant in the above-captioned matter is settled according to the following terms:

1. Effective January 1, 2021, for the Township and County and July 1, 2021, for the School District, the assessment on the Property shall be **decreased** from \$8,642,298 to \$4,155,340. Applying the County's common level ratio of 46.9% the new assessment results in an indicated market value of \$8,860,000.

2. Effective January 1, 2022, for the Township and County and July 1, 2022, for the School District, the assessment on the Property shall be **decreased** from \$8,642,298 to \$4,067,700. Applying the County's common level ratio of 44.7% the new assessment results in an indicated market value of \$9,100,000.

3. Effective January 1, 2023, for the Township and County and July 1, 2023, for the School District, the assessment on the Property shall be **decreased** from \$8,642,298 to \$3,603,600. Applying the County's common level ratio of 39.6% the new assessment results in an indicated market value of \$9,100,000.

4. The assessment shall remain at \$3,603,600 for each subsequent tax year unless changed by reason of an assessment appeal, county wide reassessment, change in the Subject Property, or otherwise permitted by applicable law.

5. The parties hereto agree that within sixty (60) days of the approval of the Stipulation to Settle by the Court, the Taxing Authorities shall submit refunds to the Petitioner for tax parcel No. 59-00-12307-00-9. Said refunds shall be issued in the name of CGCMT 2013-GC17 Maryland Road, and mailed to the following address: c/o Andrew W. Hood, Esq., Stavitsky & Associates, 350 Passaic Avenue, Suite 102, Fairfield, New Jersey 07004.

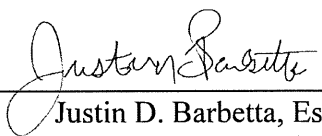
6. The undersigned each represent that they have, to the extent necessary, obtained the required authorizations from their respective clients to enter into this Stipulation.

7. Each party hereto shall bear its own costs associated with the Tax Assessment Appeal and this Stipulation.

8. Upon compliance with the direction of the Court fixing the assessment on the Subject Property as indicated by this Stipulation, this appeal shall be marked settled, discontinued and ended.

9. This Stipulation may be executed in multiple counterparts, and by facsimile or electronic mail, each of which shall be deemed an original, and all of which, when taken together, shall constitute one and the same, single agreement.

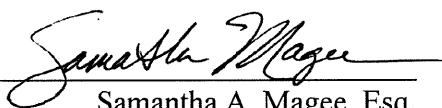
Andrew Hood, Esquire
Counsel for CGCMT 2013-GC17 Maryland Road



Justin D. Barbetta, Esq.
Counsel for School District of Upper Moreland



Brian O. Phillips, Esq.
Solicitor for County of Montgomery



Samantha A. Magee, Esq.
Solicitor for County of Montgomery Board of
Assessment Appeals

Colleen Marsini, Esq.
Solicitor for Upper Moreland Twp.

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Township Solicitor

Agenda Summary

Finance & Administration Committee Meeting - September 26, 2022

Regular Meeting – November 14, 2022

Agenda Item:	Traffic Impact Fee Adjustment
Recommended Action:	The Transportation Impact Advisory Committee's recommendation of an increase to the traffic impact fee and a motion to advertise the public meeting to consider adoption of the amended ordinance at the November 14, 2022 Regular Meeting (attachment)
Background/Analysis:	<p>The Township adopted a Traffic Impact Fee ordinance in July 2017 which established a traffic impact fee of \$1,904 per "new" weekday afternoon peak hour trip.</p> <p>Based upon the current state law, which governs the enactment and administration of transportation impact fees, the Township may recalculate based upon the construction cost index as published in the <i>American City/County Magazine</i> or the <i>Engineering News Record</i> magazine.</p> <p>Based upon the construction cost index, the resultant increase is 17.58% or \$334.72, updating the Township's transportation impact fee to \$2,238.72 per "new" afternoon peak hour trip.</p>
Fiscal Impact/Source:	There is no cost to the Township.
Alternatives:	Maintain the current impact fee.
Attachments:	Ordinance #1734
Prepared by:	Anton Kuhner, Township Traffic Engineer Matt Candland, Township Manager
Committee Recommendation:	At the September 26, 2022 Finance and Administration Committee meeting, the Committee recommends the Board of Commissioners hold a public hearing at their November 14, 2022 Regular Meeting to receive public comments and proceed with voting on Ordinance #1734, approving the Traffic Impact Fee adjustment.

**UPPER MORELAND TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 1734

AN ORDINANCE OF UPPER MORELAND TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA, AMENDING PART II: GENERAL LEGISLATION, CHAPTER 330 “VEHICLES AND TRAFFIC”, ARTICLE VI “TRANSPORTATION IMPACT FEES” TO THE UPPER MORELAND TOWNSHIP CODE OF ORDINANCES; REPEALING ALL INCONSISTENT ORDINANCES, OR PARTS THEREOF IN CONFLICT THEREWITH; AND PROVIDING FOR A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

WHEREAS, Upper Moreland Township, Montgomery County, Pennsylvania (hereinafter the “Township”) is a township of the First Class, organized and existing under the laws of the Commonwealth of Pennsylvania; and

WHEREAS, the Township has experienced considerable traffic growth related to land development and redevelopment of residential, commercial and other development in recent years; and

WHEREAS, it is anticipated that traffic congestion and transportation issues will continue to be an issue in the Township for years to come; and

WHEREAS, the Board of Commissioners, by Resolution R-2016-8 created a Transportation Impact Advisory Committee to advise the Township Board of Commissioners on transportation capital improvements that are necessary in the Township; and

WHEREAS, the Board of Commissioners reviewed and adopted the “Pennsylvania Act 209 Transportation Impact Fee-Roadway Sufficiency Analysis and Transportation Capital Improvements Plan” prepared for the Township by the Transportation Impact Advisory Committee, and adopted a Transportation Impact Fee Ordinance, Township Ordinance No. 1679, on July 10, 2017, after due notice and a public hearing held thereon; and

WHEREAS, the Pennsylvania Municipalities Planning Code (the “Code”), 53 Pa. C.S. § 10504-A(4), allows the Board of Commissioners to: “periodically, but no more frequently than annually, request the impact fee advisory committee to review the capital improvements plan and impact fee charges and make recommendations for revisions for subsequent consideration and adoption by the Board of Commissioners”; and

WHEREAS, the Section 10504-A(4)(V) of the Code, 53 Pa. C.S. § 10504-A(4)(V), allows the Board of Commissioners to consider and adopt traffic impact fee charges based on changes in the estimated costs of proposed transportation capital improvements, which may be recalculated by applying the construction cost index as published in the American City/County magazine or the Engineering News Record; and

WHEREAS, the Township Transportation Impact Advisory Committee (the “Committee”) has recalculated the Township’s traffic impact fee after review of the Construction Cost Index (the “Index”) as identified in the Engineering News Record at a duly assembled meeting of the Committee on June 21, 2022, and has determined that a change in the Index results in a 17.58% increase from the initial adoption of Ordinance No. 1679 to present which increases the current transportation impact fee of \$1,904 to \$2,238 per “new” afternoon peak hour trip, and recommends adoption of the same; and

WHEREAS, the Board of Commissioners desires to amend the Township transportation impact fee ordinance to adopt the Committee’s recommend increase in the fee.

NOW, THEREFORE, be it, and it is hereby **ORDAINED** by the Upper Moreland Township Board of Commissioners, and it is hereby **ENACTED** and **ORDAINED** by authority of same as follows:

SECTION 1: AMENDMENT OF CHAPTER 330, ARTICLE VI OF THE CODE

Part II: General Legislation, Chapter 330: Vehicles and Traffic, Article VI: Transportation Impact Fees, Subsection 43: Imposition of Fee, of the Upper Moreland Township Code of Ordinances is hereby amended to state the following (text to be added shown as underline):

§ 330-43 Imposition of Fee

There is hereby enacted an impact fee to be imposed upon new development, as defined in 53 P.S. § 10502-A, for the purpose of off-site public transportation capital improvements authorized by Act 209 of 1990 and described in the Transportation Capital Improvements Plan of Upper Moreland Township. Said impact fee shall apply to all new development within the transportation service area defined in the Roadway Sufficiency Analysis and Transportation Capital Improvements Plan. The amount of the traffic impact fee shall be sum of **\$2,238** per weekday afternoon peak-hour trip calculated in accordance with § 330-48 below.

SECTION 2: SEVERABILITY.

The terms, conditions and provisions of this Ordinance are hereby declared to be severable, and should any portion, part or provision of this Ordinance be found by a court of competent jurisdiction to be invalid, unenforceable or unconstitutional, the Upper Moreland Township Board of Commissioners hereby declares its intent that the Ordinance shall have been enacted without regard to the invalid, unenforceable, or unconstitutional portion, part or provision of this Ordinance.

SECTION 3: REPEALER.

Any and all other Ordinances or parts of Ordinances in conflict with the terms, conditions and provisions of this Ordinance are hereby repealed to the extent of such irreconcilable conflict.

SECTION 4: EFFECTIVE DATE.

This Ordinance shall be effective five (5) days after enactment.

ORDAINED AND ENACTED by the Board of Commissioners of Upper Moreland Township, Montgomery County, Pennsylvania, this 14th day of November, 2022.

Attest:

**UPPER MORELAND TOWNSHIP
BOARD OF COMMISSIONERS**

Matthew H. Candland, Secretary

Clifton McFatridge, President

TOWNSHIP of UPPER MORELAND

Montgomery County, Pennsylvania

117 Park Avenue, Willow Grove, PA 19090-3215

Telephone (215) 659-3100 / Fax (215) 659-7363

COMMISSIONERS

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R. SAMUEL VALENZA

CHARLES M. WHITING



OFFICIALS

MATTHEW H. CANDLAND

Township Manager

RANDALL K. SCHAIBLE

Assistant Township Manager/

Director of Finance

ALEX H. LEVY

Township Treasurer

SEAN P. KILKENNY, ESQ.

Township Solicitor

Agenda Summary

Community Development Committee Meeting - October 17, 2022

Regular Meeting – November 14, 2022

Agenda Item:	1740 County Line Road Land Development Application
Recommended Action by Committee:	Consider requested waivers from the SALDO and vote on each waiver request. Consider application and vote on same.
Background/Analysis:	Applicant/property owner proposes to utilize the vacant parcel for commercial vehicle storage along with storage of personal vehicles. Applicant/property owner is proposing upgrades to the storm sewer system along with landscape improvements and traffic signal improvements. Applicant/property owner received the necessary zoning relief from the Zoning Hearing Board.
Fiscal Impact/Source:	N/A
Alternatives:	Deny waiver requests and/or application
Attachments:	Resolution R-2022-38
Prepared by:	Paul Purtell, Director of Code Enforcement
Committee Recommendations:	At the October 17, 2022 meeting of the Community Development Committee, the Committee recommends approval by the Board of Commissioners at their November 14, 2022 Regular Meeting on Resolution R-2022-38.

**UPPER MORELAND TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

RESOLUTION NO. 2022-38

A RESOLUTION GRANTING PRELIMINARY/FINAL MINOR LAND DEVELOPMENT APPROVAL WITH CONDITIONS TO L&A FOREVER, LLC TO DEVELOP AND UTILIZE THEIR PROPERTY AS TRACTOR TRAILER STORAGE, PROVIDING 70 TRACTOR TRAILER PARKING SPACES AND 21 PASSENGER CAR SPACES AND RELATED IMPROVEMENTS ON THE PARCEL LOCATED AT 1740 COUNTY LINE ROAD, UPPER MORELAND TOWNSHIP.

WHEREAS, L&A Forever, LLC (“Applicant”) filed an application with Upper Moreland Township requesting approval with certain waivers (the “Land Development Application”) to utilize its property as tractor trailer storage, providing 70 tractor trailer parking spaces and 21 passenger car spaces and related improvements (the “Project”); and

WHEREAS, the Applicant has submitted the following in support of the Land Development Application: “Land Development Plan prepared for L&A Forever, LLC”, prepared by Protract Engineering, Inc., dated June 4, 2022, consisting of sheets 1 to 3 of 3 (the “Plans”); Stormwater Management Design plans prepared by Bustamante Engineers, Inc., dated September 9, 2022, consisting of sheets 1 to 5 of 5; and Stormwater Management Report for L&A Forever prepared by Bustamante Engineers, Inc., dated September 9, 2022. The Plans are attached hereto as **Exhibit “A”** and incorporated herein by reference; and

WHEREAS, the Plans involve the property owned by the Applicant, located at 1740 County Line Road at the intersection of County Line Road and New Road, Montgomery County Tax Map Parcel No. 59-00-03535-00-6, which consists of 5.48 acres located within the S Small Limited Industrial Zoning District, which includes various concrete pads and asphalt pavement. Two existing driveways allows access to County Line Road; one at the northern corner of the property, and the other at the intersection of County Line Road and New Road (the “Property”); and

WHEREAS, the Applicant has since 2021 operated a commercial vehicle storage operation on the Property without obtaining the appropriate zoning relief and permits from Upper Moreland Township. Applicant entered into a consent order (the “Consent Order”) with the Township at Montgomery County Docket 2022-06931 and received zoning relief from the Upper Moreland Township Zoning Hearing Board via Order No. 2022-6(4) (the “ZHB Decision”) in the form of a special exception to permit commercial vehicle storage and parking and a variance to allow for a commercial use within 100 feet of a residential tract. The consent order and the decision of the Zoning Hearing Board also impose certain conditions which, unless modified herein by this grant of land development approval, shall continue in full force and effect. The Consent Order and the ZHB Decision are attached hereto as **Exhibit “B”** and incorporated herein by reference; and

WHEREAS, The Applicant proposes to utilize the Property as tractor trailer storage, providing 70 tractor trailer parking spaces and 21 passenger car spaces. Portions of asphalt and concrete are to be demolished and removed along the southern property line, and new asphalt is to be installed at the driveway entrance at County Line Road and New Road. The Applicant is also proposing signal improvements at the intersection of the driveway, County Line Road, and New Road to permit safer vehicle maneuvering. Additional improvements include reconstructing and enlarging the stormwater basin at the rear property corner and providing buffer plantings along the southern property line.; and

WHEREAS, the Applicant has requested waivers from requirements set forth in Chapter 300 “Subdivision and Land Development” of the Upper Moreland Township Code of Ordinances, more fully referenced in Paragraph 11 below; and

WHEREAS, the Township Engineer has reviewed Applicant’s Preliminary/Final Land Development Plans and has recommended their approval, subject to the conditions set forth in the review letter dated September 26, 2022, attached hereto as **Exhibit “C”** and incorporated herein by reference; and

WHEREAS, the Township Landscape Architect has reviewed Applicant’s Preliminary/Final Land Development Plans and has recommended their approval, subject to the conditions and comments set forth in the review letter dated September 12, 2022, attached hereto as **Exhibit “D”** and incorporated herein by reference; and

WHEREAS, The Township Traffic Engineer has reviewed Applicant’s Preliminary/Final Land Development Plans and has recommended their approval, subject to the conditions and comments set forth in the review letter dated September 12, 2022, attached hereto as **Exhibit “E”** and incorporated herein by reference; and

WHEREAS, The Montgomery County Planning Commission has reviewed Applicant’s Preliminary/Final Land Development Plans and has recommended their approval, subject to the comments set forth in the review letter dated September 9, 2022, attached hereto as **Exhibit “F”** and incorporated herein by reference; and

WHEREAS, based on Applicant’s presentation of the Project on October 17, 2022, the Upper Moreland Township Community Development Committee has recommended Conditional Preliminary/Final Approval of the Applicant’s Preliminary/Final Land Development Plans; and

WHEREAS, the Upper Moreland Township Board of Commissioners has determined that based on the testimony, and reviews of Township Consultants, Applicant has satisfactorily established that Conditional Preliminary/Final Land Development Approval will not be contrary to the public interest.

NOW, THEREFORE, BE IT RESOLVED, by the Upper Moreland Township Board of Commissioners that the Applicant’s Preliminary/Final Land Development Plans are hereby

granted Conditional Preliminary/Final Land Development Approval, subject to the satisfaction of the following conditions by the Applicant:

1. Except as modified herein, Applicant shall comply with all other applicable Township Ordinances, County, Commonwealth and Federal statutes, rules, and regulations, and obtain all applicable permits and approvals including but not limited to, obtaining the approval of the fire marshal, UMHJSA permit, Aqua of Pennsylvania permit, Montgomery County Conservation District permits, and PA DEP permits.

2. Applicant shall strictly comply with all applicable Americans with Disabilities Act accessibility standards as promulgated by the Department of Justice and the International Code Council, A117.1-2017, for the construction of accessible facilities, including, but not limited, to handicapped parking spaces on the Property.

3. Unless waived by the Board of Commissioners, the Applicant shall comply with all conditions and comments set forth in the Township Engineer's review letter attached hereto as **Exhibit "C"**.

4. The Applicant shall enter into a Development Agreement and Financial Security Agreement with the Township for the construction of the proposed improvements, to be prepared by the Township Solicitor, and executed prior to the start of construction.

5. The Applicant shall enter into a Stormwater Management Facilities Agreement with the Township for perpetual ownership and maintenance of proposed stormwater Best Management Practices, to be prepared by the Township Solicitor, and executed prior to the start of construction.

6. Unless waived by the Board of Commissioners, the Applicant shall comply with all conditions and comments set forth in the Township Landscape Architect's review letter attached hereto as **Exhibit "D"**.

7. Unless waived by the Board of Commissioners, the Applicant shall comply with all conditions and comments set forth in the Township's Traffic Engineer's review letter, attached hereto as **Exhibit "E"**. Approval of this Application is expressly conditioned upon the Applicant's submission of traffic data to the Township's Traffic Engineer for calculation of the Traffic Impact Fee for this Project. Applicant shall submit the required traffic impact data to the Township Traffic Engineer within thirty (30) days of the date of this approval.

8. Applicant's recorded Plan which show the proposed improvements to be constructed to close off the western access along County Line Road to all vehicles, except for access by emergency access vehicles, shall be reviewed and approved by the Township Fire Marshall as a condition precedent to the recording of the Plans. If Applicant proposes improvements which would require a key or code to open the western access, Applicant must provide the same to the Township Fire Marshall.

9. Applicant's recorded Plan shall contain a reference to Upper Moreland Township Zoning Hearing Board Appeal No. 2022-6(4) including the date of decision, the variances and exceptions granted, and the conditions of approval imposed.

10. Applicant shall be obligated to commence and complete the land development on the following schedule:

- A. Applicant shall submit the final recorded plans to the Township for review and approval within thirty (30) days of the date of acceptance of this Land Development Approval Resolution.
- B. Applicant shall within sixty (60) days of the date of acceptance of this Land Development Approval Resolution complete all required development, financial security and stormwater management facilities agreements.
- C. Applicant shall acquire all necessary approvals for the project, including, but not limited to, the sidewalk, curbing and Traffic Signal Improvements at County Line and New Road required by Upper Southampton Township and PennDOT, and must complete the final construction of all internal improvements on the Property, including but not limited to the stormwater basin, sidewalk and curbing improvements, by May 1, 2023.

11. Further, the Board of Commissioners takes the following action as to the Applicant's request for waivers from the requirements of Chapter 300 "Subdivision and Land Development" of the Upper Moreland Township Code of Ordinances:

- A. § 300-15.B.(1)(b)[3]: A waiver from the requirement to provide curb and sidewalk along the street line of County Line Road (S.R. 2038).

☐ Granted ☐ Denied

- B. § 300-17.B: A waiver from the requirement to propose curbing around all parking lot areas.

☐ Granted ☐ Denied

- C. § 300-18.A.(1) & (5): A waiver from the requirement to install sidewalks along County Line Road (S.R. 2038).

☐ Granted ☐ Denied

D. § 300-19.A.(1): A waiver from the requirement to construct additional curbing along County Line Road (S.R. 2038).

☐ Granted ☐ Denied

E. § 300-50.B: From the requirement of a preliminary plan submission to permit Applicant's Plan to be classified as Preliminary/Final.

☐ Granted ☐ Denied

F. 300-52.C.(1): A partial waiver from the requirement to provide information related to all existing features located within 400 feet of the site.

☐ Granted ☐ Denied

12. Unless construction has begun in accordance with the Plans, this Resolution will expire in two years from the date of this Resolution, unless extended in writing by the Township.

13. This Conditional Preliminary/Final Land Development Approval does not and shall not authorize the construction of improvements or buildings exceeding those shown on the Plans. Furthermore, this Conditional Preliminary/Final Land Development Approval shall be rescinded automatically upon the Applicant's or the Applicant's agent's failure to accept, in writing, all conditions herein imposed within ten (10) days of receipt of this Resolution, such acceptance to be evidenced by the Applicant's or the Applicant's agent's signature below.

14. By approving this Resolution, the Applicant is signifying acceptance of the conditions contained herein.

DULY PRESENTED AND ADOPTED by the Board of Commissioners of Upper Moreland Township, Montgomery County, Pennsylvania, in a public meeting held this 14th day of November, 2022.

**UPPER MORELAND TOWNSHIP
BOARD OF COMMISSIONERS:**

ATTEST:

Matthew H. Candland, Township Manager

By: _____
Clifton McFatrige, President

In the event that the executed Resolution is not delivered to the Township within ten (10) days of receipt, it shall be deemed that the Applicant does not accept these conditions, and approvals conditioned upon its acceptance are revoked, and the application is considered denied for the reasons set forth above.

Date: _____

ACCEPTED BY:

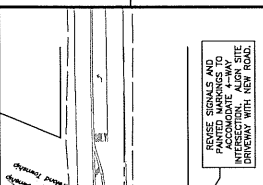
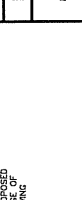
**APPLICANT
L&A FOREVER, LLC**

Name:

Title:

EXHIBIT

A

[illegible]

Lower, Middle, and Upper Devonian

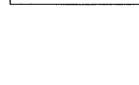
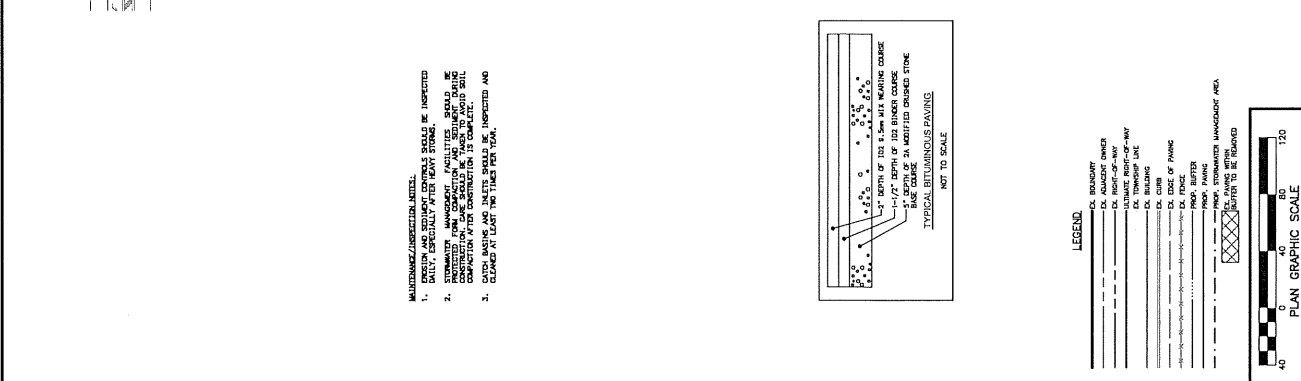
Lower, Middle, and Upper Silurian

Lower, Middle, and Upper Carboniferous

Fault

Road

N. 37.05'

[illegible]

EXHIBIT

B

ZONING HEARING BOARD OF UPPER MORELAND TOWNSHIP

NO. 2022-6(4)

APPEAL OF L & A Forever, LLC

OPINION

This is Appeal No. 2022-6(4) of L & A Forever, LLC. The property involved in the application is known as 1740 County Line Road, Huntingdon Valley, PA 19006. Applicant is appealing the Zoning Officers denial of the Use Permit Application to utilize the property for commercial vehicle parking along with the amended enforcement notices dated May 26, 2022 relating to violations of the Upper Moreland Township Stormwater Management Code, and dated May 26, 2022 relating to violations of the Upper Moreland Township Zoning Code. In the alternative applicant requests the following zoning relief: A variance or special exception from Upper Moreland Township Code Chapter 350, Article XVIII, Section 350-110.A for commercial vehicle storage and parking; A variance from Section 350-110.A for use not within a completely enclosed building or within a court enclosed on all sides by buildings; A variance from Section 350-111 for a use which is noxious or offensive by reason of odor, dust, smoke, gas, vibration or noise; A special exception from Section 350-111 for a public garage; A variance from Section 350-112.B for use within the minimum front yard setback of 25 feet; A variance from Section 350-112.F for a commercial use within 100 feet of a residential tract; A variance from Section 350-232 to operate a commercial use without first obtaining a permit for change of use; A variance from Section 350-232 to alter, improve or develop a lot without first obtaining a permit. Applicant requests the following relief under Chapter 287, Article 1, Section 287-37.A, Stormwater Management; Section 287-37.B; Section

287-35 and Section 287-3: relief for removal of previously approved stormwater controls under resolution 97-29; Modification of an existing stormwater control without approval from Upper Moreland Township; altering and/or changing the functioning of an existing stormwater control without written approval from Upper Moreland Township; and relief from prohibited discharges due to alteration of existing stormwater control. Property located in the S-small limited industrial district.

FINDINGS OF FACT

1. Legal notice of the hearing was given as required by the Zoning Hearing Board's rules, the Zoning Ordinance and the Municipal Planning Code.
2. The application concerns property known as 1740 County Line Road, Huntingdon Valley, PA 19006 (the "Property").
3. Applicant has standing to make this application to the Board. Applicant is the owner of the Property.
4. The Property is located in the S-Small Limited Industrial District.
5. A hearing was held on April 14, 2022, to open and continue the hearing and another hearing was held on June 23, 2022. After the April 14, 2022 hearing, Applicant amended its application as set forth in the first paragraph of this Opinion. Legal notice of amended application was given as set forth in paragraph 1 of these Findings of Fact.
6. At the hearing on June 23, 2022, Applicant limited its requests for relief to a special exception from Upper Moreland Township Code Chapter 350, Article XVIII, Section 350-110.A for commercial vehicle storage and parking and a variance from Section 350-112.F of the Zoning Code for a commercial use within 100 feet of a residential tract.

7. Applicant purchased the Property in November of 2021. At the time Applicant purchased the Property, the stormwater maintenance and runoff facilities were outdated and in need of improvement and the buffer area between the commercial use on the Property and the adjacent residential uses were significantly less than the buffer required in the zoning ordinance.

8. Applicant and Upper Moreland Township have been negotiating in regard to Applicant's alleged violations on the Property. Applicant and the Township entered into an agreement that became an Order entered in the Court of Common Pleas of Montgomery County, Pennsylvania. The Court Order was entered into the Zoning Hearing Board's record as Exhibit 17. Applicant reduced its requested relief as stated in paragraph 6 above due to its agreement with the Township.

9. Applicant is seeking to have 70 truck parking spaces on the Property. Applicant seeks to rent the parking spaces to long haul truckers. Applicant anticipates that only up to 25 parking spaces will be utilized at one time as the long haul truckers will be on the road earning a living most of time and will only be home and utilizing the leased space for a few days at a time.

10. Applicant agreed to the following:

- a. There will be no more than 70 truck parking places on the Property;
- b. Any vehicles parked at the site would be owned, operated, or subject to a written lease with the property owner;
- c. The Property will only be used to park or store vehicles and specifically for no other purpose;

- d. The owner will maintain a log identifying each vehicle and will offer that log upon request to the Township;
- e. The hours of operation will be from 7:00 a.m. to 7:00 p.m. at the premises, and the gates will be locked from 7:00 p.m. to 7:00 a.m.;
- f. No truck may be idled or engine idled except between the hours of 8:00 a.m. and 6:00 p.m.;
- g. Owner will not enter into any contract or agreement with any third party for the lease, rental or any other use of the Property other than for the parking or storing of vehicles;
- h. Owner must maintain, restore and improve the stormwater basin in accordance with PA D.E.P. and Township regulations;
- i. Applicant must apply for land development approval with the Township and must receive the Township's approval of its application;
- j. No maintenance and oil changes shall take place on the Property;
- k. Applicant will provide a 100 foot buffer area adjacent to the residential properties that abut the Property except for a small area (175 square feet) that is needed for access to the Property;
- l. No person shall stay overnight on the Property;
- m. No trucks will park on the 175 square foot area that is needed for trucks to have access to the Property and that is located within 100 feet of adjacent residences;
- n. No loading and unloading of the trucks will take place on the Property; and
- o. The statements set forth in paragraphs 13 – 18 and 26 set forth below and which are incorporated herein by reference.

11. Applicant submitted Nick Rose as an expert in the field of engineering. The Zoning Board accepted Mr. Rose as an expert in the field of engineering and accepted his testimony.

12. Mr. Rose drafted Applicant's plan for the Property, the latest draft being June 21, 2022.

13. Mr. Rose testified that Applicant will be removing 8,045 square feet of impervious surface and that the impervious surface area will be reduced from 67.1% to 63.2%. The permitted impervious surface area in the Property's zoning district is 70%.

14. With the consent of the Township, Applicant will improve the intersection of New Road and County Line Road to make it easier and safer to access the Property. Applicant will be making a four way intersection that will be controlled by a traffic light signal.

15. Applicant will close off the existing Western access to the Property except for access by emergency vehicles.

16. During the land development process, Applicant will submit a stormwater management plan for the Township's review and must obtain approval from the Township of its stormwater management plan in order to have its land development plan approved by the Township.

17. Applicant is not proposing any new construction on the Property.

18. Applicant shall comply with the Township's lighting ordinances and regulations.

19. Applicant's proposed use will not be detrimental to the appropriate use of any adjacent property.

20. Applicant's proposed use will not lead to any undue congestion or danger of pedestrian or vehicular traffic as it is limiting one access to the Property to only emergency vehicles and Applicant is improving the intersection of New Road and County Line Road to provide safer access to the Property.

21. Applicant's proposed use will not endanger the safety of any persons or property by its location or the design of the facilities or ingress or egress for the reasons stated above.

22. Applicant's proposed use will not increase the risk of fire or other dangers to the public's safety.

23. Applicant's proposed use will not lead to overcrowding of the land or create an undue concentration of population. Applicant is not proposing any new construction and its proposed use is only for the parking and storage of vehicles.

24. Applicant's use will not impair the adequate supply of light and air to adjacent properties.

25. Applicant's use will not adversely affect transportation or unduly burden water, sewer, school, park, or other public facilities.

26. Applicant will be bringing stormwater maintenance and controls up to the current standards. Applicant will enlarge the existing basin.

27. The Zoning Officer interprets the Zoning Code, specifically section 350-110.A, to allow Applicant's proposed use by special exception.

28. Applicant has proved the facts necessary to be granted a special exception.

29. Applicant's use will not detrimentally affect the public's health, morals, safety and general welfare.

30. Applicant's plan and use is not contrary to the Township's comprehensive plan or to sound land use principals.

31. Applicant has established the requirements set forth in the Zoning Code to be granted a special exception for its proposed use.

32. The variance requested is the minimum variance that will afford Applicant relief.

33. The requested variance is not contrary to the public's health, safety, and welfare.

34. The requested variance will not alter the essential character of the neighborhood.

35. James Lynch, who resides adjacent to the Property at 1750 County Line Road, became a party to the application. However, at the end of the hearing on June 23, 2022, he stated that he was taking a neutral position in regard to the granting or denying of Applicant's application. He did not submit any facts or evidence that countered Applicant's expert witness. No other person appeared in opposition to the amended application.

DISCUSSION

The Applicant is entitled to a special exception under section 350-110.A of the Zoning Code to have their proposed truck parking and storage use. Section 350-110.A of the Zoning Code permits Applicant's proposed use in accordance to the Zoning Officer's interpretation of the Zoning Code.

The Zoning Board must give deference to the Zoning Officer's interpretation unless it is clearly erroneous. Kohl v. New Sewickley Twp. Zoning Hearing Bd., 108 A.3d 961,968-69 (Pa. Cmwlth. 2015), McIntyre v. Bd. of Supervisors of Shohola Twp., 614 A.2d 335, 337 (Pa. Cmwlth. 1992).

Applicant has met their burden of proof as required by section 350-243 of the Zoning Code. The Zoning Hearing Board has accepted the testimony of Applicant's witnesses and incorporates by reference its Findings of Facts set forth above.

The legislature, in providing for special exceptions in zoning ordinances, has determined that the impact of such a use of property ^[5] does not, of itself, adversely affect the public interest to any material extent in normal circumstances so that a special exception should not be denied unless it is proved that the impact upon the public interest is greater than that which might be expected in normal circumstances...

It is well established that once the applicant for a special exception proves that the proposed use is one permitted by the zoning ordinance, he is entitled to a special exception unless the protestant proves that the requested use would constitute a detriment to public health, safety or welfare. Evans and the Devereux Foundation v. Zoning Hearing Board Of Easttown Township, 40 PA.Cmwlt. 103, 396 A.2d 889 (1979).

The Zoning Board concludes that, with the conditions imposed by the Board, that Applicant's use does not constitute a detriment to the public health, safety or welfare.

The Applicant is entitled to a variance under the rationale of Hertzberg v. Zoning Board of Adjustment of the City of Pittsburgh, 721 A.2d 43 (1998). This case does not involve a use variance as the Applicant has been granted a special exception by the Zoning Board. The Pennsylvania Supreme Court states in Hertzberg that when "seeking a dimensional variance within a permitted use, the owner is asking only for a reasonable adjustment of the zoning regulations in order to utilize the property in a manner consistent with the applicable regulations. Thus the grant of a dimensional variance is of lesser moment than the grant of a use variance, since the latter involves a proposal to use the property in a manner that is wholly outside the zoning regulation." Hertzberg, 721 A.2d at 47. In this case, Applicant is seeking a variance to have 175 square feet of pavement that will be used for trucks to have access to the Property to be within 100 feet of the adjacent residential properties. The variance is necessary for the reasonable and safe access to the

Property. No parking will take place on the 175 square foot area. Therefore, the use of this area by trucks will be limited to the time it takes the truck to traverse the area. Applicant's proposed use of the property is permitted as a special exception. Applicant has proved "that the zoning requirements work an unreasonable hardship in the owner's pursuit of a *permitted* use". Hertzberg, 721 A.2d at 47. "To justify the grant of a dimensional variance, courts may consider multiple factors, including the economic detriment to the applicant if the variance was denied, the financial hardship created by any work necessary to bring the building into strict compliance with the zoning requirements and the characteristics of the surrounding neighborhood." Hertzberg, 721 A.2d at 50. In this case, the Property suffers an undue hardship based on its condition. Applicant purchased the Property in November of 2021. The Property's stormwater management facilities were outdated at the time of Applicant's purchase. The buffer area between the commercial use on the Property and the adjacent residential properties did not comply with the applicable zoning ordinances. Access to the Property was not ideal in that there were two entrances that were close to each other and the intersection with New Road was not a four way intersection. As a direct result of these conditions, the Township had concerns regarding the use of the Property and the Applicant and Township reached an agreement regarding the future use of the Property as set forth in the above Findings of Fact. In short, Applicant is making improvements to the ingress and egress of the Property and increasing the buffer area adjacent to the residential properties that will improve the safety of the public and the character of the neighborhood. Applicant's proposed plan's impact on the neighborhood is de minimis as Applicant is improving the stormwater runoff conditions on the Property by removing 8,045 square feet of impervious surface and only adding 175 square feet of impervious surface, by Applicant

upgrading the stormwater management facilities on the Property, and by the 175 square feet of impervious surface that is within 100 feet of the residential properties being only used for access to the other parts of the Property. Further, the conditions imposed by the Zoning Board minimizes the impact of Applicant's use and Applicant must obtain land development approval which process should further minimize any impact of the neighborhood from Applicant's use. Only one person appeared to oppose the application but that person, by the end of the June 23 hearing, took a neutral stance to the application. Therefore, the variance requested is de minimis and the variance granted will have no detrimental impact on the neighborhood and will allow the Property to be improved for the benefit of the public and neighborhood. Applicant did not cause the hardship as Applicant purchased the Property in November, 2021, with the existing conditions. Applicant's proposed variance is the minimum variance that will afford relief.

For the reasons stated above, Applicant is also entitled to a traditional variance.

Applicant is also entitled to a de minimis variance. "Variances may be granted where de minimis deviations from a zoning ordinance occur, even though the traditional grounds for a variance may not have been met." West Bradford Township v. Evans, 35 Pa. Cmwlth. 167, 384 A.2d 1382 (1978). The variance requested is de minimis for the reasons set forth above.

Therefore, the Zoning Hearing Board has granted Applicant's application as stated in the Order attached to this Opinion.

ZONING HEARING BOARD OF UPPER MORELAND TOWNSHIP

NO. 2022-6(4)

APPEAL OF L & A Forever, LLC

ORDER

AND NOW, this 29th day of *July*, 2022, upon consideration of the application of L&A Forever, LLC, Applicant, for the property located at 1740 County Line Road, Huntingdon Valley, PA 19006, in which the Applicant sought the following relief under its amended application made at the zoning hearing on June 23, 2022:

A special exception from Upper Moreland Township Code Chapter 350, Article XVIII, Section 350-110.A for commercial vehicle storage and parking; and

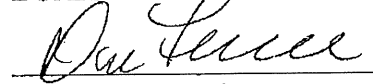
A variance from Section 350-112.F of the Zoning Code for a commercial use within 100 feet of a residential tract.

The Board approves Applicant's requests subject to conditions, the conditions being the representations and agreements of the Applicant stated on the record and, without limiting the prior phrase, as stated in section 10 of the above Findings of Facts and the entire Findings of Facts.

Applicant must apply for permits or otherwise proceed in accordance to zoning ordinance, the land development ordinances and the law of Pennsylvania. Otherwise, this grant of relief shall expire.

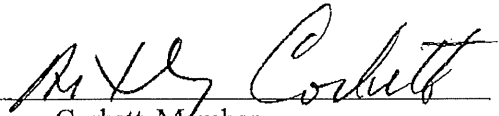
The property involved is located in the S-Small Limited Industrial Zoning District.

BOARD SIGNATURES:



Dan Fannon, Chairman

Voting to grant the application

A handwritten signature in cursive script, appearing to read "Anthony Corbett", written over a horizontal line.

Anthony Corbett, Member
Voting to grant the application

A handwritten signature in cursive script, appearing to read "Raymond Fox, Jr.", written over a horizontal line.

Raymond Fox, Jr., Alternate Member
Voting to grant the application

EXHIBIT C



GILMORE & ASSOCIATES, INC.
ENGINEERING & CONSULTING SERVICES

September 26, 2022

File No. 22-08063

Paul E. Purtell, Code Enforcement Director
Upper Moreland Township
117 Park Avenue
Willow Grove, PA 19090-3215

Reference: 1740 County Line Road
Minor Land Development
TMP # 59-00-03535-00-6

Dear Paul:

Pursuant to your request, Gilmore & Associates, Inc. has performed a review of the proposed Land Development application for the above-referenced project. Upon review of the plans, we offer the following comments:

I. Submission

- A. Land Development Plan prepared for L&A Forever, LLC, prepared by Protract Engineering, Inc., dated June 4, 2022, consisting of sheets 1 to 3 of 3.
- B. Stormwater Management Design plans prepared by Bustamante Engineers, Inc. dated September 9, 2022 consisting of sheets 1 to 5 of 5.
- C. Stormwater Management Report for L&A Forever prepared by Bustamante Engineers, Inc. dated September 9, 2022.

II. General

The subject property is located at 1740 County Line Road at the intersection of County Line Road and New Road within the S Small Limited Industrial Zoning District. The 4.9-acre property currently contains various concrete pads and asphalt pavement. A stormwater basin previously existed at the rear of the property, but was modified without a Township permit and will need to be re-established and upgraded as part of this LD project. Two existing driveways allows access to County Line Road; one at the northern corner of the property, and the other at the intersection of County Line Road and New Road.

The Applicant proposes to utilize the property as tractor trailer storage, providing 70 tractor trailer parking spaces and 21 passenger car spaces. Portions of asphalt and concrete are to be demolished and removed along the southern property line, and new asphalt is to be installed at the driveway entrance at County Line Road and New Road. The Applicant is also proposing signal improvements at the intersection of the driveway, County Line Road, and New Road to permit safer vehicle maneuvering. Additional improvements include reconstructing and enlarging the basin at the rear property corner and providing buffer plantings along the southern property line.

III. Reference Documentation

- A. Upper Moreland Township Zoning Hearing Board Appeal No. 2022-6(4), dated July 29, 2022.

On July 29, 2022, the Upper Moreland Township Zoning Hearing Board issued an Appeal of the Applicant and their proposed land development, granted a special exception from §350-110.A to permit the use of commercial vehicle storage and parking, a variance from §350-112.F to permit a commercial use within 100 feet of a residential tract.

65 East Butler Avenue | Suite 100 | New Britain, PA 18901 | Phone: 215-345-4330 | Fax: 215-345-8606

Gilmore & Associates, Inc.
Building on a Foundation of Excellence
www.gilmore-assoc.com

IV. Review Comments

A. Zoning Ordinance (Chapter 350)

We have identified no issues with the proposed plan in regard to the requirements and provisions of the current Upper Moreland Township Zoning Ordinance.

B. Subdivision & Land Development Ordinance (Chapter 300)

We offer the following comments with respect to the requirements and provisions of the current Upper Moreland Township Subdivision & Land Development (SALDO) Ordinance:

1. §300-14.G - The Board of Commissioners (Board) may grant modification to the requirements of this ordinance provided the Applicant proves undue hardship. Any waivers should be formally requested from the Township unless the plans are revised to address all comments of this letter relative to the SALDO and Stormwater Ordinances. The Land Development Plan should list the waivers, applicable section numbers, and the date granted as applicable, including any conditions.
2. §300-15.B(1)(b)[3] – Primary streets shall be constructed with curb and sidewalk. While we ultimately defer requirements within the County Line Road right-of-way to PennDOT, the Applicant shall revise the plans to propose curb and sidewalk along the street line, or a waiver would be required.
3. §300-16 – We defer to McMahon Associates for review of the plans with respect to driveway location / dimensions / radii, parking lot circulation, and traffic signal improvements. We note that a PennDOT HOP permit will be required for all work within the County Line Road ROW, including the proposed signal.
4. §300-17 – We offer the following comments regarding the parking facilities:
 - a. We defer to the Township Code Enforcement Department for review of the plans to determine if accessible parking spaces are required as part of this development.
 - b. Several of the proposed tractor trailer parking spaces are located within areas of steep grades or within lawn areas, which does not appear to be suitable locations for trailer parking. The Applicant shall revise the layout or show how the grade will be revised in these areas.
 - c. Per Appeal No. 2022-6(4), it is noted that the western access along County Line Road is to be closed off, except for access by emergency vehicles. The plans should propose improvements, such as a breakaway chain or bollards, to permit the use of emergency access vehicles, but close off the entrance to other vehicles. Ultimately, we defer review of the emergency access to the Township Fire Marshal.
5. §300-17.B – All parking lots should be confined by curbing. Curbing is not currently proposed within the parking lot and a waiver would be required.
6. §300-17.J – Since heavy truck traffic is primarily proposed onsite, we recommend the plan be revised to specify a heavy duty pavement cross section consistent with the Township Construction Standards for Roads, as noted in §295, Article IV, in lieu of the pavement specification detailed on Sheet 2.
7. §300-18.A(1) & (5) – The Applicant is required to install sidewalk along the County Line Road frontage in accordance with these sections. Sidewalk is not currently proposed on the plan.
8. §300-19.A(1) – Curbs are required along the side of every primary street abutting a land development and within all parking areas. The plans should be revised to propose curb along County Line Road, or a waiver would be required.
9. §300-25 – The Applicant will be required to secure the necessary Erosion & Sediment Control and NPDES permits from the Montgomery County Conservation District if the proposed earth disturbance on site is 1 acre or greater. The Township should be copied on all correspondence with MCCD. We offer the following comments with respect to the Erosion & Sediment Control Plan:

- a. A note on Sheet 3 of the plans references a plan by Bustamante Engineers for the Basin Area Erosion Control information and the plan by Bustamante does not depict E&S controls or disturbance associated with the establishment of the buffer along the southern property line. The plans shall be revised to coincide and show the total disturbed area is less than 1 acre, or an NPDES permit will be required.
 - b. The location of all erosion and sediment controls, such as the silt sock, silt fence, construction entrance, stockpiles, etc., and the limit of disturbance, should be shown on the plans.
 - c. The Earthmoving schedule references improvements such as storm sewer and building construction. The schedule shall be revised to be project specific.
 - d. The Earthmoving Schedule should include a note stating the Township and Township Engineer should be notified 48 hours prior to the start of construction, and that a PA One Call shall be conducted.
10. §300-30 – Proposed monumentation shall be depicted on the plans on right-of-way lines at corners, angle points, beginning and end of curves, and at all property corners. If no existing monumentation is found, it shall be installed in accordance with this section. Any proposed property markers shall be installed and certified by a Professional Land Surveyor licensed in the Pennsylvania and a note stating this requirement should be added to the plan.
 11. §300-32 – We defer to the Township's Fire Marshal for review and approval of the plans. Approval from the Fire Marshal is required prior to recording of the plans.
 12. §300-33 – Legal descriptions for any right-of-way dedication, proposed easements, etc. shall be submitted to our office for review and approval. We note that the Applicant is proposing intersection improvements at County Line Road and New Road. As such, the Applicant may be required to obtain a temporary construction easement for any work on adjacent properties.
 13. §300-39 – We defer to McCloskey & Faber for review of the plans with respect to the requirements of this section.
 14. §300-50 – The Applicant would require a waiver for the plan to be considered as Preliminary/Final.
 15. §300-52.B(6) – The provided Zoning Data table on Sheet 1 should be revised to note the existing and proposed conditions of the parcel.
 16. §300-52.C(1) – The plans should depict all existing features within 400 feet of the subject property, including roadways, utilities, sidewalks, curbs, waterways, etc. The plans should be revised to meet the requirements of this section, or a waiver requested. We would support a partial waiver from this section conditioned upon the Applicant providing an aerial photograph plan depicting all storm sewer appurtenances within 400 feet of the property.
 17. §300-53.C – All plan sheets that are to be made part of the Record Plan shall be noted within the Sheet Index on Sheet 1. In addition, a note should be added to the Record Plan stating that the remaining plan sheets, which are not being recorded, on file at Upper Moreland Township, shall be considered part of the final record plan as if recorded with same.
 18. §300-53.C(4) – The applicable Owner signature block should be added to the plan in accordance with this section.
 19. The Record Plan, Sheet 1, shall contain reference to Zoning Hearing Board Appeal No. 2022-6(4), including the appeal date, variances and exceptions granted, and any conditions required.
 20. The Minimum Residential Buffer Yard noted under the Zoning Requirements, General Note 7, should be revised to note the correct requirements, which is 200 feet for buildings and 100 feet for parking.
 21. The year of the physical survey date referenced in General Note 3, Sheet 1, should be verified.
 22. The FEMA Panel number referenced in General Note 5, Sheet 1, is incorrect per FEMA's site and should be corrected.

23. The limits of paving in the area of the proposed emergency access should be more clearly identified.
24. All existing features to be removed should be identified on the plans, such as the wall towards the rear of the site.
25. Grading information, such as proposed elevation contours and spot elevations as needed, shall be provided in all areas of disturbance, such as the areas of proposed paving and pavement demolition.
26. The Applicant is responsible for all other required approvals, permits, etc. (i.e. MCPC, MCCD, PADEP, PennDOT, Municipal Authority, Fire Marshal, etc.) Copies of these permits or approvals shall be forwarded to the Township.

B. Stormwater Management Ordinance (Chapter 287)

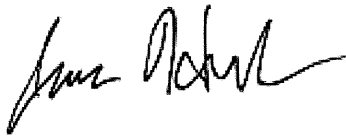
We offer the following comments with respect to the requirements and provisions of the current Upper Moreland Township Stormwater Management Ordinance (Chapter 287):

1. §287-24.A – The stormwater management report should be revised to include a calculation to demonstrate that the one-year, 24-hour storm event takes a minimum of 24 hours to drain from the basin as required by this section.
2. §287-21 – We recommend that the stormwater design incorporate water quality features (amended soil, native plantings to re-vegetate the area near the basin, bio-swale within the buffer area, etc.) to the plan. Ultimately, we defer to McCloskey & Faber regarding plantings in the buffer and adjacent to the stormwater basin.
3. The Applicant will be required to enter into a Stormwater Ownership & Maintenance Agreement with the Township for the proposed BMPs on site. The document will be prepared by the Township Solicitor and executed prior to Recording of the plan. Additionally, a blanket easement shall be provided over the site for Township to perform inspection of the BMPs. Lastly, the plans shall be revised to provide a recommended maintenance schedule for the proposed BMPs.

In order to expedite the review process of the resubmission of the plan, the Applicant should submit a response letter which addresses each of the above comments. Changes that have been made to the application that are unrelated to the review comments should also be identified in the response letter. Additional review comments not referenced in this letter may be made upon review of the revised plan submission.

If you have any questions regarding the above, please contact this office.

Sincerely,



James J. Hersh, P.E.
Senior Project Manager
Gilmore & Associates, Inc.

JJH/mz/sl

cc: Matthew H. Candland, Township Manager
Sean Kilkenney, Esq. & Jennifer Prior, Township Solicitor
L&A Forever LLC, LLC, Applicant
David M. Shafkowitz, Esq., Applicant's Attorney
Nicholas Rose, ProTract Engineering, Inc.
Kim Flanders, RLA, McCloskey & Faber, PC
Chad Dixon, P.E., McMahon & Associates

EXHIBIT D



McCloskey & Faber, P.C.

Landscape Architecture • Land Planning • Graphic Design

September 12, 2022

Mr. Paul E. Purtell
Director of Planning, Zoning & Inspections
Upper Moreland Township
117 Park Avenue
Willow Grove, PA 19090

Reference: First Landscape Plan Review for **1740 County Line Road**, Upper Moreland Township,
Montgomery County, PA, M&F No. 215

Dear Mr. Purtell:

We are in receipt of a three-sheet land development plan submission dated August 5, 2022, prepared by ProTract Engineering, Inc. and received by our office on August 18, 2022. Existing site conditions were observed using available online aerial and street photography.

The applicant proposes to construct a truck parking terminal on a 4.8 acre site. It is our understanding that the Applicant obtained zoning relief relative to commercial vehicle and storage use and setback from adjacent residential district.

A separate Landscape Plan was not included with the submission. Proposed landscaping is indicated on the "Construction and Grading Plan." We have no objection to this approach.

We have the following comments and recommendations:

GENERAL REQUIREMENTS (Article 5, Section 300-40)

1. The landscape design shall be prepared sealed and signed by a Landscape Architect registered in the Commonwealth of Pennsylvania. (Section 300-40 C.)
2. All plant materials shall be guaranteed by the Applicant for eighteen (18) months following final written approval by the Landscape Architect or Township engineer. (Section 300-40 G.) A note stating this is to be added to the plan.

LANDSCAPE PLAN REQUIREMENTS (Article 5, Section 300-42)

1. Location of all trees with trunks eight (8) inch in caliper or greater are to be shown on the plan. (Section 300-42 H.) Location, common name, and caliper of all trees twenty-four (24) inches in caliper or greater measured twelve inches above the ground are to be shown on the plan. (Section 300-42 I.)

McCloskey & Faber, P.C.

Mr. Paul Purtell
Director, Code Enforcement
1740 County Line Road
September 12, 2022
Page 2

2. The plant list is to be revised and expanded to include planting *height* and *spread* for trees and *height* and *spread* for shrubs at installation. (Section 300-42 K.)
3. The plant schedule is to be expanded to indicate Native species plant material intended to satisfy minimum native species requirements. (Section 300-42 K.)
4. Planting Details and Specifications are to be provided. (Section 300-42. M., and P.)
5. A detailed landscape cost estimate is to be included with the final landscape plan submission for determination of the escrow fund. The estimate is to include the guarantee as well as the labor, material, installation and maintenance cost. (Section 300-42 Q.) Estimate is to identify Shade tree caliper size and minimum height for Ornamental trees, Evergreen trees, and shrubs at the time of planting that meet or exceed minimum required sizes. It is to be sent to the Township Engineer with a copy to this office.
6. Location of Tree Protection Fence is to be indicated on the Erosion and Sediment Control Plan. A tree protection fence installation detail is to be provided. (Section 300-42 R.)

PLANTING REQUIREMENTS (Article 5, Section 300-43)

A. Screen Buffer (Section 300-43, C.)

1. For the purposes of this review, our comments are associated with the proposed buffer along the southern property line adjacent to residential use, as required in association with the Zoning relief. Relative to the remaining property perimeter, an evergreen screen buffer exists along County Line Road and the lack of Screen buffers along the remainder of the development property is an existing non-conformity.
2. Notes on the plan appear to indicate that the proposed buffer plantings are intended to be within a 10-foot-wide strip adjacent and parallel to the property line. It is unclear why these plantings are not more appropriately placed within area of the buffer between the property line and the new pavement edge.
3. Furthermore, an adjustment to placement of proposed plant material appears necessary due to existing mature trees and other vegetation within and adjacent to the development tract.
4. The buffer planting design does not meet the Screen buffer requirements per Section 300-43. C. (4) (a) which reads, "*Trees used for screen buffers shall be composed of 100% evergreen varieties. Shrubs may be a combination of evergreen and deciduous varieties. The required plant material shall be so arranged as to provide immediate visual screen of 50% and at least eight feet in height at the time of planting.*"

McCloskey & Faber, P.C.

Mr. Paul Purtell
Director, Code Enforcement
1740 County Line Road
September 12, 2022
Page 3

B. Parking Area Landscaping (Section 300-43, D.)

1. As noted above, for the purposes of this review, we are viewing the paved parking area as outside storage. Therefore, the parking area landscape and greenspace requirements would not apply.

C. Detention Basin Landscaping (Section 300-43, F.)

1. Plantings are to be provided to meet the minimum requirements of the above noted Landscaping Code section.

PRESERVATION AND PROTECTION OF EXISTING TREES (Article 5, Section 300-44) **and** **REPLACING TREES DESTROYED BY DEVELOPMENT (Article 5, Section 300-45)**

1. Once the existing tree information required per Sections 300-42 H. and I., as noted earlier has been provided, we will provide further review related to proposed disturbance with relation to existing trees. (Section 300-44 B.) In addition, determination is to be made whether existing trees in these areas fall under the definition of Heritage trees, wherein additional requirements may apply. (Section 300-44. A. (1))
2. Replacement trees are to be provided for removed trees as outlined in Section 300-45.A. and B.
3. Relative to the above, we request a meeting at the site with the Applicant, or their representative, to review existing trees relative to preservation and replacement requirements.

RECOMMENDED PLANT LIST (Article 5, Section 300-47)

1. Plantings should meet the installed minimum size requirements as outlined in this Section, unless otherwise permitted as outlined in Table 3 relative to incentives associated with provision of native species. The Planting Schedule is to be revised accordingly. In order to review compliance, calculations for percentage of proposed native species are to be incorporated into a Landscape Compliance Chart.

The above Landscape Plan review is based on our review of the drawings submitted. It is recommended that the Applicant and their Landscape consultant review and address the recommendations listed in this letter, and, as appropriate, schedule a meeting with us to resolve any miscellaneous issues prior to resubmission to Upper Moreland Township, and resubmit the Landscape Drawings to Upper Moreland Township for further review or request and obtain waivers as appropriate. Further comments may be forth coming following our review of the revised drawings addressing the above comments.

McCloskey & Faber, P.C.

Mr. Paul Purtell
Director, Code Enforcement
1740 County Line Road
September 12, 2022
Page 4

In order to help expedite the review process of the resubmission of the plan, we request the Applicant submit a response letter which addresses each of the above comments. Changes that have been made to the plans that are unrelated to the review comments, but impact the landscape, should also be identified in the response letter.

We trust that this landscape plan review letter responds to your request and satisfactorily addresses the landscape ordinance requirements that are apparent to us at this time. If you or the Township have any questions, or require clarification, please contact me.

Very truly yours,

A handwritten signature in black ink, reading "Kimberli J. Flanders". The signature is fluid and cursive, with a long horizontal stroke at the end.

Kimberli J. Flanders, R.L.A.
Assistant to Township Landscape Architect

cc: Matt Candland, Township Manager, Upper Moreland Township (email)
David Elsler – Upper Moreland Township (email)
Jim Hersh, P.E. – Township Engineer (email)
Sean Kilkenny, Esq. and Alex Baumler – Township Solicitor (email)
Nick Rose, Protract Engineering, Project Engineer (email)
L&A Forever, LLC, Applicant (email)
James R. Faber, ASLA, Township Landscape Architect (email)

EXHIBIT

E



September 12, 2022

Mr. Paul Purtell
Director of Code Enforcement
Upper Moreland Township
117 Park Avenue
Willow Grove, PA 19090

RE: **Traffic Review #1 – Land Development Plans**
1740 County Line Road (S.R. 2038)
Upper Moreland Township, Montgomery County, PA
McMahon Project No. 822885.11

Dear Paul:

Per the request of the Township, McMahon Associates, Inc., a Bowman company (McMahon) has prepared this letter that summarizes our initial traffic engineering review of the proposed development to be located at 1740 County Line Road (S.R. 2038) in Upper Moreland Township, Montgomery County, PA. Based on our review of the plans submitted for review, the proposed development will consist of a truck parking facility for 70 truck trailers. Access to the site will be provided via the existing eastern site driveway along County Line Road (S.R. 2038), opposite New Road. As part of this land development application, the applicant will be modifying the traffic signal at the intersection of County Line Road (S.R. 2038) and New Road/Site Access to accommodate the site access approach. In addition, the existing western driveway to the site will be limited to emergency access only.

The following documents were reviewed and/or referenced in preparation of our traffic review:

1. Land Development Plans – 1740 County Line Road, prepared by ProTract Engineering, Inc., last revised August 5, 2022.
2. Zoning Hearing Board Decision No. 2022-6(4), dated July 29, 2022.

Based on our review of the documents listed above, McMahon offers the following comments for consideration by the Township and action by the applicant:

1. A note should be added to the plans stating the area between the existing right-of-way line and the ultimate right-of-way line shall be offered for dedication to the authority having jurisdiction over the road as required in **Section 300-15.C(3)** of the **Subdivision and Land Development Ordinance**.
2. The proposed passenger vehicles parking space dimensions should be labeled on the plans and be in accordance with **Section 300-17.I** of the **Subdivision and Land Development Ordinance**.
3. According to **Section 300-18** of the **Subdivision and Land Development Ordinance**, sidewalk should be provided along all streets. The plan currently does not show any sidewalk along the County Line Road (S.R. 2038) site frontage, thereby not satisfying the ordinance requirement.

425 Commerce Drive, Suite 200, Fort Washington, PA 19034

P: 215.283.9444

mcmahonassociates.com | bowman.com

4. According to **Section 300-19** of the **Subdivision and Land Development Ordinance**, curbing should be provided along all streets. The plan currently does not show any curbing along the County Line Road (S.R. 2038) site frontage, thereby not satisfying the ordinance requirement.
5. The applicant should provide details on the types, sizes, time-of-day, and frequency of trucks that will be accessing the truck parking facility. The applicant should identify the viable and potential truck routes to/from the site, taking into consideration the physical geometry at intersections, pavement conditions and road widths, nearby truck restrictions, and overall operating conditions of the area roadways and intersections. Potential improvements that be necessary to provide access for trucks to the site should be considered by the applicant.
6. The applicant should provide information on the number of passenger vehicles that will be parked at this facility daily to confirm the number of proposed passenger vehicle spaces shown on the plans.
7. Turning templates should be provided with future plan submissions demonstrating the ability of an emergency vehicle and the largest truck expected to use the site to maneuver into and out of the County Line Road (S.R. 2038) driveway and entirely through the site.
8. The Township Fire Marshal should review the emergency vehicle turning templates for accessibility and circulation needs of emergency apparatus. Ensure that any correspondence, including any review comments and/or approvals, is included in subsequent submissions.
9. The proposed development will be subject to the Township's Transportation Impact Fee of \$1,904 per "new" afternoon peak hour trip in accordance with the Township's *Transportation Impact Fee Ordinance*. In order to determine if there is an applicable transportation impact fee for this project, the applicant should provide additional details on the expected use(s) of the site, as well as on the existing use(s) of the site in order to determine if the proposed site modifications will be subject to the transportation impact fee. Once this information is provided to our office, we will determine if a transportation impact fee may be applicable for this project.
10. It should be noted that the traffic signal at the intersection of County Line Road (S.R. 2038) and New Road is owned and maintained by Upper Southampton Township. The applicant will be required to get approval from PennDOT and Upper Southampton Township for the proposed modifications to the traffic signal at the intersection of County Line Road (S.R. 2038) and New Road/Site Access. The Township and McMahon should be copied on all submissions pertaining to the traffic signal permit plan modifications. In addition, Montgomery County and Bucks County should copied all submissions due to the crossing of the Pennypack/Newtown Rail Trail located on the eastern leg of County Line Road (S.R. 2038) at the intersection.
11. Since County Line Road (S.R. 2038) is part of the state highway system, the applicant will be required to secure a Highway Occupancy Permit (HOP) from PennDOT if any modifications are made to the site frontage within the state right-of-way. The applicant should provide the Township and McMahon with copies of the HOP plans, comments, and response letters between the applicant and PennDOT, and invited to all meetings between the two parties.

12. A response letter must be provided with the resubmission detailing how each comment below has been addressed, and where each can be found in the resubmission materials (i.e., page number(s)) to assist in the re-review process. Additional comments may follow upon review of any resubmitted materials during the land development process.

We trust that this review letter responds to your request and satisfactorily addresses the traffic issues that are related to the proposed development apparent to us at this time. If you or the Township have any questions, or require clarification, please contact me.

Sincerely,



Chad Dixon, AICP, PP
Senior Project Manager

CED/BMJ

cc: Matthew Candland, Upper Moreland Township Manager
Jim Hersh, P.E., Gilmore & Associates

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EXHIBIT

F

**MONTGOMERY COUNTY
BOARD OF COMMISSIONERS**

VALERIE A. ARKOOSH, MD, MPH, CHAIR
KENNETH E. LAWRENCE, JR., VICE CHAIR
JOSEPH C. GALE, COMMISSIONER



**MONTGOMERY COUNTY
PLANNING COMMISSION**

MONTGOMERY COUNTY COURTHOUSE • PO Box 311
NORRISTOWN, PA 19404-0311
610-278-3722 • FAX: 610-278-3941
WWW.MONTCOPA.ORG

SCOTT FRANCE, AICP
EXECUTIVE DIRECTOR

September 9, 2022

Mr. Paul Purtell, Director, Planning, Zoning & Inspections
Upper Moreland Township
117 Park Avenue
Willow Grove, Pennsylvania 19090-3215

Re: MCPC # 22-0221-001
Plan Name: 1740 County Line Road - Land Development
(1 lot comprising approximately 5.48 acres)
Situate: Count Line Road (cross street: New Road (N), Pennypack Trail (E))
Upper Moreland Township

Dear Mr. Purtell:

We have reviewed the above-referenced land development in accordance with Section 502 of Act 247, "The Pennsylvania Municipalities Planning Code," as you requested on August 18, 2022. We forward this letter as a report of our review.

BACKGROUND

The applicant, L&A Forever LLC, is proposing truck terminal parking for 70 trucks. The property is currently used as a commercial parking area. The applicant is proposing to make improvements to the driveway access to the property, to increase the buffer area along the eastern property line, and enlarge and reconstruct the stormwater detention basin, located at the rear of the property. The property is located in the S-Small Limited Industrial Zoning District. A maximum of 70% impervious coverage is permitted in the S-Small Limited District. The proposed development would reduce the impervious coverage from 767.1% to 63.2%.

Commercial vehicle parking is permitted by Special Excpetion (§ 350-110.A). The applicant was granted zoning relief for commercial vehicle parking and a variance to permit commercial use within 100 feet of a residential property.

COMPREHENSIVE PLAN COMPLIANCE

The proposal is generally consistent with *MONTCO 2040: A Shared Vision*, which designates the area as "Business Area" future land use category. Business Areas are concentrations of employment-oriented land use, such as offices, research facilities, and industrial uses, and are often located near highway interchanges. Development should be designed to accommodate significant automobile and truck trips and control the impact

of potential noise, light, and pollution on nearby residences. The proposal is generally consistent with the Upper Moreland 2040 Comprehensive Plan as well, as the property is located in the Employment Center future land use area. The comprehensive plan states that appropriate land use area includes industrial; flex space (i.e. adaptable to small industrial, offices, co-working, storage, etc.); and research and development.

RECOMMENDATION

The Montgomery County Planning Commission (MCPC) generally supports the applicant's proposal, however, in the course of our review we have identified the following issues that the applicant and township may wish to consider prior to final plan approval. Our comments are as follows:

REVIEW COMMENTS

LANDSCAPING

The applicant has proposed to plant a 40-foot wide buffer along the eastern property line, 10 feet of which would include evergreen and deciduous plantings. The length of buffer appears to end at the rear of the property where the parking area would stop. We recommend that the buffer be continued along the entire length of the property line.

PENNYPACK TRAIL

A newly completed section of the Pennypack Trail is located on the SEPTA property that borders the eastern side of the property.

- A. Screen Buffer. The proposed plantings that would form a row of evergreens with the deciduous trees and shrubs intermixed should be a nice and effective buffer. We defer to the township to determine if the buffer provides an adequate screen between the property and the Pennypack Trail.
- B. Signage. Based on the plans submitted, the proposed development includes access improvements to the property and intersection. Due to the location of the Pennypack Trail crossing adjacent to the driveway to the property, we recommend that signage be installed for trail users indicating that trucks may be turning at that location. In addition, adequate visibility for both drivers entering and existing the property and trail users at the trail entrance should be ensured.

STORMWATER MANAGEMENT

The applicant is proposing to reconstruct and expand the stormwater detention area. If it has not been considered already, we recommend a green stormwater infrastructure, such as a vegetated basin, for water quality improvement.

CONCLUSION

We wish to reiterate that MCPC generally supports the applicant's proposal but we believe that our suggested revisions will better achieve Upper Moreland Township's planning objectives for commercial development.

Please note that the review comments and recommendations contained in this report are advisory to the township and final disposition for the approval of any proposal will be made by the municipality.

Should the governing body approve a final plat of this proposal, the applicant must present the plan to our office for seal and signature prior to recording with the Recorder of Deeds office. A paper copy bearing the municipal seal and signature of approval must be supplied for our files. Please print the assigned MCPC number (22-0221-001) on any plans submitted for final recording.

Sincerely,



Claire Warner, Senior Community Planner
cwarner@montcopa.org – 610-278-3755

c: L&A Forever LLC, Applicant
David M. Shafkowitz, Applicant's Representative
Nicholas T. Rose, Applicant's Engineer
Gerald Foley, Chair, Township Advisory Planning Agency
Matt Candland, Manager, Upper Moreland Township

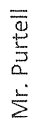
Attachment A: Aerial Image of Site
Attachment B: Reduced Copy of Applicant's Proposed Site Plan

ATTACHMENTS A & B



1740 County Line Road
Land Development
MCPC#220221001

Montgomery
County
Planning
Commission
Montgomery County Courthouse - Planning Commission
PO Box 3211, Norristown, PA 19380-0321
www.montgomeryplanning.org
Aerial Photography provided by GeoEye



TOWNSHIP of UPPER MORELAND

Montgomery County, Pennsylvania

117 Park Avenue, Willow Grove, PA 19090-3215

Telephone (215) 659-3100 / Fax (215) 659-7363

COMMISSIONERS

KIP McFATRIDGE

President

CHERYL LOCKARD

Vice President

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R. SAMUEL VALENZA

CHARLES M. WHITING



OFFICIALS

MATTHEW H. CANDLAND

Township Manager

RANDALL K. SCHAIBLE

*Assistant Township Manager/
Director of Finance*

ALEX H. LEVY

Township Treasurer

SEAN P. KILKENNY, ESQ.

Township Solicitor

Agenda Summary

Community Development Committee Meeting - October 17, 2022

Regular Meeting – November 14, 2022

Agenda Item: Request for placement of retaining wall in Township's Right-of-Way at 418 Lawnton Road

**Recommended Action
by Committee:**

Consider request and move for action to full Board meeting November 14, 2022. Conditions of approval shall include wall complying with Act 45 of the Uniform Construction Code and other applicable codes of Upper Moreland Township; applicant entering into a right-of-way agreement prepared by the Township Solicitor; applicant responsible for all legal costs associated with agreement.

Background/ Analysis:

Applicant/property owner contracted to have a wall constructed in front yard. A building permit was not applied for nor obtained prior to constructing wall. Upper Moreland Township Code Chapter 290, Article IV, Section 290- 16 prohibits placement of any obstruction within a public street including public right-of-way.

Fiscal Impact/Source:

N/A

Alternatives:

Direct applicant to remove wall from public right-of-way

Attachments:

Resolution R-2022-39 and Right-of-Way Agreement

Prepared by:

Paul Purtell, Director of Code Enforcement

**Committee
Recommendations:**

At the October 17, 2022 meeting of the Community Development Committee, the Committee recommends approval by the Board of Commissioners at their November 14, 2022 Regular Meeting on Resolution R-2022-39 and the Right-of-Way agreement.

**UPPER MORELAND TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

RESOLUTION NO. R-2022-39

**A RESOLUTION APPROVING AN AGREEMENT TO PERMIT THE USE OF AN AREA
WITHIN UPPER MORELAND TOWNSHIP'S RIGHT-OF-WAY FOR THE
PLACEMENT OF A RETAINING WALL LOCATED AT 418 LAWNTON ROAD.**

WHEREAS, Jennifer L. Deck (the "Applicant") is the record title owner to a property located at 418 Lawnton Road, Willow Grove, PA 19090 (hereafter "the Property"); and

WHEREAS, on October 5, 2022, the Applicant submitted a letter to the Township requesting to maintain an already constructed retaining wall (the "Retaining Wall" or the "Wall") built at the Property on or about July or August of 2022, which is located in the Township right-of-way; and

WHEREAS, the Upper Moreland Township Community Development Committee has reviewed the request at its October 17, 2022 meeting and recommends approval subject to the below conditions and the execution of a Consent Agreement, a copy of which is attached as **Exhibit "A"** and incorporated herein by reference, by the Applicant that sets forth the duties, responsibilities and obligations of the Applicant, and its heirs successors and assigns, as well as the rights retained by the Township, and that shall be recorded by the Montgomery County Recorder of Deeds.

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of Upper Moreland Township this 14th day of November, 2022, as follows:

1. The Applicant, Jennifer L. Deck, is hereby granted permission to maintain the Retaining Wall as requested, and in conformance with the provisions of the Consent Agreement attached as Exhibit A, the terms of this Resolution, and any further requirements as set forth by the Upper Moreland Township Code of Ordinances; and
2. The Applicant shall submit to the Township a detailed plan (the "Plan") prepared and signed/sealed by a professional engineer registered in the Commonwealth of Pennsylvania that includes, but is not limited to: Wall calculations, Wall sections, and a revised grading plan; and
3. The Applicant shall obtain a building permit for the Wall, any other applicable permits required by local, state, and/or federal regulations; and
4. The Applicant shall allow the Township onsite to verify the existing construction is in accordance with the Plan, and if necessary, allow excavation in certain areas for visible inspection; and

5. This Resolution does not and shall not authorize the construction of improvements exceeding those shown on the Plan. Furthermore, this Resolution shall be rescinded automatically upon Applicant's or Applicant's agents' failure to accept, in writing, all conditions herein imposed within ten (10) days of receipt of this Resolution, such acceptance to be evidenced by Applicant or Applicant's agents signature below; and
6. By approving this Resolution, Applicant is signifying acceptance of the conditions contained herein.

DULY PRESENTED AND ADOPTED by the Board of Commissioners of Upper Moreland Township, Montgomery County, Pennsylvania, this 14th day of November, 2022.

Attest:

**UPPER MORELAND TOWNSHIP
BOARD OF COMMISSIONERS**

Matthew H. Candland, Secretary

Clifton McFatridge, President

**THE UNDERSIGNED HEREBY AGREES TO THE TERMS OF THE ABOVE
RESOLUTION:**

APPLICANT

Date: _____

Jennifer L. Deck

EXHIBIT A

CONSENT AGREEMENT

Prepared by and
Return to:

Alex J. Baumler, Esq.
KILKENNY LAW, LLC
519 Swede St.
Norristown, PA 19401

Tax Parcel No. 59-00-10939-00-9

CONSENT TO USE UPPER MORELAND TOWNSHIP RIGHT-OF-WAY AREA

THIS AGREEMENT made this _____ day of _____, 2022, by and between **JENNIFER L. DECK** (“OWNER”), owner of the property located at 418 Lawnton Road, Willow Grove, Upper Moreland Township, Montgomery County, Pennsylvania 19090, Tax Map Parcel No. 59-00-10939-00-9 (the “PROPERTY”), and **UPPER MORELAND TOWNSHIP**, a Township of the First Class, with an address at 117 Park Avenue, Willow Grove, PA 19090 (the “TOWNSHIP”)(collectively the “PARTIES”).

WHEREAS, the TOWNSHIP is the owner of certain rights-of-way along Township roads, including, but not limited to, Lawnton Road in Upper Moreland Township in the vicinity of the PROPERTY located at 418 Lawnton Road; and

WHEREAS, OWNER is the current owner of the PROPERTY, a 6,250 square foot lot of land improved with a single-family dwelling, and associated curbing, landscaping and stormwater improvements; and

WHEREAS, OWNER desires the Township’s permission to continue to maintain the retaining wall (the “RETAINING WALL”) that is sited on the PROPERTY and which is located in the Township right-of-way (the “RIGHT-OF-WAY”) in violation of the Upper Moreland Township Code Section 290-16’s prohibition on placement of any obstruction within the boundary of any public street; and

WHEREAS, the TOWNSHIP is willing to consent to the above-described use, subject to the following terms and conditions:

WITNESSETH:

1. Subject to the terms and conditions stated herein, consent is hereby given by the TOWNSHIP to OWNER, insofar as it has the right to do so, to maintain at OWNER’S sole cost and expense the RETAINING WALL partly on or within TOWNSHIP’S RIGHT-OF-WAY.
2. OWNER accepts this consent with full knowledge of the TOWNSHIP’s prior rights and existing facilities.

3. OWNER warrants that any construction and/or maintenance in the area of TOWNSHIP's RIGHT-OF-WAY will not interfere with the TOWNSHIP's use of the roads or the pedestrian use of the sidewalk.
4. The TOWNSHIP shall not be liable for any damages to, or the replacement of, the RETAINING WALL due to or during periods of construction, alteration, maintenance, operation, repair, replacement or removal of the TOWNSHIP's existing or future facilities.
5. The TOWNSHIP shall have no responsibility for the maintenance of the RETAINING WALL authorized herein.
6. Other than the RETAINING WALL authorized herein, OWNER shall neither change the grade on the RIGHT-OF-WAY, nor place or construct upon the RIGHT-OF-WAY any buildings, trees, structural improvements or other encroachments without the express written permission of the TOWNSHIP.
7. In consideration of the consent hereinabove granted, OWNER hereby agrees to indemnify, defend and hold the TOWNSHIP harmless of and from all claims for injury to or death of any person or for damage to property arising out of or in any way connected with the installation, construction, maintenance, or use of the RETAINING WALL, located partly on or within the TOWNSHIP's RIGHT-OF-WAY.

THIS CONSENT shall not serve to diminish or affect the TOWNSHIP's rights to its rights-of-way.

THIS AGREEMENT shall be considered a covenant running with the land and shall be binding upon and shall inure to the benefit of the PARTIES hereto, their heirs, executors, administrators, successors and assigns.

[REMAINDER OF PAGE LEFT INTENTIONALLY BLANK]

IN WITNESS WHEREOF, the PARTIES have caused this AGREEMENT to be duly executed the day and year first above written.

OWNER

Jennifer L. Deck

Attest:

**UPPER MORELAND TOWNSHIP
BOARD OF COMMISSIONERS**

Matthew H. Candland, Secretary

Clifton McFatridge, President

COMMONWEALTH OF PENNSYLVANIA :
 : SS
COUNTY OF MONTGOMERY :

On this _____ day of _____, 2022, before me, the undersigned officer, personally appeared Clifton McFatridge, President of the Upper Moreland Township Board of Commissioners, on behalf of the TOWNSHIP referenced in the within instrument, and as such President, being duly authorized to do so, executed the within instrument on his behalf for the purposes therein contained by signing the name of the TOWNSHIP by himself, as President of the Board of Commissioners.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Notary Public

COMMONWEALTH OF PENNSYLVANIA :
 : SS
COUNTY OF MONTGOMERY :

On this _____ day of _____, 2022, before me, the undersigned officer, personally appeared Jennifer L. Deck, who acknowledged herself to be the OWNER in the above-agreement and being authorized to do so, executed the within instrument for the purposes therein contained by signing her name as such OWNER.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Notary Public

TOWNSHIP of UPPER MORELAND

Montgomery County, Pennsylvania

117 Park Avenue, Willow Grove, PA 19090-3215
Telephone (215) 659-3100 / Fax (215) 659-7363

COMMISSIONERS

KIP McFATRIDGE
President
CHERYL LOCKARD
Vice President
ANTHONY S. PROUSI
NICHOLAS O. SCULL
KEVIN C. SPEARING
R. SAMUEL VALENZA
CHARLES M. WHITING



OFFICIALS

MATTHEW H. CANDLAND
Township Manager
RANDALL K. SCHAIBLE
*Assistant Township Manager/
Director of Finance*
ALEX H. LEVY
Township Treasurer
SEAN P. KILKENNY, ESQ.
Township Solicitor

Agenda Summary

Community Development Committee Meeting - October 17, 2022 Regular Meeting – November 14, 2022

Agenda Item: New Olive Garden Restaurant located at 2402 Easton Road,
and the request for waiver of sidewalk width.

Recommended Action: Consider request to waive the required width of new sidewalks
from 5' to 4'.

Background/ Analysis: Applicant received preliminary/final land development
approval at the October 3, 2022 full Board meeting for
construction of a new Olive Garden Restaurant. While the
waiver request for sidewalks was denied the applicants are
requesting that the minimum width of the new sidewalks be
reduced from 5' to 4' due to utility conflicts and parking lot
design constraints.

Fiscal Impact/Source: N/A

Alternatives: N/A

Attachments: Resolution R-2022-40

Prepared by: Paul Purtell, Director of Code Enforcement

Committee Recommendations:

At the October 17, 2022 meeting of the Community Development
Committee, the Committee recommends approval by the Board of
Commissioners at their November 14, 2022 Regular Meeting, on
Resolution R-2022-40.

**UPPER MORELAND TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

RESOLUTION NO. 2022-40

A RESOLUTION GRANTING AMENDED PRELIMINARY/FINAL LAND DEVELOPMENT APPROVAL WITH CONDITIONS TO OLIVE GARDEN HOLDINGS, LLC D/B/A OLIVE GARDEN TO DEMOLISH AN EXISTING RESTAURANT BUILDING AND A PORTION OF THE PARKING AREA TO CONSTRUCT A 6,501 SQUARE-FOOT OLIVE GARDEN RESTAURANT AND RELATED IMPROVEMENTS ON THE PARCEL LOCATED AT 2402 EASTON ROAD, WILLOW GROVE, UPPER MORELAND TOWNSHIP.

WHEREAS, Olive Garden Holdings, LLC, d/b/a Olive Garden (“Applicant”) filed an application with Upper Moreland Township requesting approval with certain waivers (the “Land Development Application”) to demolish an existing restaurant building and a portion of the parking area to construct a 6,501 square-foot Olive Garden restaurant and related improvements (the “Project”); and

WHEREAS, the Applicant submitted the following plans in support of the Land Development Application: “Preliminary/Final Land Development Plans prepared for Olive Garden Italian Kitchen”, prepared by Core States Group, dated April 27, 2022, last revised August 18, 2022, consisting of Sheets 1 to 32 of 32 (the “Plans”); and

WHEREAS, the Plans involve the property owned by the Applicant, Montgomery County Tax Map Parcel No. 59-00-05257-00-3, which consists of 2.0 acres located within the C-2 Commercial and M Multiple Dwelling Zoning Districts between Sycamore Avenue and Home Depot Drive. The Property currently contains the Brick House restaurant with associated parking, a lawfully existing non-conforming use, landscaping, lighting, and pedestrian walkways. Runoff from the existing improvements is collected by inlets and discharges to an existing basin located on the adjacent property to the south (the “Property”); and

WHEREAS, the Applicant proposes to demolish the existing restaurant building and a portion of the parking area to construct a 6,501 square-foot Olive Garden restaurant. Additional improvements include parking area reconfiguration, landscaping, lighting, and underground utility improvements. To handle runoff from the proposed improvements, the Applicant is proposing to install an underground detention basin. The site will continue to be serviced by public water and sewer; and

WHEREAS, on October 3, 2022, the Upper Moreland Township Board of Commissioners granted Conditional Preliminary/Final Land Development Approval via Resolution 2022-31 to the Applicant to construct the Project improvements. A true and correct copy of Resolution No. 2022-31 is attached as **Exhibit “A”**; and

WHEREAS, the Applicant's request for a full waiver from Section 300-18.E of the Upper Moreland Township Subdivision and Land Development Ordinance's requirement to install sidewalks along all existing streets that abut a land development was denied by the Board of Commissioners, as memorialized in Resolution 2022-31; and

WHEREAS, on October 10, 2022, the Applicant submitted an updated waiver letter and an updated plan sheet entitled "E.1.1: Proposed Sidewalk Exhibit" (the "Partial Waiver Request") to the approved Project Plans. The Plans approved via Resolution 2022-31 are hereby incorporated by reference and a true and correct copy of Plan Sheet "E.1.1: Proposed Sidewalk Exhibit" is attached as **Exhibit "B"**; and

WHEREAS, based on Applicant's presentation of the Partial Waiver Request on October 17, 2022, the Upper Moreland Township Community Development Committee has recommended Amended Conditional Preliminary/Final Approval of the Applicant's Preliminary/Final Land Development Plans to include a partial waiver from the sidewalk installation requirements of Section 300-18.E of the Upper Moreland Township Subdivision and Land Development Ordinance; and

WHEREAS, the Upper Moreland Township Board of Commissioners has determined that based on the testimony, and reviews of Township Consultants, Applicant has satisfactorily established that Amended Conditional Preliminary/Final Land Development Approval will not be contrary to the public interest.

NOW, THEREFORE, BE IT RESOLVED, by the Upper Moreland Township Board of Commissioners that the Applicant's Amended Preliminary/Final Land Development Plans are hereby granted Amended Conditional Preliminary/Final Land Development Approval, subject to the satisfaction of the following conditions by the Applicant:

1. The Board of Commissioners takes the following action as to the Applicant's request for waivers from the requirements of Chapter 300 "Subdivision and Land Development" of the Upper Moreland Township Code of Ordinances:

- A. §300-18.E: A partial waiver from the requirement to install sidewalks along all existing streets that abut a land development to allow for the reduction of the required minimum width of 5 feet to 4 feet in the area of the portion of the Property where the existing utility pole is located. Applicant shall be required to meet the minimum width of 5 feet for all other sidewalk constructed.

☐ Granted ☐ Denied

2. Applicant shall be subject to strict and full compliance with all other terms, conditions and requirements contained in Upper Moreland Township Resolution No. 2022-31, attached hereto as **Exhibit "A"**.

3. This Amended Conditional Preliminary/Final Land Development Approval does not and shall not authorize the construction of improvements or buildings exceeding those shown on the Plans. Furthermore, this Amended Conditional Preliminary/Final Land Development Approval shall be rescinded automatically upon the Applicant's or the Applicant's agent's failure to accept, in writing, all conditions herein imposed within ten (10) days of receipt of this Resolution, such acceptance to be evidenced by the Applicant's or the Applicant's agent's signature below.

4. By approving this Resolution, the Applicant is signifying acceptance of the conditions contained herein.

DULY PRESENTED AND ADOPTED by the Board of Commissioners of Upper Moreland Township, Montgomery County, Pennsylvania, in a public meeting held this 14th day of November, 2022.

**UPPER MORELAND TOWNSHIP
BOARD OF COMMISSIONERS:**

ATTEST:

Matthew H. Candland, Township Manager

By: _____
Clifton McFatridge, President

In the event that the executed Resolution is not delivered to the Township within ten (10) days of receipt, it shall be deemed that the Applicant does not accept these conditions, and approvals conditioned upon its acceptance are revoked, and the application is considered denied for the reasons set forth above.

Date: _____

ACCEPTED BY:

**APPLICANT
OLIVE GARDEN HOLDINGS, LLC,
D/B/A OLIVE GARDEN**

Name:
Title:

EXHIBIT

A

**UPPER MORELAND TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

RESOLUTION NO. 2022-31

A RESOLUTION GRANTING PRELIMINARY/FINAL LAND DEVELOPMENT APPROVAL WITH CONDITIONS TO OLIVE GARDEN HOLDINGS, LLC D/B/A OLIVE GARDEN TO DEMOLISH AN EXISTING RESTAURANT BUILDING AND A PORTION OF THE PARKING AREA TO CONSTRUCT A 6,501 SQUARE-FOOT OLIVE GARDEN RESTAURANT AND RELATED IMPROVEMENTS ON THE PARCEL LOCATED AT 2402 EASTON ROAD, WILLOW GROVE, UPPER MORELAND TOWNSHIP.

WHEREAS, Olive Garden Holdings, LLC, d/b/a Olive Garden (“Applicant”) filed an application with Upper Moreland Township requesting approval with certain waivers (the “Land Development Application”) to demolish an existing restaurant building and a portion of the parking area to construct a 6,501 square-foot Olive Garden restaurant and related improvements (the “Project”); and

WHEREAS, the Applicant has submitted the following in support of the Land Development Application: Preliminary/Final Land Development Plans prepared for Olive Garden Italian Kitchen”, prepared by Core States Group, dated April 27, 2022, last revised August 18, 2022 consisting of Sheets 1 to 32 of 32 (the “Plans”); Drainage Area Plans, prepared by Core States Group, dated April 27, 2022, last revised August 18, 2022; Stormwater Management Report, prepared by Core States Group, dated April 27, 2022, last revised August 19, 2022; Photometric Plan prepared by CREE Lighting, dated August 17, 2022, consisting of one (1) sheet, and; ALTA/NSPS Land Title Survey prepared by Civil & Environmental Consultants, Inc. dated December 8, 2021, consisting of one (1) sheet. The Plans are attached hereto as **Exhibit “A”** and incorporated herein by reference; and

WHEREAS, the Plans involve the property owned by the Applicant, Montgomery County Tax Map Parcel No. 59-00-05257-00-3, which consists of 2.0 acres located within the C-2 Commercial and M Multiple Dwelling Zoning Districts between Sycamore Avenue and Home Depot Drive. The Property currently contains the Brick House restaurant with associated parking, a lawfully existing non-conforming use, landscaping, lighting, and pedestrian walkways. Runoff from the existing improvements is collected by inlets and discharges to an existing basin located on the adjacent property to the south (the “Property”); and

WHEREAS, the Applicant proposes to demolish the existing restaurant building and a portion of the parking area to construct a 6,501 square-foot Olive Garden restaurant. Additional improvements include parking area reconfiguration, landscaping, lighting, and underground utility improvements. To handle runoff from the proposed improvements, the Applicant is proposing to install an underground detention basin. The site will continue to be serviced by public water and sewer (the “Project”); and

WHEREAS, the Applicant has requested waivers from requirements set forth in Chapter 300 "Subdivision and Land Development" of the Upper Moreland Township Code of Ordinances, more fully referenced in Paragraph 11 below; and

WHEREAS, the Township Engineer has reviewed Applicant's Preliminary/Final Land Development Plans and has recommended their approval, subject to the conditions set forth in the review letter dated September 13, 2022, attached hereto as **Exhibit "B"** and incorporated herein by reference; and

WHEREAS, the Township Landscape Architect has reviewed Applicant's Preliminary/Final Land Development Plans and has recommended their approval, subject to the conditions and comments set forth in the review letter dated September 12, 2022, attached hereto as **Exhibit "C"** and incorporated herein by reference; and

WHEREAS, The Township Traffic Engineer has reviewed Applicant's Preliminary/Final Land Development Plans and has recommended their approval, subject to the conditions and comments set forth in the review letter dated September 8, 2022, attached hereto as **Exhibit "D"** and incorporated herein by reference; and

WHEREAS, The Montgomery County Planning Commission has reviewed Applicant's Preliminary/Final Land Development Plans and has recommended their approval, subject to the comments set forth in the review letter dated July 6, 2022, attached hereto as **Exhibit "E"** and incorporated herein by reference; and

WHEREAS, based on Applicant's presentation of the Project on September 19, 2022, the Upper Moreland Township Community Development Committee has recommended Conditional Preliminary/Final Approval of the Applicant's Preliminary/Final Land Development Plans; and

WHEREAS, the Upper Moreland Township Board of Commissioners has determined that based on the testimony, and reviews of Township Consultants, Applicant has satisfactorily established that Conditional Preliminary/Final Land Development Approval will not be contrary to the public interest.

NOW, THEREFORE, BE IT RESOLVED, by the Upper Moreland Township Board of Commissioners that the Applicant's Preliminary/Final Land Development Plans are hereby granted Conditional Preliminary/Final Land Development Approval, subject to the satisfaction of the following conditions by the Applicant:

1. Except as modified herein, Applicant shall comply with all other applicable Township Ordinances, County, Commonwealth and Federal statutes, rules, and regulations, and obtain all applicable permits and approvals including but not limited to, obtaining the approval of the fire marshal, UMHJSA permit, Aqua of Pennsylvania permit, Montgomery County Conservation District permits, and DEP permits.

2. Applicant shall strictly comply with all applicable Americans with Disabilities Act accessibility standards as promulgated by the Department of Justice and the International Code Council, A117.1-2017, for the construction of accessible facilities, including, but not limited, to handicapped parking spaces on the Property.

3. Unless waived by the Board of Commissioners, the Applicant shall comply with all conditions and comments set forth in the Township Engineer's review letter attached hereto as **Exhibit "B"**.

4. The Applicant shall enter into a Development Agreement and Financial Security Agreement with the Township for the construction of the proposed improvements, to be prepared by the Township Solicitor, and executed prior to the start of construction.

5. The Applicant shall enter into a Stormwater Management Facilities Agreement with the Township for perpetual ownership and maintenance of proposed stormwater Best Management Practices, to be prepared by the Township Solicitor, and executed prior to the start of construction.

6. Unless waived by the Board of Commissioners, the Applicant shall comply with all conditions and comments set forth in the Township Landscape Architect's review letter attached hereto as **Exhibit "C"**.

7. Unless waived by the Board of Commissioners, the Applicant shall comply with all conditions and comments set forth in the Township's Traffic Engineer's review letter, attached hereto as **Exhibit "D"**.

8. Unless waived by the Board of Commissioners, the Applicant shall be required to render payment in the amount of \$650.00 as a fee-in-lieu of dedication of open space as required by Section 300-34.F of the Township Subdivision and Land Development Ordinance.

9. Applicant shall enter into an easement agreement in recordable form to the satisfaction of the Township Solicitor for the discharge of its stormwater to the existing basin located on the adjacent property to the south. The final recorded plan shall be revised to include a note referencing the easement agreement.

10. All architectural features on building exterior/façade shall be designed in accordance with the architectural features contained in the presentation given to the Township by Applicant and shall be reviewed and approved by the Township's staff and consultants.

11. Further, the Board of Commissioners takes the following action as to the Applicant's request for waivers from the requirements of Chapter 300 "Subdivision and Land Development" of the Upper Moreland Township Code of Ordinances:

- A. §300-17.D: A waiver from the requirement that no less than 20 feet of open space shall be provided between the curb line of any parking area and the outside wall of the building due to existing lot layout restraints and parking requirements.

☒ Granted ☐ Denied

- B. §300-18: A waiver from the requirement to install sidewalks along all existing streets that abut a land development.

☐ Granted ☒ Denied

- C. §300-19.A(7): A waiver from the requirement that curb should be installed with an 8-inch reveal. Applicant is requesting a 6-inch reveal to facilitate ADA accessibility.

☒ Granted ☐ Denied

- D. § 300-52.C(1): From the requirement that the location of all existing features within 400 feet of the property should be added to the plans. Applicant proposes to include an aerial plan depicting the required area to the plan set.

☒ Granted ☐ Denied

- E. §300-43.D(2): From the required number of parking spaces between landscaped islands. The proposed plans show rows of parking of 15, 18, 19 and 25 spaces which exceed the 12-space maximum and spaces 18, 19 and 25 are pre-existing non-conforming conditions.

☒ Granted ☐ Denied

As a condition for grant of this waiver, the Applicant shall be required to plant 1 tree elsewhere on-site for every non-compliant row of parking to the satisfaction of the Township.

- F. § 300-43.D(1)(d): From the requirement that planting islands be 15 feet in width. The proposed islands are less than the 15' width required. Applicant's plan shows three proposed end islands near the building, while not meeting the 15' width, which are wider than existing islands and irrigation is proposed within the parking lot islands.

☒ Granted ☐ Denied

- G. § 300-43.D.(1) (g): From the requirement that parking lot trees shall be a minimum of three inches in caliper. Four of the proposed parking lot trees are specified to be 1.5" caliper in order to replace poor / dead trees within two existing 4-foot wide islands. The root ball of a larger tree would be too large to appropriately install within the narrow islands.

☒ Granted ☐ Denied

- H. § 300-45: From the requirements for replacement of trees destroyed by land development. The trees proposed to be removed are assumed to be parking lot landscaping and individual lot landscaping that were required trees per the previous development of this site. The Applicant will be replacing the quantity of trees removed and previously proposed.

☒ Granted ☐ Denied

- I. § 300-50.B: From the requirement of a preliminary plan submission to permit Applicant's plan to be classified as Preliminary/Final.

☒ Granted ☐ Denied

12. Unless construction has begun in accordance with the Plans, this Resolution will expire in two years from the date of this Resolution, unless extended in writing by the Township.

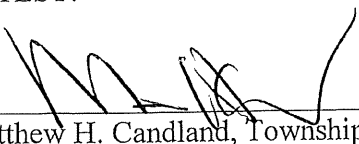
13. This Conditional Preliminary/Final Land Development Approval does not and shall not authorize the construction of improvements or buildings exceeding those shown on the Plans. Furthermore, this Conditional Preliminary/Final Land Development Approval shall be rescinded automatically upon the Applicant's or the Applicant's agent's failure to accept, in writing, all conditions herein imposed within ten (10) days of receipt of this Resolution, such acceptance to be evidenced by the Applicant's or the Applicant's agent's signature below.

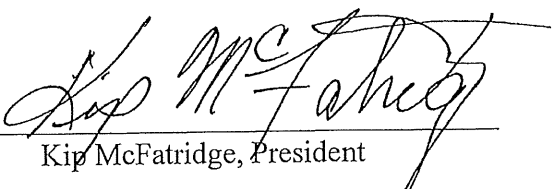
14. By approving this Resolution, the Applicant is signifying acceptance of the conditions contained herein.

DULY PRESENTED AND ADOPTED by the Board of Commissioners of Upper Moreland Township, Montgomery County, Pennsylvania, in a public meeting held this 3rd day of October, 2022.

**UPPER MORELAND TOWNSHIP
BOARD OF COMMISSIONERS:**

ATTEST:


Matthew H. Candland, Township Manager

By: 
Kip McFatridge, President

In the event that the executed Resolution is not delivered to the Township within ten (10) days of receipt, it shall be deemed that the Applicant does not accept these conditions, and approvals conditioned upon its acceptance are revoked, and the application is considered denied for the reasons set forth above.

Date: 10/17/22

ACCEPTED BY:

APPLICANT
OLIVE GARDEN HOLDINGS, LLC,
D/B/A OLIVE GARDEN



Name: Sandi LeBlanc
Title: PROFESSOR FOR DARDEN

EXHIBIT

A

**UPPER MORELAND TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

RESOLUTION NO. 2022-31

A RESOLUTION GRANTING PRELIMINARY/FINAL LAND DEVELOPMENT APPROVAL WITH CONDITIONS TO OLIVE GARDEN HOLDINGS, LLC D/B/A OLIVE GARDEN TO DEMOLISH AN EXISTING RESTAURANT BUILDING AND A PORTION OF THE PARKING AREA TO CONSTRUCT A 6,501 SQUARE-FOOT OLIVE GARDEN RESTAURANT AND RELATED IMPROVEMENTS ON THE PARCEL LOCATED AT 2402 EASTON ROAD, WILLOW GROVE, UPPER MORELAND TOWNSHIP.

WHEREAS, Olive Garden Holdings, LLC, d/b/a Olive Garden (“Applicant”) filed an application with Upper Moreland Township requesting approval with certain waivers (the “Land Development Application”) to demolish an existing restaurant building and a portion of the parking area to construct a 6,501 square-foot Olive Garden restaurant and related improvements (the “Project”); and

WHEREAS, the Applicant has submitted the following in support of the Land Development Application: Preliminary/Final Land Development Plans prepared for Olive Garden Italian Kitchen”, prepared by Core States Group, dated April 27, 2022, last revised August 18, 2022 consisting of Sheets 1 to 32 of 32 (the “Plans”); Drainage Area Plans, prepared by Core States Group, dated April 27, 2022, last revised August 18, 2022; Stormwater Management Report, prepared by Core States Group, dated April 27, 2022, last revised August 19, 2022; Photometric Plan prepared by CREE Lighting, dated August 17, 2022, consisting of one (1) sheet, and; ALTA/NSPS Land Title Survey prepared by Civil & Environmental Consultants, Inc. dated December 8, 2021, consisting of one (1) sheet. The Plans are attached hereto as **Exhibit “A”** and incorporated herein by reference; and

WHEREAS, the Plans involve the property owned by the Applicant, Montgomery County Tax Map Parcel No. 59-00-05257-00-3, which consists of 2.0 acres located within the C-2 Commercial and M Multiple Dwelling Zoning Districts between Sycamore Avenue and Home Depot Drive. The Property currently contains the Brick House restaurant with associated parking, a lawfully existing non-conforming use, landscaping, lighting, and pedestrian walkways. Runoff from the existing improvements is collected by inlets and discharges to an existing basin located on the adjacent property to the south (the “Property”); and

WHEREAS, the Applicant proposes to demolish the existing restaurant building and a portion of the parking area to construct a 6,501 square-foot Olive Garden restaurant. Additional improvements include parking area reconfiguration, landscaping, lighting, and underground utility improvements. To handle runoff from the proposed improvements, the Applicant is proposing to install an underground detention basin. The site will continue to be serviced by public water and sewer (the “Project”); and

WHEREAS, the Applicant has requested waivers from requirements set forth in Chapter 300 “Subdivision and Land Development” of the Upper Moreland Township Code of Ordinances, more fully referenced in Paragraph 11 below; and

WHEREAS, the Township Engineer has reviewed Applicant’s Preliminary/Final Land Development Plans and has recommended their approval, subject to the conditions set forth in the review letter dated September 13, 2022, attached hereto as **Exhibit “B”** and incorporated herein by reference; and

WHEREAS, the Township Landscape Architect has reviewed Applicant’s Preliminary/Final Land Development Plans and has recommended their approval, subject to the conditions and comments set forth in the review letter dated September 12, 2022, attached hereto as **Exhibit “C”** and incorporated herein by reference; and

WHEREAS, The Township Traffic Engineer has reviewed Applicant’s Preliminary/Final Land Development Plans and has recommended their approval, subject to the conditions and comments set forth in the review letter dated September 8, 2022, attached hereto as **Exhibit “D”** and incorporated herein by reference; and

WHEREAS, The Montgomery County Planning Commission has reviewed Applicant’s Preliminary/Final Land Development Plans and has recommended their approval, subject to the comments set forth in the review letter dated July 6, 2022, attached hereto as **Exhibit “E”** and incorporated herein by reference; and

WHEREAS, based on Applicant’s presentation of the Project on September 19, 2022, the Upper Moreland Township Community Development Committee has recommended Conditional Preliminary/Final Approval of the Applicant’s Preliminary/Final Land Development Plans; and

WHEREAS, the Upper Moreland Township Board of Commissioners has determined that based on the testimony, and reviews of Township Consultants, Applicant has satisfactorily established that Conditional Preliminary/Final Land Development Approval will not be contrary to the public interest.

NOW, THEREFORE, BE IT RESOLVED, by the Upper Moreland Township Board of Commissioners that the Applicant’s Preliminary/Final Land Development Plans are hereby granted Conditional Preliminary/Final Land Development Approval, subject to the satisfaction of the following conditions by the Applicant:

1. Except as modified herein, Applicant shall comply with all other applicable Township Ordinances, County, Commonwealth and Federal statutes, rules, and regulations, and obtain all applicable permits and approvals including but not limited to, obtaining the approval of the fire marshal, UMHJSA permit, Aqua of Pennsylvania permit, Montgomery County Conservation District permits, and DEP permits.

2. Applicant shall strictly comply with all applicable Americans with Disabilities Act accessibility standards as promulgated by the Department of Justice and the International Code Council, A117.1-2017, for the construction of accessible facilities, including, but not limited, to handicapped parking spaces on the Property.

3. Unless waived by the Board of Commissioners, the Applicant shall comply with all conditions and comments set forth in the Township Engineer's review letter attached hereto as **Exhibit "B"**.

4. The Applicant shall enter into a Development Agreement and Financial Security Agreement with the Township for the construction of the proposed improvements, to be prepared by the Township Solicitor, and executed prior to the start of construction.

5. The Applicant shall enter into a Stormwater Management Facilities Agreement with the Township for perpetual ownership and maintenance of proposed stormwater Best Management Practices, to be prepared by the Township Solicitor, and executed prior to the start of construction.

6. Unless waived by the Board of Commissioners, the Applicant shall comply with all conditions and comments set forth in the Township Landscape Architect's review letter attached hereto as **Exhibit "C"**.

7. Unless waived by the Board of Commissioners, the Applicant shall comply with all conditions and comments set forth in the Township's Traffic Engineer's review letter, attached hereto as **Exhibit "D"**.

8. Unless waived by the Board of Commissioners, the Applicant shall be required to render payment in the amount of \$650.00 as a fee-in-lieu of dedication of open space as required by Section 300-34.F of the Township Subdivision and Land Development Ordinance.

9. Applicant shall enter into an easement agreement in recordable form to the satisfaction of the Township Solicitor for the discharge of its stormwater to the existing basin located on the adjacent property to the south. The final recorded plan shall be revised to include a note referencing the easement agreement.

10. All architectural features on building exterior/façade shall be designed in accordance with the architectural features contained in the presentation given to the Township by Applicant and shall be reviewed and approved by the Township's staff and consultants.

11. Further, the Board of Commissioners takes the following action as to the Applicant's request for waivers from the requirements of Chapter 300 "Subdivision and Land Development" of the Upper Moreland Township Code of Ordinances:

- A. §300-17.D: A waiver from the requirement that no less than 20 feet of open space shall be provided between the curb line of any parking area and the outside wall of the building due to existing lot layout restraints and parking requirements.

☒ Granted ☐ Denied

- B. §300-18: A waiver from the requirement to install sidewalks along all existing streets that abut a land development.

☐ Granted ☒ Denied

- C. §300-19.A(7): A waiver from the requirement that curb should be installed with an 8-inch reveal. Applicant is requesting a 6-inch reveal to facilitate ADA accessibility.

☒ Granted ☐ Denied

- D. § 300-52.C(1): From the requirement that the location of all existing features within 400 feet of the property should be added to the plans. Applicant proposes to include an aerial plan depicting the required area to the plan set.

☒ Granted ☐ Denied

- E. §300-43.D(2): From the required number of parking spaces between landscaped islands. The proposed plans show rows of parking of 15, 18, 19 and 25 spaces which exceed the 12-space maximum and spaces 18, 19 and 25 are pre-existing non-conforming conditions.

☒ Granted ☐ Denied

As a condition for grant of this waiver, the Applicant shall be required to plant 1 tree elsewhere on-site for every non-compliant row of parking to the satisfaction of the Township.

- F. § 300-43.D(1)(d): From the requirement that planting islands be 15 feet in width. The proposed islands are less than the 15' width required. Applicant's plan shows three proposed end islands near the building, while not meeting the 15' width, which are wider than existing islands and irrigation is proposed within the parking lot islands.

☒ Granted ☐ Denied

- G. § 300-43.D.(1) (g): From the requirement that parking lot trees shall be a minimum of three inches in caliper. Four of the proposed parking lot trees are specified to be 1.5" caliper in order to replace poor / dead trees within two existing 4-foot wide islands. The root ball of a larger tree would be too large to appropriately install within the narrow islands.

☒ Granted ☐ Denied

- H. § 300-45: From the requirements for replacement of trees destroyed by land development. The trees proposed to be removed are assumed to be parking lot landscaping and individual lot landscaping that were required trees per the previous development of this site. The Applicant will be replacing the quantity of trees removed and previously proposed.

☒ Granted ☐ Denied

- I. § 300-50.B: From the requirement of a preliminary plan submission to permit Applicant's plan to be classified as Preliminary/Final.

☒ Granted ☐ Denied

12. Unless construction has begun in accordance with the Plans, this Resolution will expire in two years from the date of this Resolution, unless extended in writing by the Township.

13. This Conditional Preliminary/Final Land Development Approval does not and shall not authorize the construction of improvements or buildings exceeding those shown on the Plans. Furthermore, this Conditional Preliminary/Final Land Development Approval shall be rescinded automatically upon the Applicant's or the Applicant's agent's failure to accept, in writing, all conditions herein imposed within ten (10) days of receipt of this Resolution, such acceptance to be evidenced by the Applicant's or the Applicant's agent's signature below.

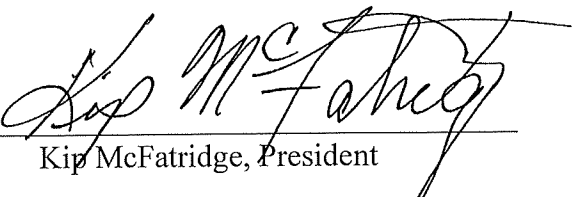
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**UPPER MORELAND TOWNSHIP
BOARD OF COMMISSIONERS:**

ATTEST:


Matthew H. Candland, Township Manager

By: 
Kip McFatridge, President

In the event that the executed Resolution is not delivered to the Township within ten (10) days of receipt, it shall be deemed that the Applicant does not accept these conditions, and approvals conditioned upon its acceptance are revoked, and the application is considered denied for the reasons set forth above.

Date: 10/17/22

ACCEPTED BY:

APPLICANT
OLIVE GARDEN HOLDINGS, LLC,
D/B/A OLIVE GARDEN



Name: Sandi LeBlanc
Title: Processor for Darden

EXHIBIT

A

DESIGN AND DEVELOPMENT CONTACTS:

OWNER:
LARGA REAL ESTATE INVESTMENT PARTNERSHIP LP
400 SHAVILLE ROAD
WILLOW GROVE, PA 19090
CONTACT: DANIEL LARGA
TEL: 714-645-6552

DEVELOPER:
DARGON CORPORATION
1000 DARGON CENTER DRIVE
ORLANDO, FL 32817
CONTACT: SHANNON DUNN
TEL: 407-241-3111

CIVIL ENGINEER:
CONE ENGINEERING
301 SOUTH HARRIS AVENUE, SUITE 200
AMBLER, PA 19002
CONTACT: BRIAN SEARCY, P.E.
TEL: 813-317-6477

ARCHITECT:
ACE ARCHITECTS
101 SHIPWAY WAY - SUITE B
NEWPORT BEACH, CA 92663
CONTACT: LARRY S. HISA
TEL: 714-244-8820 X 1548

LANDSCAPE ARCHITECT:
EVERGREEN DESIGN GROUP, INC.
P.O. BOX 2130
GARFIELD, NJ 07033
CONTACT: ROBERT MACHES
TEL: 800-488-8820 EXT #1

SURVEYOR:
CIVIL & ENVIRONMENTAL CONSULTANTS, INC.
303 BALDWIN ROAD
PITTSBURGH, PA 15205
TEL: 412-324-2324

GOVERNING AGENCIES CONTACTS:

ZONING:
UPPER MERIDIAN TOWNSHIP
117 PARK AVENUE
WILLOW GROVE, PA 19090
CONTACT: PAUL E. PURTELL
TEL: 215-659-3180, EXT. 1033

PLANNING:
UPPER MERIDIAN TOWNSHIP
117 PARK AVENUE
WILLOW GROVE, PA 19090
CONTACT: CLARA MADDON OR PAUL E. PURTELL
TEL: 215-659-3180, EXT. 1033

BUILDING DEPARTMENT:
UPPER MERIDIAN TOWNSHIP
117 PARK AVENUE
WILLOW GROVE, PA 19090
CONTACT: ROBERT ROSSER
TEL: 215-659-3180, EXT. 1033

FIRE DEPARTMENT:
UPPER MERIDIAN FIRE DEPARTMENT
2100 N. 37TH STREET
WILLOW GROVE, PA 19090
CONTACT: ED GLASSMAN
TEL: 215-659-3180

TRAFFIC ACCESS DEPARTMENT:
UPPER MERIDIAN TOWNSHIP ENGINEERING
117 PARK AVENUE
WILLOW GROVE, PA 19090
CONTACT: PAUL E. PURTELL
TEL: 215-659-3180

UTILITY CONTACTS:

SEWERAGE:
LANCASTER UPPER MERIDIAN SEWER AUTHORITY
2495 TOWNWOOD ROAD
WILLOW GROVE, PA 19090-0535
TEL: 215-659-3875

WATER:
AWA
2495 TOWNWOOD ROAD
WILLOW GROVE, PA 19090-0535
TEL: 215-659-3875

STORM SEWER:
UPPER MERIDIAN TOWNSHIP
117 PARK AVENUE
WILLOW GROVE, PA 19090
CONTACT: PAUL E. PURTELL
TEL: 215-659-3180, EXT. 1033

GAS:
PECO
200 MARKET STREET
PHILADELPHIA, PA 19103
TEL: 1-800-692-0888

ELECTRIC:
PECO
200 MARKET STREET
PHILADELPHIA, PA 19103
TEL: 1-800-692-0888

ALERT TO CONTRACTOR:

1. THE SITE WORK FOR THE PROPOSED DEVELOPMENT SHALL MEET OR EXCEED ALL CITY AND COUNTY AND STATE STANDARDS FOR SITE WORK.
2. ALL NECESSARY INSPECTIONS AND CERTIFICATIONS REQUIRED BY CODES AND UTILITY SERVICE COMPANIES SHALL BE PERFORMED PRIOR TO PROJECT COMPLETION.

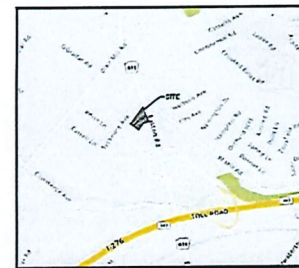


ITALIAN KITCHEN PRELIMINARY/FINAL LAND DEVELOPMENT PLANS FOR OLIVE GARDEN ITALIAN KITCHEN

2402 EASTON ROAD
WILLOW GROVE, PA 19090

SHEET INDEX				
SHEET NUMBER	DESCRIPTION	REV 1	REV 2	REV 3
C1.1	COVER SHEET	X		
C2.1	GENERAL CONSTRUCTION NOTES			
C3.1	EROSION AND SEDIMENT CONTROL PLAN	X		
C3.2	EROSION AND SEDIMENT CONTROL PLAN DETAILS	X		
C3.3	EROSION AND SEDIMENT CONTROL PLAN NOTES			
C4.1	DEMOLITION PLAN	X		
C5.1	CIVIL SITE PLAN (DIMENSIONAL CONTROL TO BE RECORDED)	X		
C5.2	VEHICULAR ACCESS PLAN	X		
C5.3	VEHICULAR ACCESS PLAN			
C6.1	OVERALL GRADING AND DRAINAGE PLAN	X		
C7.1	UTILITY PLAN	X		
C7.2	STORM SEWER PROFILES	X		
C7.3	SEWERTY SEWER PROFILES			
C7.4	POST-CONSTRUCTION STORMWATER MANAGEMENT PLAN	X		
C7.5	POST-CONSTRUCTION STORMWATER MANAGEMENT NOTES			
C8.1	CONSTRUCTION DETAILS	X		
C8.2	CONSTRUCTION DETAILS	X		
C8.3	CONSTRUCTION DETAILS	X		
C8.4	CONSTRUCTION DETAILS			
C9.1	SOIL BORINGS			
C9.2	CIVIL SPECIFICATIONS			
C9.3	CIVIL SPECIFICATIONS			
C9.4	CIVIL SPECIFICATIONS			
C10.1	ALTIMETER LAND TITLE SURVEY BY CIVIL & ENVIRONMENTAL CONSULTANTS, INC.			
C10.2	PHOTOMETRIC PLAN BY CHSE LIGHTING	X		
C10.3	LANDSCAPE PLANTING	X		
C10.4	LANDSCAPE DETAILS & SPECIFICATIONS			
C10.5	LANDSCAPE SPECIFICATIONS	X		
C10.6	IRRIGATION PLAN			
C10.7	IRRIGATION DETAILS & SPECIFICATIONS			
C10.8	IRRIGATION SPECIFICATIONS			

CIVIL SITE PLANNING/DEMOLITION CONSTRUCTION TO BE THE RECORD PLAN. ALL REMAINING PLAN SHEETS ON FILE AT UPPER MERIDIAN TOWNSHIP SHALL BE CONSIDERED PART OF THE FINAL RECORD PLAN AS IF RECORDED THE SAME.



PROJECT DATA:
TOTAL SITE ACRES: 2.86 ACRES (87,181 SQ FT)
DISTURBED AREA: 8.79 ACRES (241,000 SQ FT)
THIS PROJECT IS NOT LOCATED WITHIN ANY KNOWN OVERLAY DISTRICT.

PROJECT DESCRIPTION:
THIS PROJECT PROPOSES THE DEMOLITION OF THE EXISTING "BREEK HOUSE TAVERN" - TAP AND THE CONSTRUCTION OF A BROADWAY "OLIVE GARDEN" RESTAURANT. THE CONSTRUCTION ALSO INCLUDES THE REVISION OF THE ADA PARKING STALLS TO THE PARKING LOT IN THE FRONT OF THE PROPOSED BUILDING. THE ADA PARKING STALLS AND ACCESSIBLE PATH OF TRAVEL ARE DESIGNED FOR THE 2010 ADA STANDARDS FOR ACCESSIBLE DESIGN. THE CONSTRUCTION ALSO INCLUDES PROPOSED SIDEWALKS, PARKING STALLS, DUMPSTER PAD, UNDERGROUND DETENTION / INFILTRATION BMP AND ASSOCIATED STORM SEWER.

FLOOD NOTE:
THIS PROPERTY IS LOCATED IN AN AREA, ZONE "X" OF THE FLOOD INSURANCE RATE MAP, HAZARDOUS, EFFECTIVE DATE 05/01/2010 AND IS NOT IN A SPECIAL FLOOD HAZARD AREA.

ZONE "X" UNDESIRABLE - AREA OF MINOR FLOOD HAZARD, USUALLY DEPICTED ON FIRMS AS ABOVE THE BASE FLOOD FLOOD LEVEL. ZONE "X" IS THE AREA DETERMINED TO BE OUTSIDE THE 100-YEAR FLOOD LEVEL. ZONE "X" IS THE AREA DETERMINED TO BE OUTSIDE THE 500-YEAR FLOOD AND PROTECTED BY LEVEE FROM A 100-YEAR FLOOD.

WAIVERS REQUESTED:

1. 1500-17.0 - NO LESS THAN 30 FEET OF OPEN SPACE SHALL BE PROVIDED BETWEEN THE CURB LINE OF ANY PARKING AREA AND THE OUTSIDE WALL OF THE BUILDING.
A. A WAIVER IS BEING REQUESTED FROM THIS REQUIREMENT DUE TO EXISTING LOT LAYOUT RESTRAINTS AND PARKING REQUIREMENTS.
2. 1500-18.0 - SIDEWALKS ARE REQUIRED TO BE INSTALLED ALONG ALL EXISTING STREETS THAT ADJACENT A LAND DEVELOPMENT.
A. A WAIVER IS BEING REQUESTED FOR THE REQUIRED SIDEWALK ALONG EASTON ROAD DUE TO THE EXISTING WIDTH OF THE SIDEWALK, EXISTING LANDSCAPE, AND EXISTING UTILITY POLES. THERE IS ALSO PENDING FUTURE ROAD WIDENING PLAN IN THE AREA.
3. 1500-18.0 - ALL CURB SHOULD BE INSTALLED WITH AN ANCHOR RETENTION AND A BARRIER SHOULD BE REQUESTED FOR THE ABOVE REQUIREMENT AND A WAIVER IS BEING REQUESTED FOR THE ABOVE REQUIREMENT.
4. 1500-22.0 - THE LOCATION OF ALL EXISTING FEATURES WITHIN 400 FEET OF THE PROPERTY SHALL BE ADDED TO THE PLAN.
A. THE TOWNSHIP ENGINEER STATED THEY WOULD SUPPORT THIS WAIVER REQUEST PROVIDED THE APPLICANT INCLUDE AN AERIAL PLAN DEPICTING THE REQUIRED AREA TO THE PLAN SET. THE AERIAL PLAN HAS BEEN ADDED TO THE PLAN.
5. 1500-24.0 - 15.0 - THE PROPOSED PLAN SHOW ROWS OF PARKING OF 15, 18, 18 AND 25 SPACES WHICH EXCEEDS THE 15-SPACE MAXIMUM PER SECTION 1500-24.0. THE 15, 18 AND 25 ARE EXISTING NON-CONFORMING CONDITIONS. THE PROPOSED ROW OF 15 PARKING SPACES IS IN FRONT OF THE BUILDING, WHERE CURRENTLY 14 SPACES EXIST. THEREFORE, A WAIVER APPEARS NECESSARY.
A. A WAIVER IS BEING REQUESTED FOR THE ABOVE REQUIREMENT.

CORE STATES

STATE OF PENNSYLVANIA
COUNTY OF DELAWARE
TOWNSHIP OF UPPER MERIDIAN
WILLOW GROVE, PA 19090



BRIAN SEARCY, P.E.
PENNSYLVANIA PROFESSIONAL ENGINEER

Issue Date: 04-27-2022

REVISION INFORMATION
05-18-2022
AGENCY REVIEW

Registration #: 0000

OLIVE GARDEN

2402 EASTON ROAD

WILLOW GROVE, PA 19090

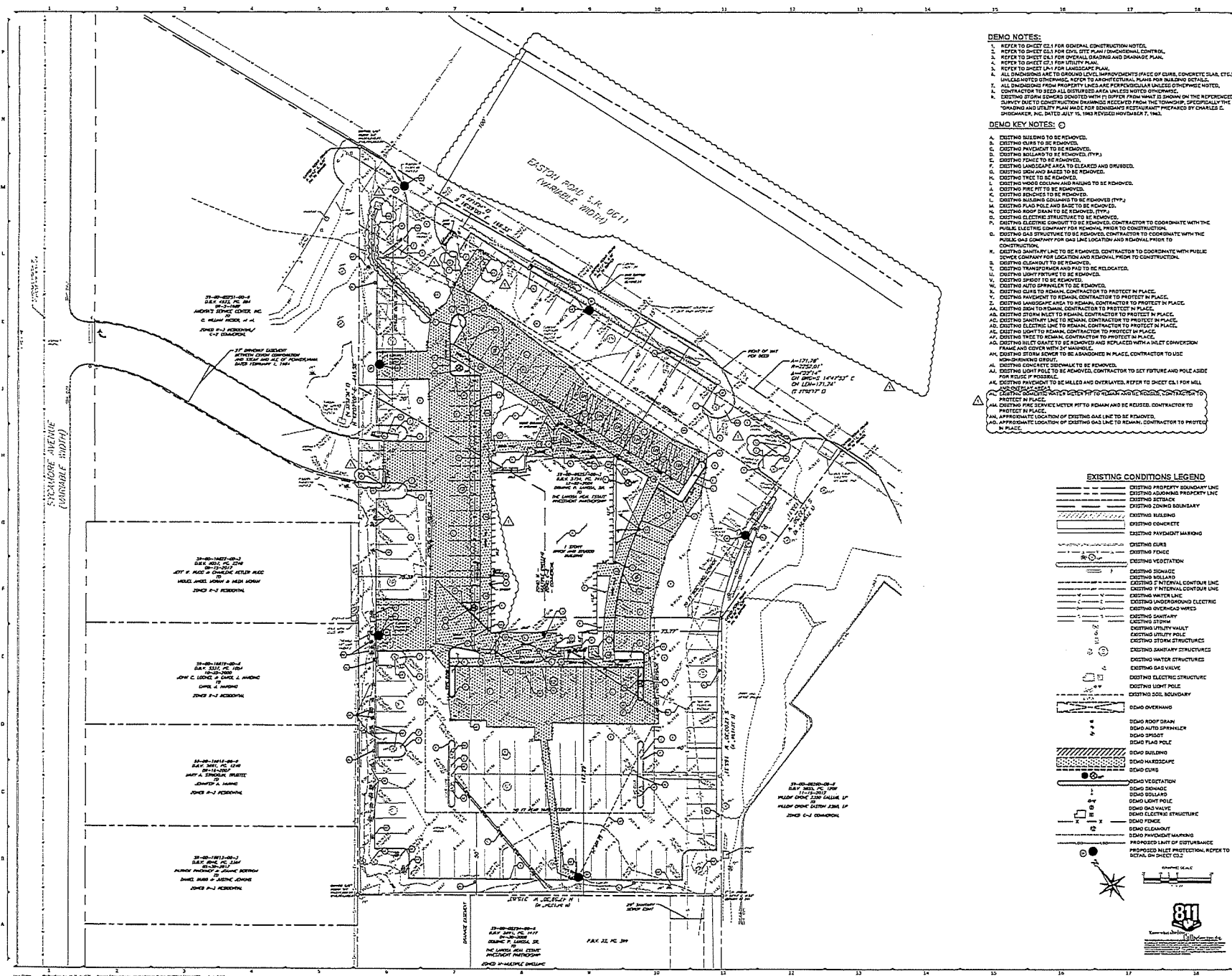
AUTHORIZED FOR PERMIT / BID

WILLOW GROVE, PA

Drawing

COVER SHEET

C1.1



DEMO NOTES:

1. REFER TO SHEET C2.1 FOR GENERAL CONSTRUCTION NOTES.
2. REFER TO SHEET C2.1 FOR CIVIL SITE PLAN (DIMENSIONAL CONTROL).
3. REFER TO SHEET C2.1 FOR SPECIAL LANDSCAPE AND DRAINAGE PLAN.
4. REFER TO SHEET C2.1 FOR UTILITY PLAN.
5. REFER TO SHEET C2.1 FOR LANDSCAPE PLAN.
6. ALL DIMENSIONS ARE TO EXISTING LEVELS UNLESS NOTED OTHERWISE.
7. ALL DIMENSIONS FROM PROPERTY LINES ARE PERPENDICULAR UNLESS OTHERWISE NOTED.
8. CONTRACTOR TO BE RESPONSIBLE FOR VERIFYING ALL DIMENSIONS.
9. EXISTING STORM DRAINAGE LOCATED WITHIN 10' BUFFER FROM WHAT IS SHOWN ON THE RECORDED SURVEY MUST BE CONSTRUCTION DIMENSIONS RECEIVED FROM THE TOWNSHIP, SPECIFICALLY THE TOWNSHIP AND UTILITY PLAN MADE FOR EMBASSY'S RESTAURANT PREPARED BY CHARLES S. (PHILADELPHIA, PA) DATED JULY 1, 2010 (REVISED NOVEMBER 7, 2010).

DEMO KEY NOTES:

- A. EXISTING BUILDING TO BE REMOVED.
- B. EXISTING CURB TO BE REMOVED.
- C. EXISTING PAVEMENT TO BE REMOVED.
- D. EXISTING BOLLARD TO BE REMOVED.
- E. EXISTING FENCE TO BE REMOVED.
- F. EXISTING LANDSCAPE AREA TO BE REMOVED.
- G. EXISTING SIGN AND BASES TO BE REMOVED.
- H. EXISTING TREE TO BE REMOVED.
- I. EXISTING WOOD COLUMN AND RAILING TO BE REMOVED.
- J. EXISTING FENCE POST TO BE REMOVED.
- K. EXISTING BRONCHES TO BE REMOVED.
- L. EXISTING BUILDING FOUNDATION TO BE REMOVED.
- M. EXISTING FLAG POLE AND BASE TO BE REMOVED.
- N. EXISTING ROOF DRAIN TO BE REMOVED.
- O. EXISTING ELECTRIC STRUCTURE TO BE REMOVED.
- P. EXISTING ELECTRIC CONDUIT TO BE REMOVED. CONTRACTOR TO COORDINATE WITH THE PUBLIC UTILITY COMPANY FOR REMOVAL PRIOR TO CONSTRUCTION.
- Q. EXISTING GAS STRUCTURE TO BE REMOVED. CONTRACTOR TO COORDINATE WITH THE PUBLIC GAS COMPANY FOR GAS LINE LOCATION AND REMOVAL PRIOR TO CONSTRUCTION.
- R. EXISTING SANITARY LINE TO BE REMOVED. CONTRACTOR TO COORDINATE WITH PUBLIC UTILITY COMPANY FOR LOCATION AND REMOVAL PRIOR TO CONSTRUCTION.
- S. EXISTING CEMENTARY TO BE REMOVED.
- T. EXISTING TRANSFORMER AND PAD TO BE RELOCATED.
- U. EXISTING LIGHT FIXTURE TO BE REMOVED.
- V. EXISTING SPOUT TO BE REMOVED.
- W. EXISTING AUTO SPRINKLER TO BE REMOVED.
- X. EXISTING CURB TO REMAIN. CONTRACTOR TO PROTECT IN PLACE.
- Y. EXISTING PAVEMENT TO REMAIN. CONTRACTOR TO PROTECT IN PLACE.
- Z. EXISTING LANDSCAPE AREA TO REMAIN. CONTRACTOR TO PROTECT IN PLACE.
- AA. EXISTING STORM ALLEY TO REMAIN. CONTRACTOR TO PROTECT IN PLACE.
- AB. EXISTING SANITARY LINE TO REMAIN. CONTRACTOR TO PROTECT IN PLACE.
- AC. EXISTING ELECTRIC LINE TO REMAIN. CONTRACTOR TO PROTECT IN PLACE.
- AD. EXISTING LIGHTING TO REMAIN. CONTRACTOR TO PROTECT IN PLACE.
- AE. EXISTING TREE TO REMAIN. CONTRACTOR TO PROTECT IN PLACE.
- AF. EXISTING BOLLARD TO BE REMOVED AND REPLACED WITH A METAL CONCRETE FRAME AND COVER WITH 24" WOODEN BRUSH.
- AG. EXISTING STORM DRAIN TO BE REMOVED IN PLACE. CONTRACTOR TO USE NON-REINFORCED DRAIN.
- AH. EXISTING CONCRETE RETAINMENT TO BE REMOVED.
- AI. EXISTING LIGHT POLE TO BE REMOVED. CONTRACTOR TO SET FUTURE AND POLE ASIDE FOR REUSE IF POSSIBLE.
- AJ. EXISTING PAVEMENT TO BE MAINTAINED AND OVERLAYED. REFER TO SHEET C2.1 FOR MILL AND PATCH DETAILS.
- AK. EXISTING SIGN SERVICE METER PIT TO REMAIN AND BE REUSED. CONTRACTOR TO PROTECT IN PLACE.
- AL. APPROXIMATE LOCATION OF EXISTING GAS LINE TO BE REMOVED.
- AM. APPROXIMATE LOCATION OF EXISTING GAS LINE TO REMAIN. CONTRACTOR TO PROTECT IN PLACE.

EXISTING CONDITIONS LEGEND

	EXISTING PROPERTY BOUNDARY LINE
	EXISTING ADJOINING PROPERTY LINE
	EXISTING SETBACK
	EXISTING ZONING BOUNDARY
	EXISTING BUILDING
	EXISTING CONCRETE
	EXISTING PAVEMENT MARKINGS
	EXISTING CURB
	EXISTING FENCE
	EXISTING VEGETATION
	EXISTING SIGNAGE
	EXISTING INTERNAL CONTOUR LINE
	EXISTING WATER LINE
	EXISTING UNDERGROUND ELECTRIC
	EXISTING OVERHEAD WIRES
	EXISTING SANITARY
	EXISTING STORM
	EXISTING UTILITY VAULT
	EXISTING STORM STRUCTURE
	EXISTING SANITARY STRUCTURE
	EXISTING WATER STRUCTURE
	EXISTING GAS VALVE
	EXISTING ELECTRIC STRUCTURE
	EXISTING LIGHT POLE
	EXISTING SOIL BOUNDARY
	DEMO OVERHANGS
	DEMO ROOF DRAIN
	DEMO AUTO SPRINKLER
	DEMO SPOUT
	DEMO FLAG POLE
	DEMO BUILDING
	DEMO LANDSCAPE
	DEMO CURB
	DEMO VEGETATION
	DEMO SIGNAGE
	DEMO BOLLARD
	DEMO LIGHT POLE
	DEMO GAS VALVE
	DEMO ELECTRIC STRUCTURE
	DEMO FENCE
	DEMO ELEVATION
	DEMO PAVEMENT MARKINGS
	PROPOSED LIMIT OF DISTURBANCE
	PROPOSED UTILITY PROTECTION. REFER TO DETAIL ON SHEET C2.2

CORE STATES

Core States is a national leader in the design and construction of commercial and institutional buildings. We have a proven track record of delivering high-quality, sustainable buildings that meet the needs of our clients. Our team of experienced professionals is dedicated to providing exceptional service and ensuring the success of every project.



Issue Date: 04.27.2022
 REVISION INFORMATION
 04-18-2022
 ARCHITECT'S REVISIONS

Restaurant #: 0000

OLIVE GARDEN

3402 EASTON ROAD
 WILLOW GROVE, PA 19090

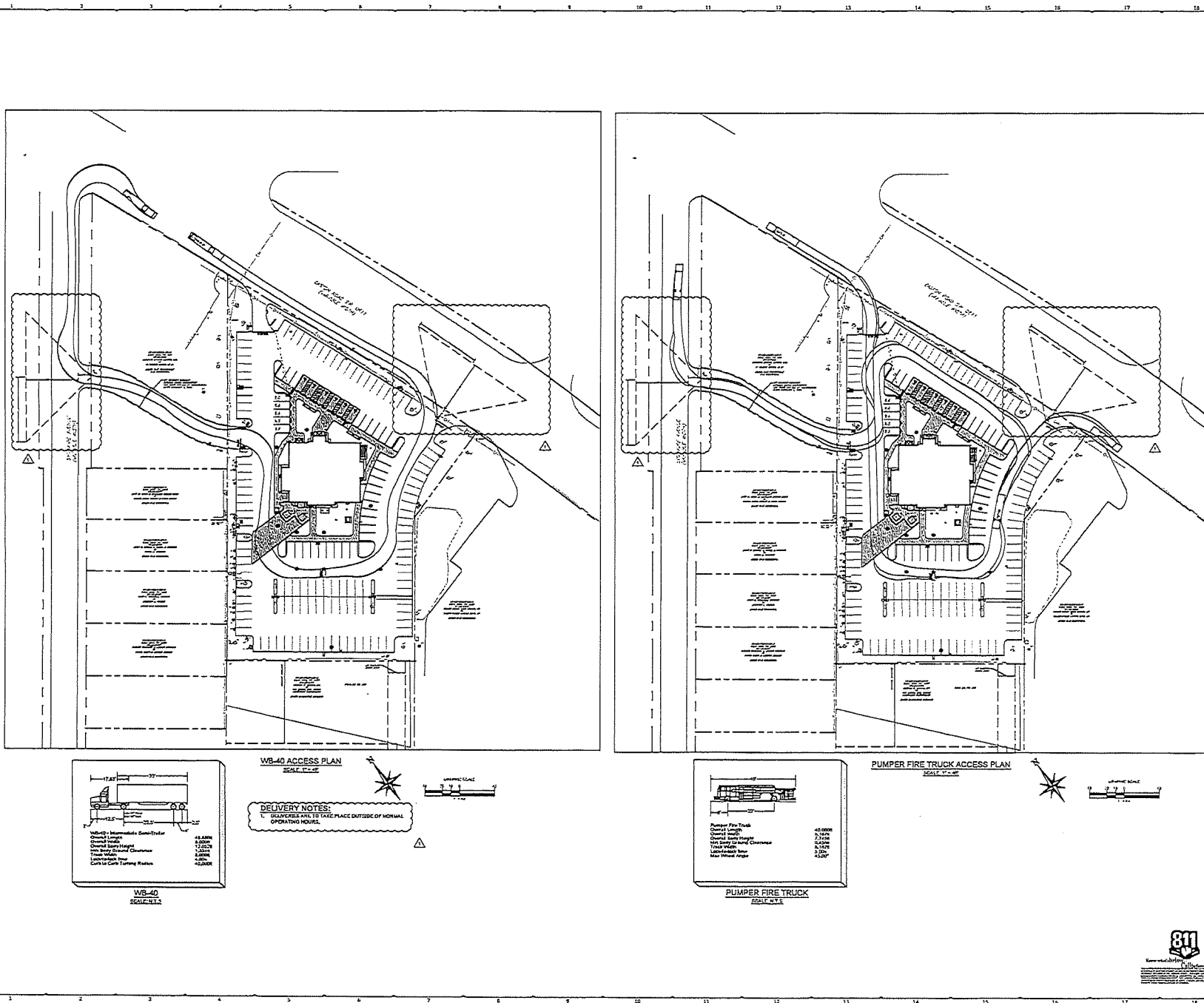
AUTHORIZED FOR
 PROJECT NO.

WILLOW GROVE, PA

Drawing

DEMOLITION
 PLAN

C4.1



CORE STATES
02077

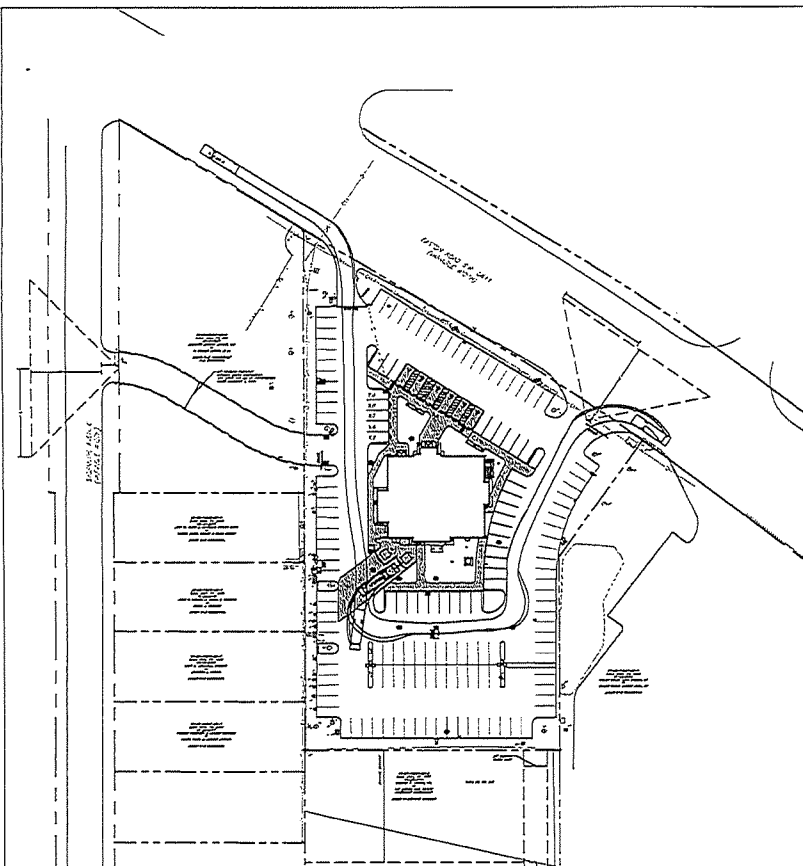


Issue Date: 04-27-2022
REVISION INFORMATION
08-18-2022 AGENCY REVISIONS

Restaurant #: 0000
OLIVE GARDEN
2402 EASTON ROAD
WILLOW GROVE, PA 19090
AUTHORIZED FOR:
PERMIT / NO
Drawing
VEHICULAR ACCESS PLAN

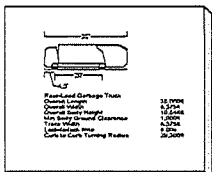


C5.2



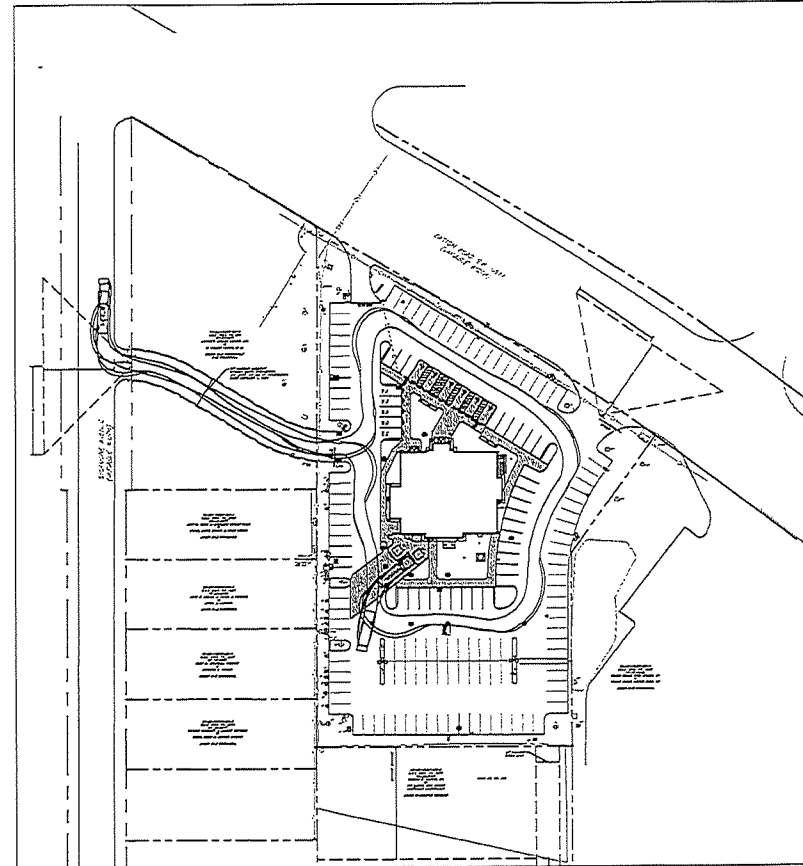
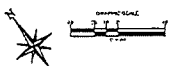
GARBAGE TRUCK ACCESS PLAN - EASTON ROAD

SCALE: 1/8" = 1'-0"



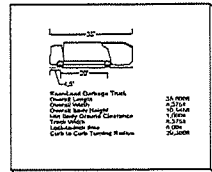
REAR-LOAD GARBAGE TRUCK

SCALE: 1/8" = 1'-0"



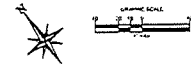
GARBAGE TRUCK ACCESS PLAN - SYCAMORE AVENUE

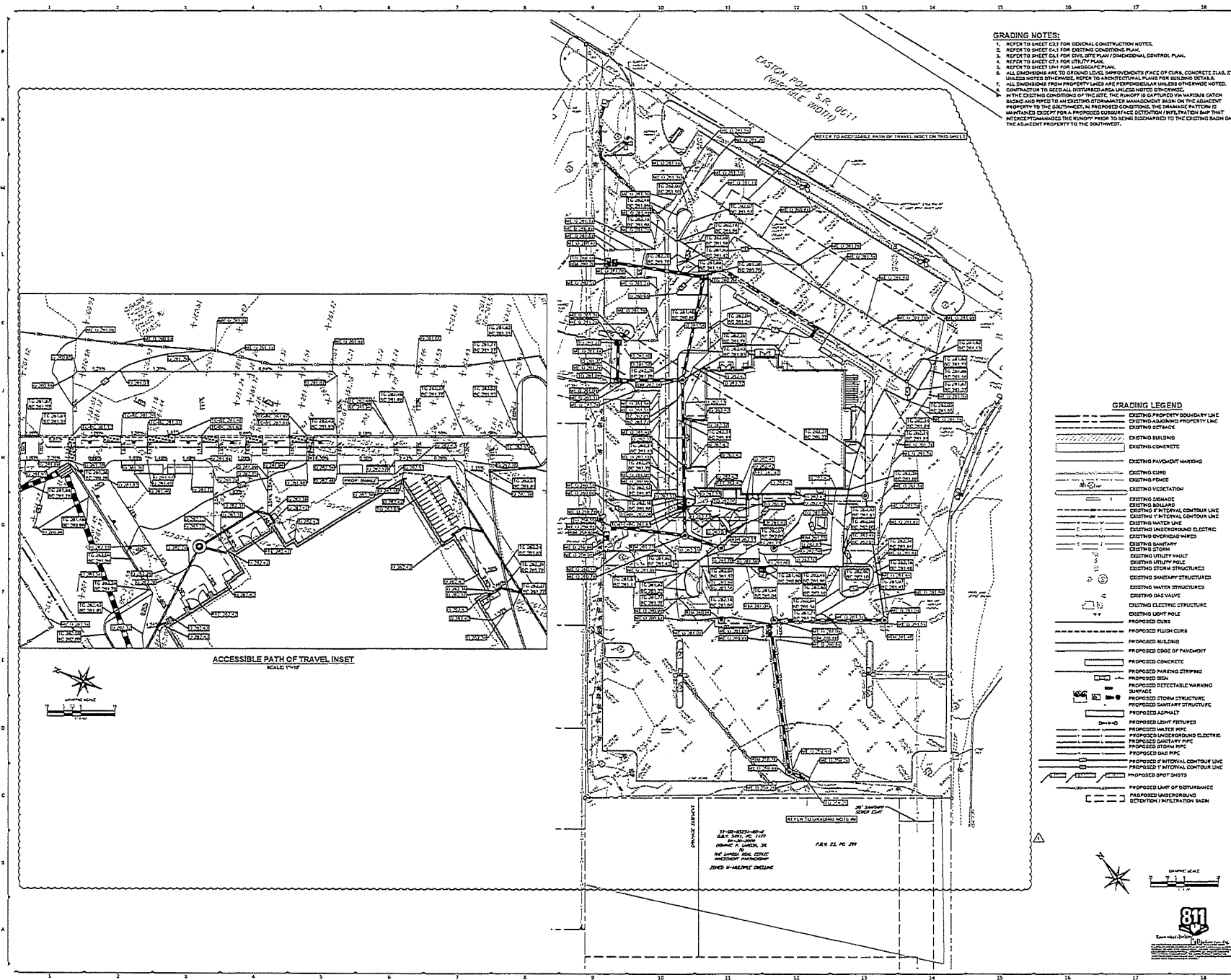
SCALE: 1/8" = 1'-0"



REAR-LOAD GARBAGE TRUCK

SCALE: 1/8" = 1'-0"





CORE STATES

02007

OLIVE GARDEN RESTAURANT
2402 EASTON ROAD
WILLOW GROVE, PA 19095
TEL: 610-261-1111
WWW.OLIVEGARDENRESTAURANT.COM



Issue Date: 04.27.2023

REVISION INFORMATION

08-16-2022

AGENCY REVISIONS

Restaurant #: 3888

OLIVE GARDEN

2402 EASTON ROAD
WILLOW GROVE, PA 19095

AUTHORIZED FOR
PERMIT / BID

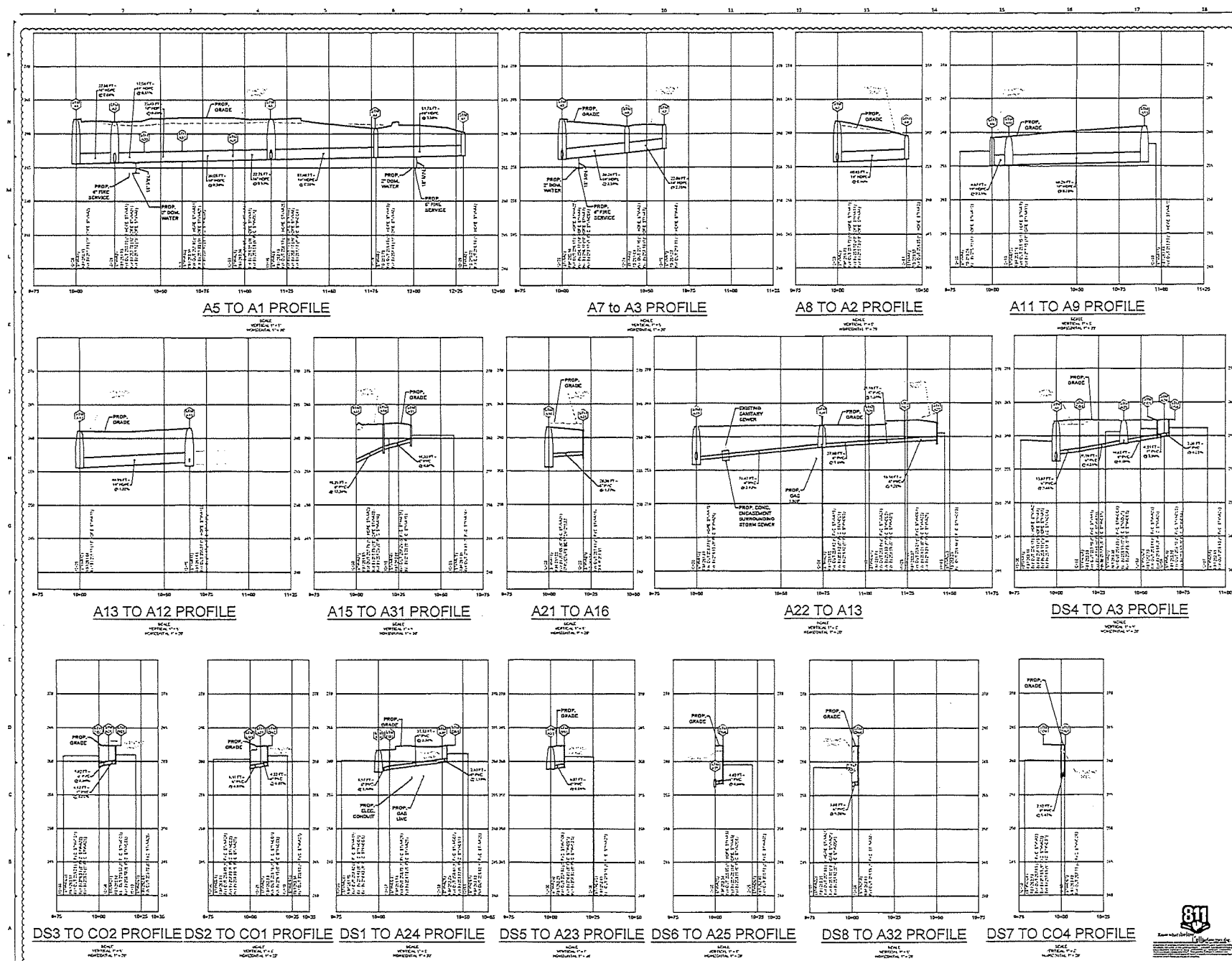
WILLOW GROVE, PA

Drawing

OVERALL GRADING AND
DRAINAGE PLAN


C6.1

100-1000



CORE STATES

[illegible]

04/13/2022 HUNTINGEARY P.E. PH: 615/497-1136	
Issue Date:	04.27.2022
REVISION INFORMATION	
 05-18-2022 AGENCY REVISIONS	

Restaurant #:	XXXX
OLIVE GARDEN	

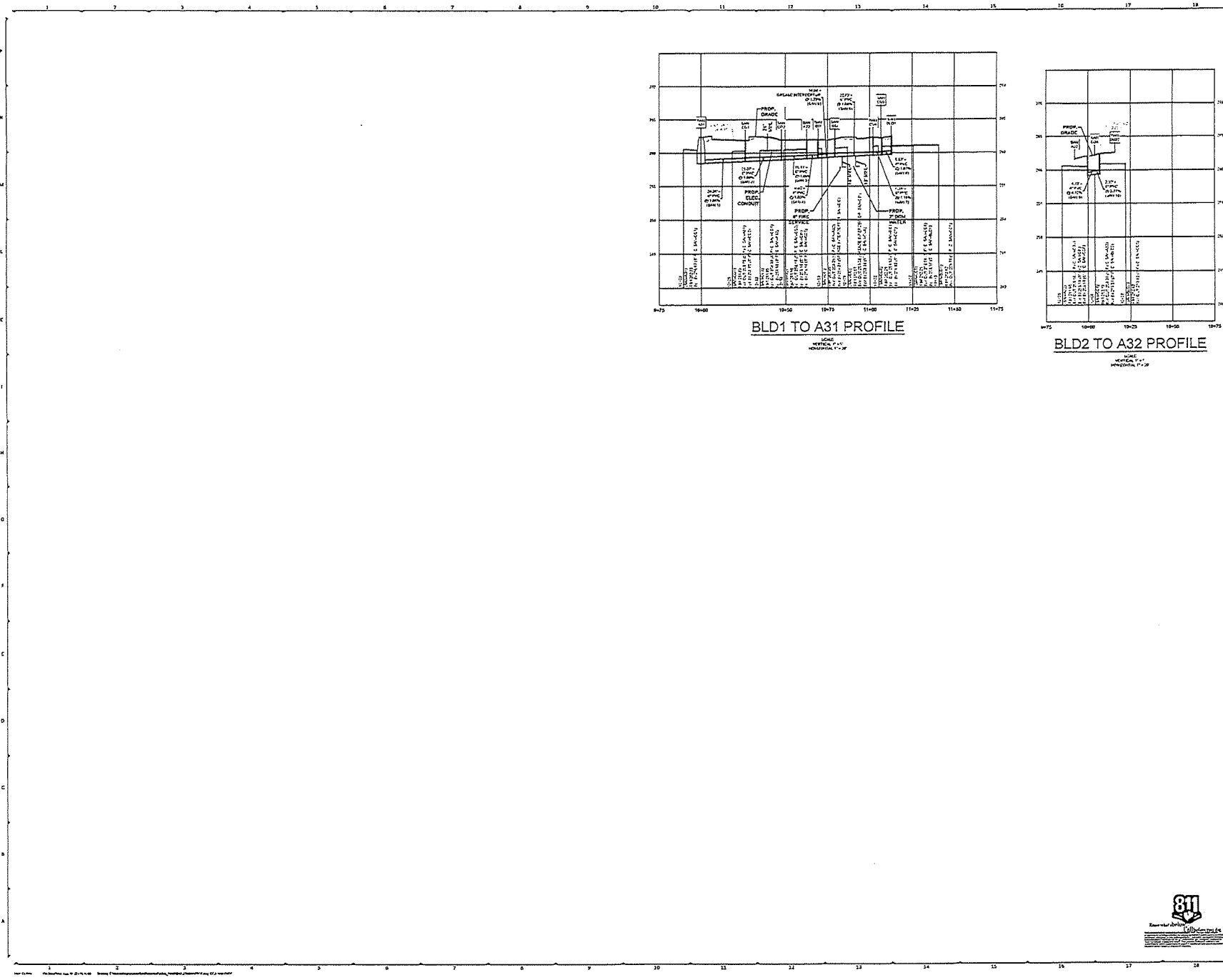
OLIVE GARDEN
2402 EASTON ROAD
WILLOW GROVE, PA 19090
AUTHORIZED FOR:
PERMIT / NO

WILLOW GROVE, PA

Drawing

STORM SEWER
PROFILES

C7.2



CORE STATES
 A full range of products and services for the construction industry. We are the only company in the industry that provides a complete line of products and services for the construction industry. We are the only company in the industry that provides a complete line of products and services for the construction industry.



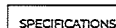
Issue Date: 04.27.2022
 REVISION INFORMATION
 06-18-2022
 ATENNY REVISIONS

Restaurant #: 0000
OLIVE GARDEN
 2403 EASTON ROAD
 WILLOW GROVE, PA 19090
 AUTHORIZED FOR:
 PKATY/BS
 WILLOW GROVE, PA

Drawing
**SANITARY
 SEWER
 PROFILES**

C7.3



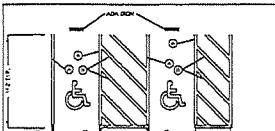
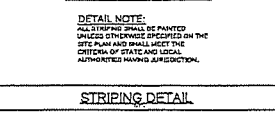
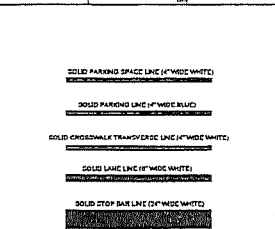
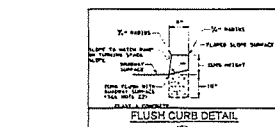
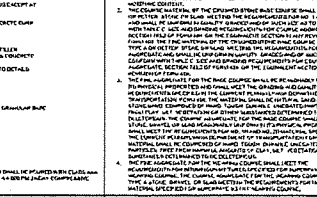
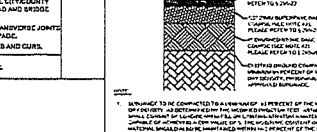
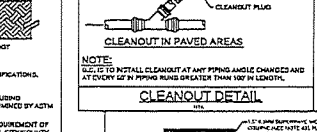
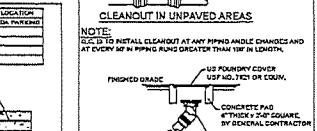
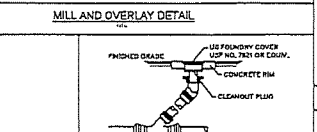
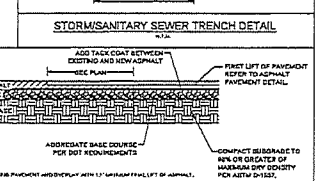
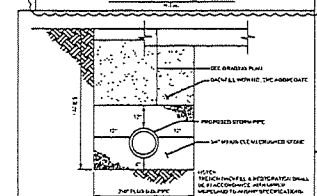
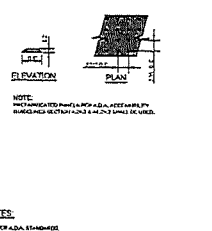
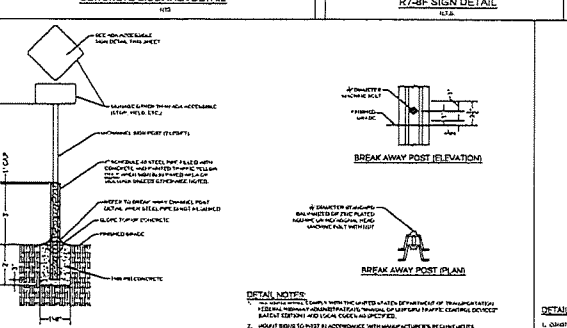
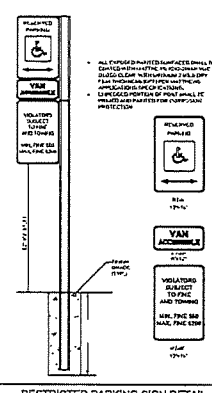
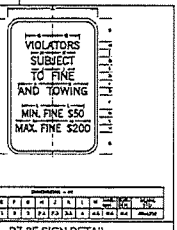
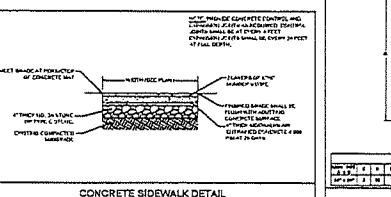
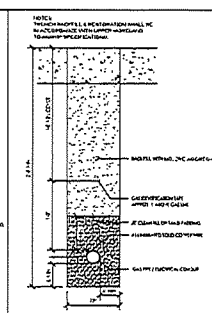
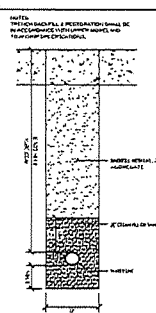
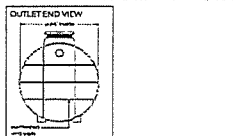
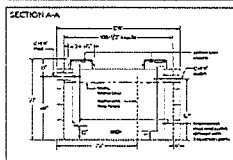
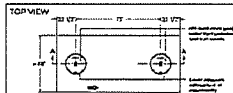


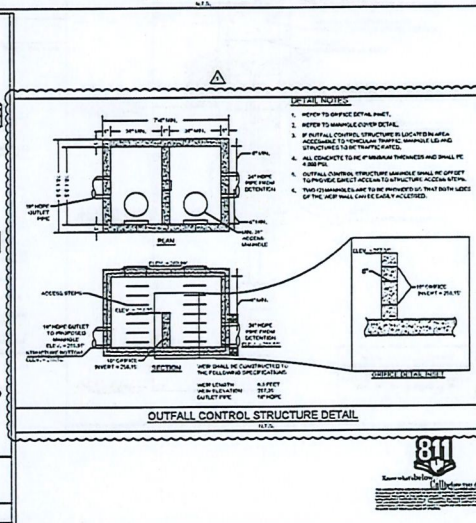
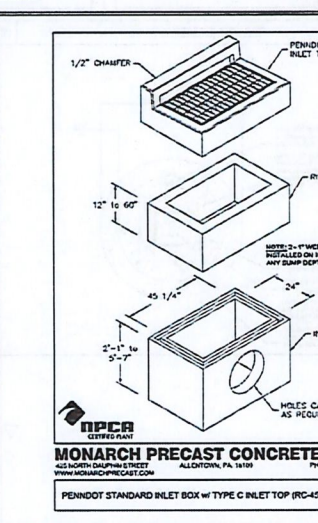
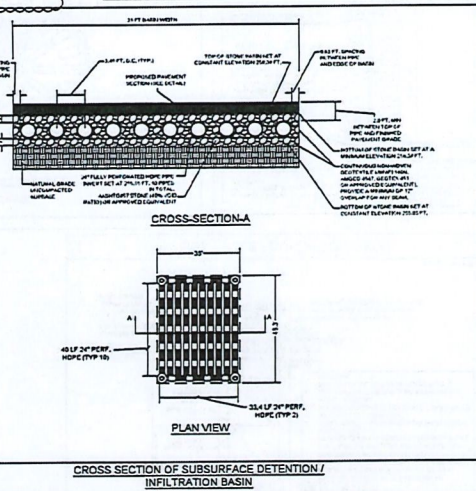
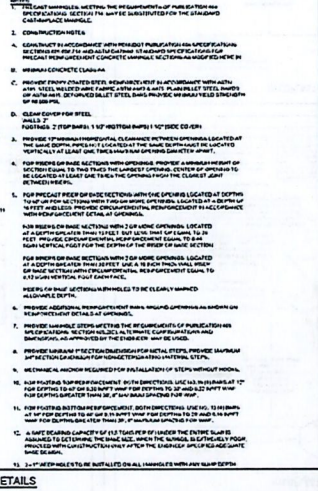
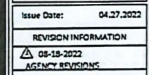
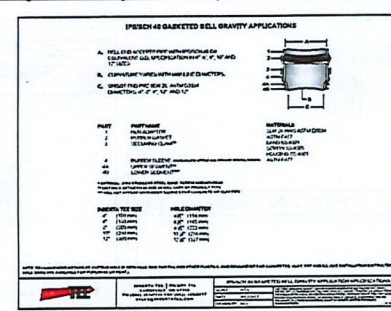
NOTES

1. A plant and soil as a nutrient source
2. Soil depth - 10-15 cm deep, plants 10-15 cm
3. Soil depth - 10-15 cm deep, plants 10-15 cm
4. Soil depth - 10-15 cm deep, plants 10-15 cm

Answers

1. Answer: 10-15 cm deep
2. Answer: 10-15 cm deep
3. Answer: 10-15 cm deep
4. Answer: 10-15 cm deep

[illegible]



CONTRACTOR TO NOTIFY DESIGN PROFESSIONAL IN RESPONSIBLE CHARGE IMMEDIATELY WHEN ANY DISCREPANCIES ARE DETECTED IN FIRST IN HEIGHT, FOUNDATION DESIGN SUBJECT TO CHANGE.



Issue Date: 04.27.2022

REVISION INFORMATION
08-18-2022
AGENCY REVISIONS

Restaurant #: XXXX

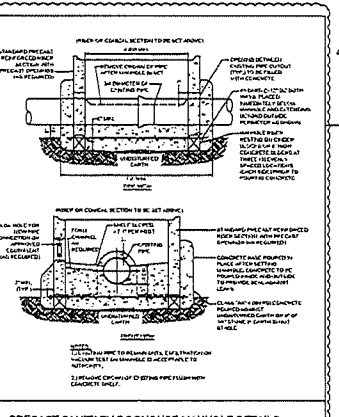
OLIVE GARDEN

2402 EASTON ROAD
WILLOW GROVE, PA 19090

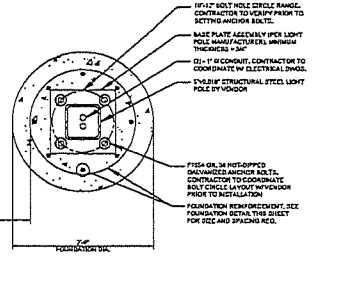
AUTHORIZED FOR
PERMIT NO.
WILLOW GROVE, PA

CONSTRUCTION
DETAILS

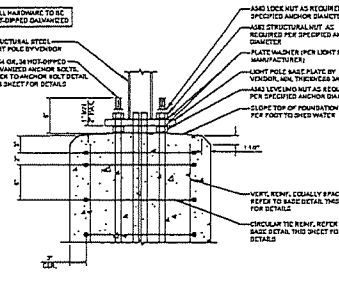
C8.3



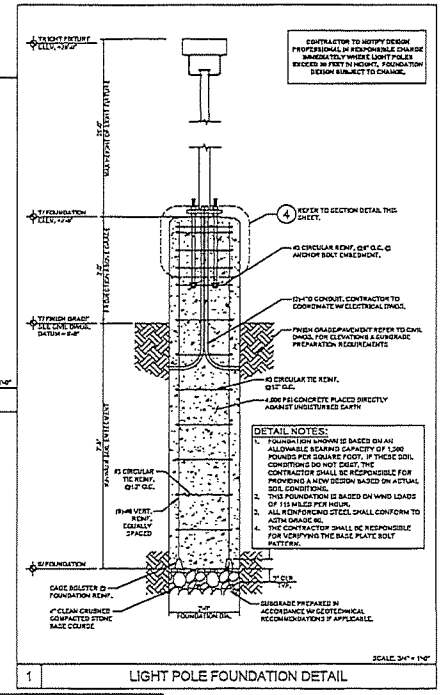
PRECAST SANITARY DOGHOUSE MANHOLE DETAILS



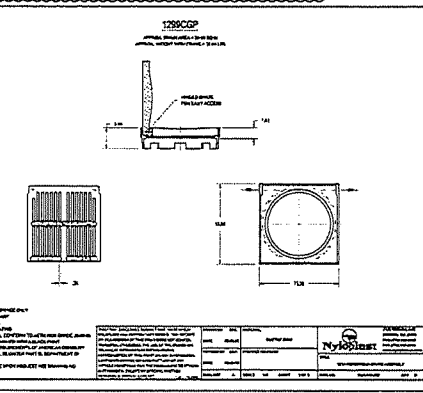
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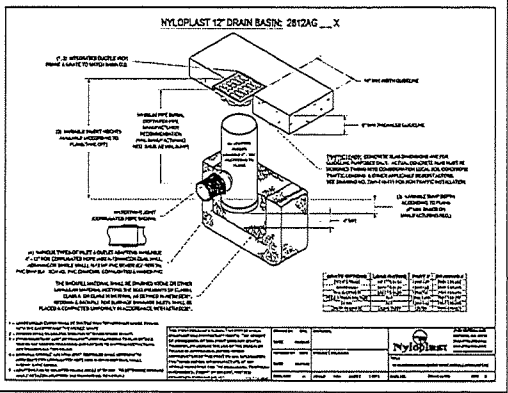
SECTION DETAIL



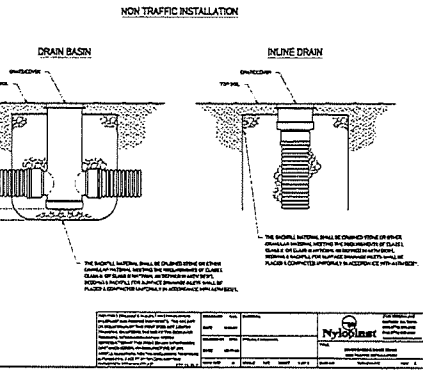
LIGHT POLE FOUNDATION DETAIL



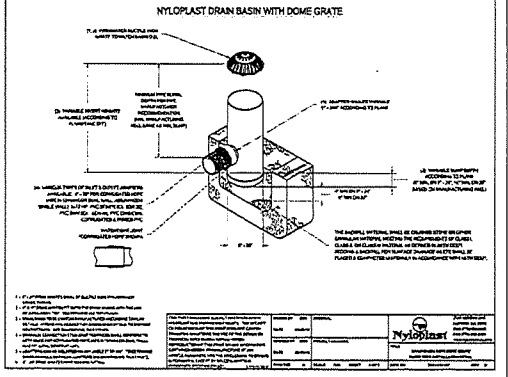
12\"/>



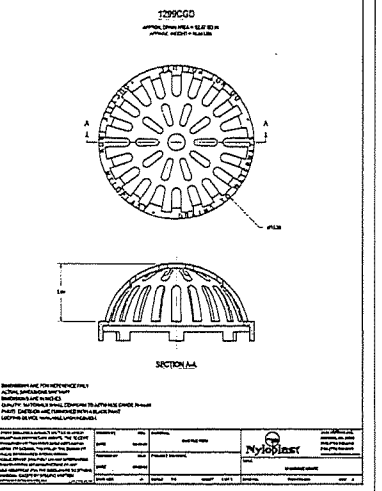
NYLOPLAST 12\"/>



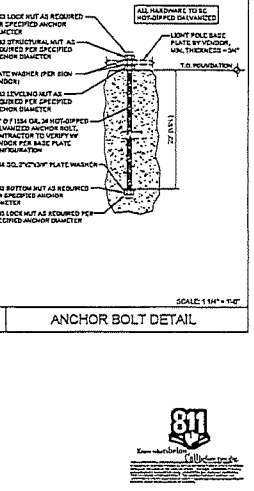
NON TRAFFIC INSTALLATION



NYLOPLAST DRAIN BASIN WITH DOME GRATE



ANCHOR BOLT DETAIL



12\"/>

CORE STATES
 PENNSYLVANIA
 DEPARTMENT OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 02027

olive garden
 ITALIAN BISTRO



Issue Date: 04.27.2022

REVISION INFORMATION
 08-13-2022
 AGENCY REVISION

Restaurants: # 0000

OLIVE GARDEN

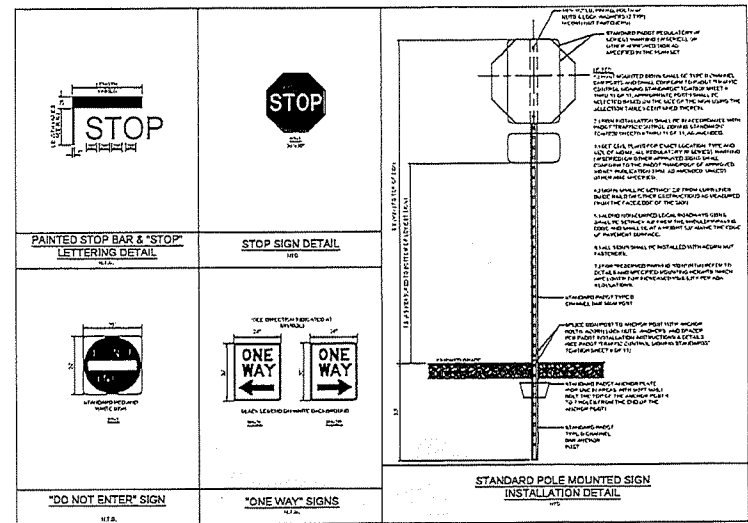
2402 EASTON ROAD
 WILLOW GROVE, PA 15090

AUTHORIZED FOR:
 PROJECT / 00

WILLOW GROVE, PA

Drawing
 CONSTRUCTION
 DETAILS

C8.4



[illegible][illegible]

SECTION 02000
OF SECTION

SECTION 02000
STRUCTURE EXCAVATION AND BACKFILL

AT 1.00 GENERAL

WORK INCLUDED

THE WORK SPECIFIED IN THIS SECTION CONSISTS OF FURNISHING ALL LABOR, MATERIALS AND EQUIPMENT, AND PERFORMING ALL OPERATIONS REQUIRED TO COMPLETE THE SITE PREPARATION, EXCAVATION, AND GRADING AS SHOWN ON THE PLANS AND AS SPECIFIED HEREIN FOR THE CONSTRUCTION OF THE STRUCTURES, AND THE EXCAVATION AND GRADING OF THE EXISTING AND PROPOSED DRIVEWAYS, AND THE EXCAVATION AND GRADING OF LAID AND OTHER LIQUIDABLE MATERIAL, CARPENTRY FOR THE FORMS, AND THE EXCAVATION AND GRADING AND CONSTRUCTION, INCLUDING APPROVED FULL MATERIAL, PAINT, DRAGGING AND OTHER

THE OPERATIONS SPECIFIED HEREIN SHALL BE PERFORMED WITHIN THE TIME ALLOWED FOR SITE GRADING AND OTHER CONSTRUCTION AS SHOWN ON THE DRAWINGS.

[illegible]

[illegible]

Calculation Summary; 1.00 LLF						
Label	Units	Avg	Max	Min	Avg/Min	Max/Min
All Calc Points	Fc	1.13	5.5	0.0	N/A	N/A
Paved Parking_1	Fc	2.37	5.5	0.5	4.74	11.00

Pole Schedule
 (2) CL-SSP-4011-25-D1-BZ (25' X 4" STEEL SQUARE POLE, Single)
 (6) CL-SSP-4011-25-D3-BZ (25' X 4" STEEL SQUARE POLE, 2@90°)
 (2) CL-SSP-4011-25-D5-BZ (25' X 4" STEEL SQUARE POLE, 3@90°)

Additional Equipment:
(20) OSQ-ML-DA__ (Direct Arm Mount)
(6) OSQ-BLSMF (Back light Shield)

*** CUSTOMER TO VERIFY ORDERING INFORMATION AND CATALOGUE NUMBER PRIOR TO PLACING ORDER ***

*** A Light by Others ***

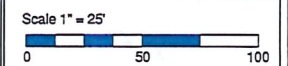


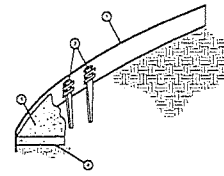
CASE # 00489070

Footcandles calculated at grade

Filename: OLV-220331PSPALJSR2.

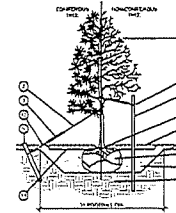
Layout By:
Linda Schaller





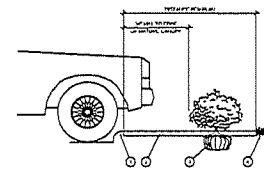
1. STEEL PLATE
2. CONCRETE BASE
3. ASPHALT SURFACE
4. FINISHED GRADE
- NOTE:
1. STEEL PLATE SHALL BE 1/2" THICK, 12" WIDE, AND 10' LONG.
2. CONCRETE BASE SHALL BE 4" THICK, 12" WIDE, AND 10' LONG.
3. ASPHALT SURFACE SHALL BE 2" THICK, 12" WIDE, AND 10' LONG.
4. FINISHED GRADE SHALL BE 1" THICK, 12" WIDE, AND 10' LONG.

D STEEL EDGING
SCALE: NOT TO SCALE



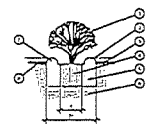
1. TREE TRUNK
2. ROOT BALL
3. BACKFILL
4. MULCH
5. WATERING
6. PRUNING
7. FERTILIZER
8. IRRIGATION
9. WINDBREAK
10. SHADE
11. SUPPORT
12. PROTECTION
- NOTE:
1. TREE TRUNK SHALL BE 12" IN DIAMETER.
2. ROOT BALL SHALL BE 12" IN DIAMETER.
3. BACKFILL SHALL BE 12" IN DIAMETER.
4. MULCH SHALL BE 12" IN DIAMETER.
5. WATERING SHALL BE 12" IN DIAMETER.
6. PRUNING SHALL BE 12" IN DIAMETER.
7. FERTILIZER SHALL BE 12" IN DIAMETER.
8. IRRIGATION SHALL BE 12" IN DIAMETER.
9. WINDBREAK SHALL BE 12" IN DIAMETER.
10. SHADE SHALL BE 12" IN DIAMETER.
11. SUPPORT SHALL BE 12" IN DIAMETER.
12. PROTECTION SHALL BE 12" IN DIAMETER.

A TREE PLANTING
SCALE: NOT TO SCALE



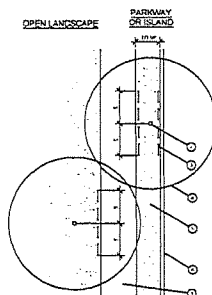
1. CAR
2. TREE
3. PARKING AREA
4. SIDEWALK

E PLANTING AT PARKING AREA
SCALE: NOT TO SCALE



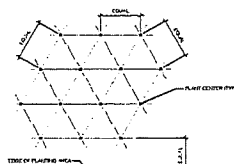
1. SHRUB
2. ROOT BALL
3. BACKFILL
4. MULCH
5. WATERING
6. PRUNING
7. FERTILIZER
8. IRRIGATION
- NOTE:
1. SHRUB SHALL BE 12" IN DIAMETER.
2. ROOT BALL SHALL BE 12" IN DIAMETER.
3. BACKFILL SHALL BE 12" IN DIAMETER.
4. MULCH SHALL BE 12" IN DIAMETER.
5. WATERING SHALL BE 12" IN DIAMETER.
6. PRUNING SHALL BE 12" IN DIAMETER.
7. FERTILIZER SHALL BE 12" IN DIAMETER.
8. IRRIGATION SHALL BE 12" IN DIAMETER.

B SHRUB AND GROUNDCOVER PLANTING
SCALE: NOT TO SCALE



1. ROOT BARRIER
2. TREE
3. PARKING AREA
4. SIDEWALK
- NOTE:
1. ROOT BARRIER SHALL BE 12" IN DIAMETER.
2. TREE SHALL BE 12" IN DIAMETER.
3. PARKING AREA SHALL BE 12" IN DIAMETER.
4. SIDEWALK SHALL BE 12" IN DIAMETER.

F ROOT BARRIER - PLAN VIEW
SCALE: NOT TO SCALE



1. PLANT
2. ROOT BALL
3. BACKFILL
4. MULCH
- NOTE:
1. PLANT SHALL BE 12" IN DIAMETER.
2. ROOT BALL SHALL BE 12" IN DIAMETER.
3. BACKFILL SHALL BE 12" IN DIAMETER.
4. MULCH SHALL BE 12" IN DIAMETER.

C PLANT SPACING
SCALE: NOT TO SCALE

CORE STATES

OLIVE GARDEN
2407 EASTON ROAD
WILLOW GROVE, PA 19090



LANDSCAPE ARCHITECT

Issue Date: 04.27.2022

REVISION INFORMATION
05.15.2022
AGENCY REVISIONS

Restaurant #: 0000

OLIVE GARDEN

2407 EASTON ROAD
WILLOW GROVE, PA 19090

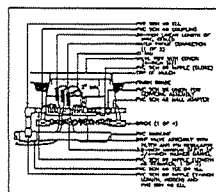
AUTHORIZED FOR
PROJECT / BID

WILLOW GROVE, PA

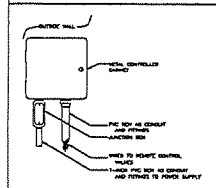
Drawing

LANDSCAPE DETAILS
& SPECIFICATIONS

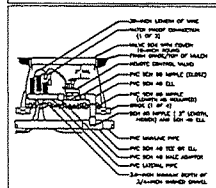
L1.2



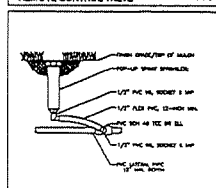
CONTROL ZONE KIT



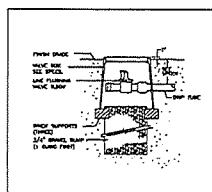
WALL MOUNT CONTROLLER



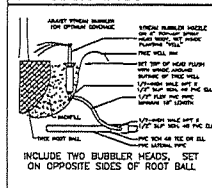
REMOTE CONTROL VALVE



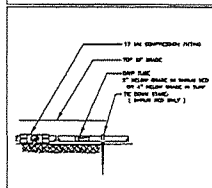
POP-UP SPRAY HEAD



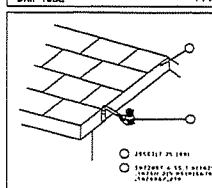
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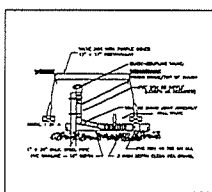
TREE BUBBLER



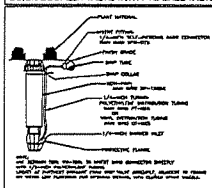
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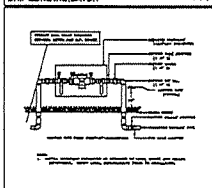
RAIN SENSOR, ROOF MOUNT



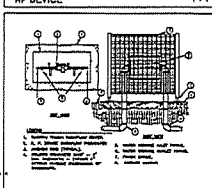
QUICK COUPLER VALVE WITH PVC BALL VALVE



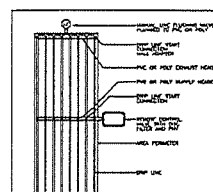
DRIP ZONE INDICATOR



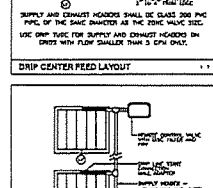
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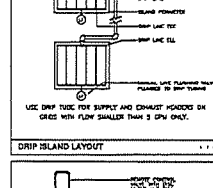
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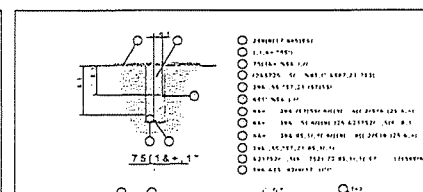
DRIP CENTER FEED LAYOUT



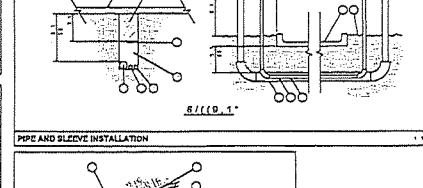
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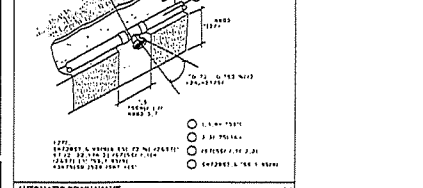
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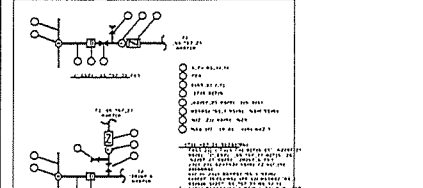
WATER TAP DIAGRAM



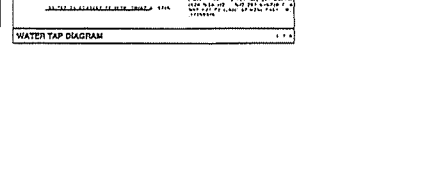
DRIP CENTER FEED LAYOUT



DRIP ISLAND LAYOUT



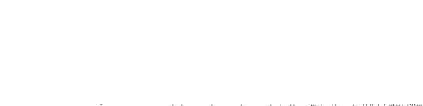
DRIP END FEED LAYOUT



DRIP CENTER FEED LAYOUT



DRIP ISLAND LAYOUT



DRIP END FEED LAYOUT

CORE STATES

100% GUARANTEE
100% SATISFACTION
100% DELIVERY

OLIVE GARDEN
ITALIAN IRRIGATION

Issue Date: 04.27.2022
Revision Information
04.27.2022
Agency Revisions

Restaurant #: 3906

OLIVE GARDEN
2402 EASTON ROAD
WILLOW GROVE, PA 15070

Authorized Rep
PERMIT FND

WILLOW GROVE, PA

Drawing

155'x37.21' (75.16)

1

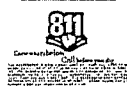


EXHIBIT B



GILMORE & ASSOCIATES, INC.
ENGINEERING & CONSULTING SERVICES

September 13, 2022

File No. 22-06026

Paul Purtell, Code Enforcement Director
Upper Moreland Township
117 Park Avenue
Willow Grove, PA 19090

Reference: 2402 Easton Road
Olive Garden Italian Kitchen
Land Development Review 2

Dear Paul:

Pursuant to your request, Gilmore & Associates, Inc. has reviewed the submitted land development plans for the above-referenced project. Upon review, we offer the following comments for consideration by Upper Moreland Township.

I. Submission

- A. Preliminary/Final Land Development Plans, prepared for Olive Garden Italian Kitchen, prepared by Core States Group, dated April 27, 2022, last revised August 18, 2022 consisting of Sheets 1 to 24 of 24.
- B. Drainage Area Plans, prepared by Core States Group, dated April 27, 2022, last revised August 18, 2022.
- C. Stormwater Management Report, prepared by Core States Group, dated April 27, 2022, last revised August 19, 2022.
- D. Photometric Plan prepared by CREE Lighting, dated August 17, 2022, consisting of one (1) sheet.
- E. ALTA/NSPS Land Title Survey prepared by Civil & Environmental Consultants, Inc. dated December 8, 2021, consisting of one (1) sheet.

II. General Information

The subject property, TMP #59-00-05257-00-3, is located at 2402 Easton Road within the Township's C-2 Commercial and M Multiple Dwelling Zoning Districts between Sycamore Avenue and Home Depot Drive. The two-acre property contains the Brick House restaurant with associated parking areas, landscaping, lighting, and pedestrian walkways. Runoff from the existing improvements is collected by inlets and discharges to an existing basin located on the adjacent property to the south. The Applicant is proposing to demolish the existing restaurant building and a portion of the parking area to construct a 6,501 square-foot Olive Garden restaurant. Additional improvements include parking area reconfiguration, landscaping, lighting, and underground utility improvements. To handle runoff from the proposed improvements, the Applicant is proposing to install an underground detention basin. The site will continue to be serviced by public water and sewer.

III. Review Comments

A. Zoning Ordinance

We have identified no issues with the proposed plan with respect to the requirements and provisions of the current Upper Moreland Township Zoning Ordinance (Chapter 350).

65 East Butler Avenue | Suite 100 | New Britain, PA 18901 | Phone: 215-345-4330 | Fax: 215-345-8606

B. Waiver Requests

1. §300-17.D – From the requirement that no less than 20 feet of open space be provided between the curb line of any parking areas and the outside wall of the principal building.
2. §300-18 – From the requirement to install sidewalks along Easton Road.
3. §300-19.A(7) – To permit 6-inch reveal curbs where 8-inch reveal is required by Ordinance.
4. §300-52.C – To allow the use of an aerial photograph plan in-lieu-of survey of all existing features within 400 feet of the property.
5. §300-43.D(2) – To permit rows of parking with 15, 18, 19, and 25 spaces where the maximum per Ordinance is 12 spaces.

C. Subdivision and Land Development Ordinance (SALDO)

We have identified the following issues with respect to the requirements and provisions of the current Upper Moreland Township Subdivision & Land Development Ordinance (Chapter 300):

1. §300-14.G – The Board of Commissioners (Board) may grant modification to the requirements of this ordinance provided the Applicant proves undue hardship. Any waivers should be formally requested from the Township unless the plans are revised to address all comments of this letter relative to the SALDO and Stormwater Ordinances.
2. §300-16 – We defer to McMahon & Associates, Inc. with respect to site access and circulation.
3. §300-26 – The plans should be submitted to the Upper Moreland – Hatboro Joint Sewer Authority for review.
4. §300-27 – The plans should be submitted to Aqua PA for review and a copy of the agreement with Aqua PA provided upon receipt.
5. §300-32 – We defer to the Township's Fire Marshal for review and approval of the plans. Approval from the Fire Marshal is required prior to recording of the plan.
6. §300-34.F – The Applicant is required to contribute a fee-in-lieu of open space dedication in accordance with this section. We calculate the fee based on 6,501 S.F. of leasable floor area within the building and \$500.00 per 1,000 S.F. of required open space, to be \$650.10.
7. §300-39 – We defer review of the plans with respect to the landscaping requirements of the Ordinance to McCloskey & Faber.
8. §300-59 – The Applicant is required to post financial security to guarantee the construction of the proposed improvements. An Engineer's Opinion of Probable Cost was included with this plan submission and we will review under separate cover.
9. The Applicant is responsible for all other required approvals, permits, etc. (i.e., MCPC, MCCD, PADEP, PennDOT, Municipal Authority, Fire Marshal, etc.) Copies of these permits or approvals shall be forwarded to the Township.


D. Stormwater Management Ordinance

We have identified the following issues with the proposed plan with respect to the requirements and provisions of the current Upper Moreland Township Stormwater Management Ordinance (Chapter 287):

1. The applicant is required to enter into a Stormwater Ownership & Maintenance Agreement with the Township for the proposed on-site stormwater controls. The document will be prepared by the Township Solicitor and executed prior to recording of the plan.

If you have any questions regarding the above, please contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read "James J. Hersh".

James J. Hersh, P.E.
Senior Project Manager
Gilmore & Associates, Inc.

JJH/

cc: Mathew Candland, Township Manager
Sean Kilkenny, Esq., Township Solicitor
Kim Flanders, RLA, McCloskey & Faber, PC
Chad Dixon, P.E., McMahon & Associates
Brian Searcy, P.E., Core States Group
Sandi LeBlanc, Olive Garden Holdings, LLC

EXHIBIT C



McCloskey & Faber, P.C.

Landscape Architecture • Land Planning • Graphic Design

September 12, 2022

Mr. Paul E. Purtell
Director, Code Enforcement
Upper Moreland Township
117 Park Avenue
Willow Grove, PA 19090

Reference: Second Landscape Plan Review for **Olive Garden, 2402 Easton Road**, Upper Moreland Township, Montgomery County, PA; M&F No. 215

Dear Mr. Purtell:

We are in receipt of a revised Land Development Plan submission consisting of thirty-two sheets dated August 18, 2022 prepared by Core States, Inc. Proposed landscape development is shown on Sheets L1., L1.2 & LS1, prepared by Evergreen Design Group, in conjunction with Core States, Inc. Existing site conditions were observed on June 30, 2022.

The applicant proposes to construct an Olive Garden restaurant with associated parking within the existing parking lot of the former Brick House Restaurant. The site is located in the C-2 Commercial and M-Multiple Dwelling Districts.

We offer the following comments relative to the *landscape-related waiver* request:

1. Section 300-43. D (2) - No objection.

The proposed plans show rows of parking of 15, 18, 19 and 25 spaces which exceed the 12-space maximum. The 18, 19 and 25 are pre-existing non-conforming conditions. The proposed row of 15 parking spaces is in front of the building, where currently 14 spaces exist. While this increases the existing non-conformity, we note that the parking row is adjacent to landscaped greenspace between the proposed building and sidewalk, and the parking field overall is not a "sea" of parking.

During our reviews, we have identified additional potential landscape-related waivers not requested, but appear to be necessary. We offer the following comments:

1. Section 300-43. D. (1) (d) - No objection.

Proposed islands are less than the 15' width required. We note that three proposed end islands near the building, while not meeting the 15' width, are wider than existing. Furthermore, irrigation is proposed within the parking lot islands. *No objection.*

McCloskey & Faber, P.C.

Mr. Paul Purtell, Director, Code Enforcement
2402 Easton Road – Olive Garden Restaurant
September 12, 2022
Page 2

2. Section 300-43. D. (1) (g) - *No objection.*

Parking lot trees shall be a minimum of three inches in caliper. Four of the proposed parking lot trees are specified to be 1.5" caliper in order to replace poor / dead trees within two existing 4-foot wide islands. The root ball of a larger tree would be too large to appropriately install within the narrow islands.

3. Section 300-45. A. Replacement trees - *No objection.*

Trees proposed to be removed are assumed to be Parking Lot landscaping and Individual Lot Landscaping that were required trees per the previous development of this site. The Applicant will be replacing the quantity of trees removed and previously proposed.

We have the following *technical plan* comments and recommendations:

LANDSCAPE PLAN REQUIREMENTS (Article 5, Section 300-42)

1. Parking lot striping, shown on the previous submission, should be added back to the Landscape Plan.
2. The Landscape Plan was revised to depict existing and proposed underground pipes. As much as is feasible, we recommend that proposed trees are located no closer than 5 feet horizontally from any underground utility.
3. A detailed landscape cost estimate dated August 18, 2022 and prepared by the Project Landscape Architect was included with submission. (Section 300-42 Q.) Unit prices as presented are acceptable. Quantities are to be revised to reflect the Plant Schedule once the final plant count has been determined based on responses to comments in this review. Furthermore, we recommend a line item is included for Irrigation.

PLANTING REQUIREMENTS (Article 5, Section 300-43)

A. Street Trees (Section 300-43, A.)

1. Existing street trees are proposed to be preserved. For clarity, the "Landscape Compliance" table should be revised to include a designation that this is an existing non-conformity.

B. Screen Buffer (Section 300-43, C.)

1. Existing Screen Buffer at residential boundary is in poorly maintained condition. Arborvitae screen is failing due to competition with larger existing deciduous, evergreen and invasive trees.
 - 1.1. Where arborvitae are to remain, conflicting overhanging branches from deciduous trees should be removed. The note added to the Landscape Plan relative to existing buffer should be expanded to include this information.

McCloskey & Faber, P.C.

Mr. Paul Purtell, Director, Code Enforcement
2402 Easton Road – Olive Garden Restaurant
September 12, 2022
Page 3

1.2. Dead arborvitae should be replaced with shade tolerant evergreen and deciduous shrubs that will attain a mature height of 8 feet.

1.2.1. 9 dead arborvitae were noted during our review. Gaps for 5 additional shrubs were noted for a total of 14 shrubs recommended. The plan was not fully revised to satisfy this comment. We reached out to the Project Landscape Architect to discuss this in further detail.

1.2.2. A minimum of 25% of the proposed shrubs must be native or adaptive per Table 3.

1.2.3. A minimum of 50% of the shrubs should be evergreen per 300-43 C (4)(a).

C. Parking Area Landscaping (Section 300-43, D.), Individual Lot Landscaping (Section 300-43, G.)

1. Existing Red Maple tree (in poor condition) in island at Sycamore Road entrance (NW of Olive Garden) conflicts with proposed location of one 27' tall light standard. We recommend removal of this tree and replacement with a columnar form shade tree shifted further from the proposed light standard. This comment was not fully addressed with the plan revisions.

The above Landscape Plan review is based on our review of the drawings submitted. It is recommended that the Applicant and their Landscape consultant review and address the recommendations listed in this letter. Further comments may be forthcoming following our review of the revised drawings addressing the above comments.

We trust that this landscape plan review letter responds to your request and satisfactorily addresses the landscape ordinance requirements that are apparent to us at this time. If you or the Township have any questions, or require clarification, please contact me.

Very truly yours,



Kimberli J. Flanders, R.L.A.
Assistant to Township Landscape Architect

cc: Matt Candland, Township Manager, Upper Moreland Township (email)
David Elsler – Upper Moreland Township (email)
Jim Hersh, P.E. – Township Engineer (email)
Sean Kilkenny, Esq. and Alex Baumler – Township Solicitor (email)
Brian L. Searcy, PE, Project Engineer, Core States, Inc. (email)
Christopher Lang, E.I.T, Senior Project Designer, Core States Group (email)
Eric M. Shepley, RLA, Project Landscape Architect, Evergreen Design Group
Sandi LeBlanc, L. D. Reeves & Associates Inc., Applicant's representative (email)
Shannon Dunn, Development Manager, Darden (email)
James R. Faber, ASLA, Township Landscape Architect (email)

EXHIBIT D



September 8, 2022

Mr. Paul Purtell
Director of Code Enforcement
Upper Moreland Township
117 Park Avenue
Willow Grove, PA 19090

RE: **Traffic Review #2 – Preliminary/Final Land Development Plans**
Olive Garden – 2402 Easton Road (S.R. 0611)
Upper Moreland Township, Montgomery County, PA
McMahon Project No. 822632.11

Dear Paul:

Per the request of the Township, McMahon Associates, Inc., a Bowman company, (McMahon) has prepared this letter that summarizes our second (2nd) traffic engineering review of the proposed development to be located at 2402 Easton Road (S.R. 0611) in Upper Moreland Township, Montgomery County, PA. Based on our review of the plans submitted for review, the proposed development will consist of demolishing the existing 7,127 square-foot Brick House Tavern and replacing it with a 6,501 square-foot Olive Garden restaurant. Access to the site will continue to be provided via the existing accesses along Easton Road (S.R. 0611) and Sycamore Avenue. It should be noted that the as part of this development, the northern Easton Road (S.R. 0611) driveway will be modified to provide ingress-only access to the site.

The following documents were reviewed and/or referenced in preparation of our traffic review:

1. Preliminary/Final Land Development Plans for The Olive Garden Italian Kitchen, prepared by CoreStates Group, last revised August 18, 2022.
2. Response to Comments Letter – Olive Garden (2402 Easton Road), prepared by CoreStates Group, dated August 18, 2022.
3. Waiver Request Letter – Olive Garden (2402 Easton Road), prepared by CoreStates Group, dated August 18, 2022.

Based on our review of the documents listed above, McMahon offers the following comments for consideration by the Township and action by the applicant:

1. The applicant is requesting a waiver from the following ordinance requirements:
 - Section 300-17.D – requiring a minimum of 20 feet of open space to be provided between the curb line of any parking area and the outside wall of a building.
 - Section 300-18 – requiring sidewalk to be provided along the Easton Road (S.R. 0611) site frontage.
 - Section 300-19.A(7) – requiring all curbs to be installed with an 8-inch reveal.
 - Section 300-43.D(2)(b) – requiring a maximum of 12 parking spaces in a row without provision of a landscaped parking island.

425 Commerce Drive, Suite 200, Fort Washington, PA 19034
P: 215.283.9444
mcmahonassociates.com | bowman.com

2. The applicant has provided sight triangles on the plans at the southern driveway along Easton Road (S.R. 0611) and the Sycamore Avenue driveway. The actual sight distance measurements (in feet) should also be depicted on the plans for these driveway locations.
3. Planned roadway improvements on Easton Road (S.R. 0611) may require minor widening along the site frontage of the Olive Garden. The improvement may require right-of-way from the applicant outside of the existing right-of-way. We recommend that the Township discuss this issue further with the applicant to ensure the needed right-of-way for the Easton Road (S.R. 0611) can be secured as part of the land development process or at a future time.
4. The Township Fire Marshal should review the emergency vehicle turning templates for accessibility and circulation needs of emergency apparatus. Ensure that any correspondence, including any review comments and/or approvals, is included in subsequent submissions.
5. Review of the on-site ADA ramps has not been completed by our office, but these ramps must be designed by the applicant's engineers to comply with Federal/PennDOT design standards for ADA facilities.
6. The applicant should coordinate with SEPTA and the Township about the location and existing conditions of the existing bus stop located at the corner of southern driveway along Easton Road (S.R. 0611). Both parties should discuss to determine if there is a more desirable location for the bus stop, and whether additional bus stop amenities should be installed, such as an ADA-compliant bus loading landing.
7. The "Stop" sign on the driveway approach to Sycamore Avenue should be clearly labeled on the plans.
8. The "One-Way" sign on the southern side of the northern Easton Road (S.R. 0611) driveway should be relocated closer to Easton Road (S.R. 0611) and angled so that it is facing southbound Easton Road (S.R. 0611) traffic. In addition, a large arrow pavement marking pointing into the site should be shown on the plans at the eastern end of this driveway.
9. The proposed development will be subject to the Township's Transportation Impact Fee of \$1,904 per "new" afternoon peak hour trip in accordance with the Township's *Transportation Impact Fee Ordinance*. Based on Land Use Code 932 (High-Turnover Sit-Down Restaurant) in ITE's publication, *Trip Generation Manual, 11th Edition*, the existing 7,127 square-foot Brick House Tavern would be expected to generate 37 "new" trips during the weekday afternoon peak hour and the proposed 6,501 square-foot Olive Garden restaurant would be expected to generate 34 "new" trips during the weekday afternoon peak hour. Therefore, the proposed Olive Garden restaurant is not subject to the transportation impact fee because it can be expected to generate fewer "new" trips during the weekday afternoon peak hour than the previous use of the site.
10. A PennDOT Highway Occupancy Permit is required for any modifications located within the right-of-way of Easton Road, since Easton Road (S.R. 0611) is a State Roadway. If the applicant pursues any work within the legal PennDOT right of way, the Township and our office must be copied on

all correspondence and submissions to PennDOT, as well as invited to any meetings between the applicant and PennDOT.

11. A response letter must be provided with the resubmission detailing how each comment below has been addressed, and where each can be found in the resubmission materials (i.e., page number(s)) to assist in the re-review process. Additional comments may follow upon review of any resubmitted materials during the land development process.

We trust that this review letter responds to your request and satisfactorily addresses the traffic issues that are related to the proposed development apparent to us at this time. If you or the Township have any questions, or require clarification, please contact me.

Sincerely,



Chad Dixon, AICP, PP
Senior Project Manager

CED/BMJ

cc: Matthew Candland, Upper Moreland Township Manager
Jim Hersh, P.E., Gilmore & Associates

I:\eng\UPPERMO1\822632 - Olive Garden\Project Management\Submissions\2022-08-21 LD Plans\Review\2022-09-08 Review Letter #2 - Olive Garden.docx

EXHIBIT E

**MONTGOMERY COUNTY
BOARD OF COMMISSIONERS**

VALERIE A. ARKOOSH, MD, MPH, CHAIR
KENNETH E. LAWRENCE, JR., VICE CHAIR
JOSEPH C. GALE, COMMISSIONER



**MONTGOMERY COUNTY
PLANNING COMMISSION**

MONTGOMERY COUNTY COURTHOUSE • PO BOX 311
NORRISTOWN, PA 19404-0311
610-278-3722 • FAX: 610-278-3941
WWW.MONTCOPA.ORG

SCOTT FRANCE, AICP
EXECUTIVE DIRECTOR

July 6, 2022

Mr. Paul Purtell, Director, Code Enforcement
Upper Moreland Township
117 Park Avenue
Willow Grove, Pennsylvania 19090-3215

Re: MCPC # 22-0159-001
Plan Name: Olive Garden
(1 lot comprising approximately 2 acres)
Situate: 2402 Easton Road (cross streets: Sycamore Avenue and Mill Road)
Upper Moreland Township

Dear Mr. Purtell:

We have reviewed the above-referenced land development in accordance with Section 502 of Act 247, "The Pennsylvania Municipalities Planning Code," as you requested on June 8, 2022. We forward this letter as a report of our review.

BACKGROUND

The applicant, Olive Garden Holdings LLC, is proposing to construct a new 6,501 square-foot restaurant. The property contains an existing building which would be demolished; the proposed restaurant would be constructed in approximately the same location on the site. While the location of the existing driveways would remain the same, the proposal includes the reconstruction of portions of the parking lot, including improvements to the ADA parking and access, and an underground stormwater basin. The property is split-zoned, located in both the C-2 Commercial and M-Multiple Dwelling zoning districts. The use "restaurant" is permitted in the C-2 District by Special Exception (§ 350-75), but is not listed as a permitted use in the M-District. The property is served by public water and sewer.

COMPREHENSIVE PLAN COMPLIANCE

MONTCO 2040 – The proposal is generally consistent with the county's comprehensive plan, *MONTCO 2040: A Shared Vision*, which shows the proposed area as "Community Mixed Use and Services Area". Community Mixed Use areas are designed to serve as local destinations for retail and services.

Upper Moreland 2040 Comprehensive Plan – The property is located in the Commercial Mixed Use future land use area. The comprehensive plan states that commercial mixed use areas consist primarily of suburban style



"strip commercial" development. Pedestrian connectivity and design should be enhanced while respecting the area's suburban character.

RECOMMENDATION

The Montgomery County Planning Commission (MCPC) generally supports the applicant's proposal, however, in the course of our review we have identified the following issues that the applicant and township may wish to consider prior to final plan approval. Our comments are as follows:

REVIEW COMMENTS

NONCONFORMING USE

The property is split-zoned, located in both the C-2 Commercial and M-Multiple Dwelling zoning districts. Restaurant uses are permitted in the C-2 District by Special Exception (§ 350-75), but are not permitted in the M-District. The proposed restaurant would be a continuation of the previous use; therefore, the proposed use would be an existing nonconforming use that would be required to adhere to the standards of Article XXVII Nonconforming Use § 350-223. We do not find issue with the continuation of the use, and defer to the township zoning officer to determine if it is appropriate to classify the property as an existing nonconforming use.

IMPERVIOUS COVERAGE

- A. Proposed New Impervious Coverage. The proposed development appears to have less impervious coverage (79.4%) than the existing conditions (81.5%), which is supported by the impervious coverage calculations on Sheet no. C5.1. However, the chart also lists 34,096 square feet, or 0.78 acre, of "proposed new impervious coverage." The calculations do not appear to match with the total area (87,151 square feet), and it is not clear on the plans where the 34,096 square feet of proposed additional impervious coverage would be located on the site. If there is a significant amount of new impervious as this chart suggests (Sheet no. C5.1), there may need to be additional stormwater management controls to mitigate the additional coverage. We commend the applicant for proposing BMPs and underground stormwater detention basin. We defer to the township to determine if there are flooding or other stormwater issues on the site. If there are existing issues, this may be an appropriate time to see if they could be addressed.

STREETSCAPE

- A. Sidewalk and Street Trees. There is no sidewalk currently along the Easton Road frontage of the property. The township's Subdivision and Land Development Ordinance (SALDO) requires that sidewalks be provided along all streets (§ 300-18). The abutting property to the north has sidewalks, as do other properties on both sides of Easton Road. We support the continuation of sidewalks in order to enhance pedestrian connectivity, and feel that this land development creates an opportunity to contribute to the furtherance of the pedestrian network.
- B. Street Trees. We commend the applicant for proposing to preserve two existing trees along the Easton Road frontage. However, we support the planting of additional trees to provide shade for the parking area and recommended sidewalk. The township SALDO requires street trees to be planted when a sidewalk is

constructed (§ 300-43.A). Due to the location of the parking area in relation to Easton Road, there may not be space to have both a sidewalk and street trees. In order to accommodate additional trees, we recommend the applicant consider adding trees to planting islands along the frontage of the property. Parking lot planting islands are required every twelve parking spaces (§ 300-43.D); the proposed parking lot would maintain the existing layout with 19 parking spaces in a row along the property frontage. We suggest that this length of a parking row would benefit from a planting island.

1. Parking. The applicant is proposing fewer parking spaces than what is currently provided on the property, and would meet the parking requirements for the restaurant use, per § 350-178.B(7). In order to make the additional room that would be needed to accommodate the street trees, however, we suggest that the township coordinate with the applicant to determine if it would be feasible to reduce the amount of parking.

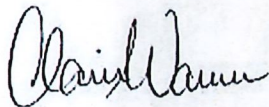
CONCLUSION

We wish to reiterate that MCPC generally supports the applicant's proposal but we believe that our suggested revisions will better achieve Upper Moreland's planning objectives for development along commercial corridors.

Please note that the review comments and recommendations contained in this report are advisory to the municipality and final disposition for the approval of any proposal will be made by the municipality.

Should the governing body approve a final plat of this proposal, the applicant must present the plan to our office for seal and signature prior to recording with the Recorder of Deeds office. A paper copy bearing the municipal seal and signature of approval must be supplied for our files. Please print the assigned MCPC number (22-0159-001) on any plans submitted for final recording.

Sincerely,



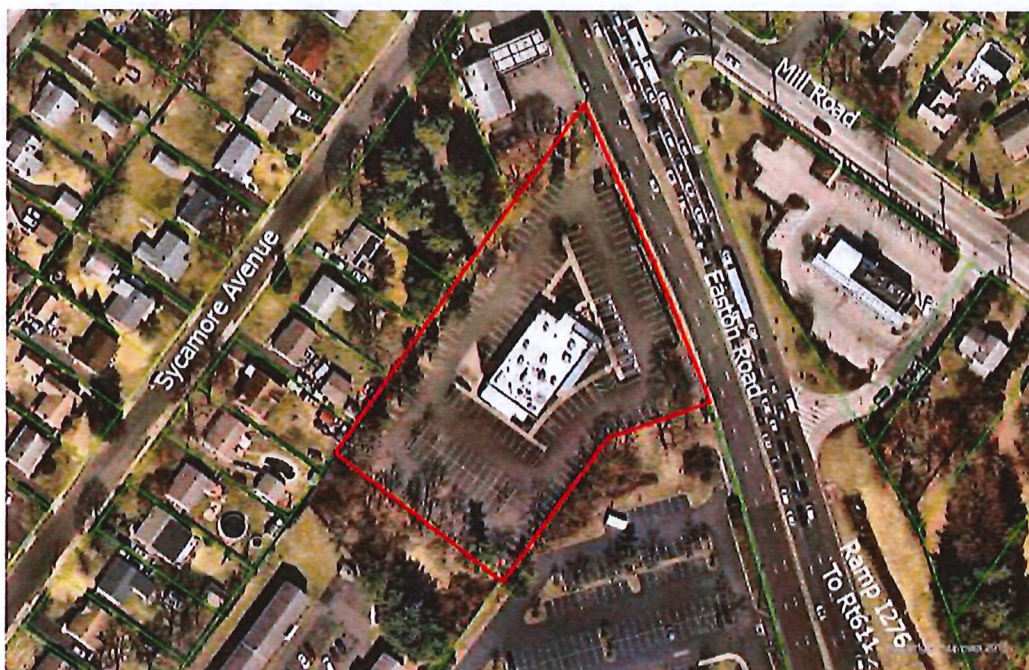
Claire Warner, Community Planner II
cwarner@montcopa.org – 610-278-3755

c: Sandi LeBlanc, Olive Garden Holdings LLC, Applicant's Representative
Brian Searcy, Core States Group, Applicant's Engineer
Larosa Real Estate Investment Partnership LP
Gerald Foley, Chair, Township Advisory Planning Agency
Matt Candland, Manager, Upper Moreland Township

Attachment A: Aerial Image of Site

Attachment B: Reduced Copy of Applicant's Proposed Site Plan

ATTACHMENTS A & B



Olive Garden
MCPC#220159001

Montgomery
County
Planning
Commission
Montgomery County Courthouse - Planning Commission
300 West 12th Street, Suite 1000
Columbia, MD 21040
www.montgomeryplanning.com
Aerial Photography provided by GeoEye

0 50 100 200 Feet



July 6, 2022



TRANSMITTAL LETTER

TO:
Upper Moreland Township
Planning, Zoning & Inspections
117 Park Avenue
Willow Grove, Pa. 19090
267-607-1034

FROM: Sandi LeBlanc
804.389.9449

DATE: 10/17/22

RE: Olive Garden
2402 Easton Road, Willow
Grove, PA 19090

CC:

☐ **URGENT** ☐ **FOR REVIEW&COMMENT** ☒ **USE** ☐ **INFORMATION** ☐ **OTHER**

COPIES
1

DESCRIPTION
Signed Resolution R-2022-31

Receipt for delivery of the materials itemized above

16321 CHINOOK DRIVE SOUTH CHESTERFIELD, VA 23803
TELEPHONE 804.389.9449 FAX 941-575-9885

EXHIBIT

B

TOWNSHIP of UPPER MORELAND

Montgomery County, Pennsylvania

117 Park Avenue, Willow Grove, PA 19090-3215

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Assistant Township Manager/

Director of Finance

ALEX H. LEVY

Township Treasurer

SEAN P. KILKENNY, ESQ.

Township Solicitor

Agenda Summary

Community Development Committee Meeting – June 13, 2022

Public Hearing – October 3, 2022

Regular Meeting - November 14, 2022

Agenda Item:	95 N York Road Conditional Use Decision
Recommended Action:	Render decision on Conditional Use Application
Background/Analysis:	A public hearing was held for the Conditional Use Application for the applicant, JERC Partners XXXIX, LLC, for the property located at 95 North York Road known as the Stations at Willow Grove. The application was for previously approved for mixed-use area of both office and retail. Applicant wishes to use area for all office.
Fiscal Impact/Source:	N/A
Alternatives:	Decision required on the Conditional Use Application
Attachments:	Conditional Use Application and Order
Prepared by:	Paul Purtell, Director of Code Enforcement
Committee Recommendations:	At the October 3, 2022 public hearing for the Conditional Use Application of JERC Partners XXXIX, LLC, it was recommended that the Board of Commissioners approve the Conditional Use Application and Order at their November 14, 2022 Regular Meeting.

**BEFORE THE
BOARD OF COMMISSIONERS
OF UPPER MORELAND TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

IN RE: JERC Partners XXXIX, LLC

APPLICATION NO.: Conditional Use # 22-0030

PREMISES: 73 N. York Road/91 N. York Road, Willow Grove, PA 19090

APPLICATION: Conditional Use Addendum: Mid-Rise Apartment-Office/Commercial Building in the Town Center District

MEMBERS PRESENT: Clifton McFatridge, President
Cheryl Lockard, Vice President
Charles M. Whiting, Commissioner
Kevin C. Spearing, Commissioner
R. Samuel Valenza, Commissioner
Nicholas Scull, Commissioner
Anthony Prousi, Commissioner

DECISION AND ORDER

FINDINGS OF FACT

1. This conditional use application (the “Application”) involves the property located at 73 N. York Road and 91 N. York Road, Willow Grove, PA 19090 in the Town Center Zoning District, Montgomery County Tax Parcel Number 59-00-19807-00-6 (the “Property”), which consists of approximately 5.394 acres of land.

2. JERC Partners XXXIX, LLC, a/k/a J.G. Petrucci (the “Applicant”) was previously granted conditional use approval pursuant to Upper Moreland Township Decision and Order 2017-09, a modification of the same regarding sidewalks per Upper Moreland Township Decision and Order 2019-50, as well as lot consolidation and land development approval by the Board of Commissioners to construct a mixed used, mid-rise apartment and office/commercial development with a parking garage/structure, more commonly known as the “Station at Willow Grove” (the “Development”).

3. Section 350-260.A. of the Zoning Ordinance permits mixed use structures containing two or more permitted or conditional uses and Section 250-260.B permits apartments, mid or high rise, by conditional use in the Township’s Town Center Zoning District.

4. Pursuant to the prior Conditional Use Decisions and Orders, the Development is required to have “no less than 2,000 square feet of designated office and retail space on the first floor”.

5. The Applicant has undertaken the construction of the Development and is nearing completion of the project. (*See* Conditional Use Application).

6. While the prior Conditional Use Decisions and Orders require the Applicant to provide “no less than 2,000 square feet of designated office *and* retail space on the first floor”, Applicant believes that this requirement conflicts with the Section 350-260.B of Township Zoning Ordinance which permits mid-or high-rise apartments with a first floor having “no less than 2,000 square feet of office *or* retail uses.

7. On August 11, 2022, Applicant filed a conditional use addendum application seeking a modification of the conditional use approval granted by Resolution R-2017-09 to allow its mid-or high-rise apartment with a first floor having “no less than 2,000 square feet of office *or* retail uses.

8. Notice of the conditional use hearing on the application was duly published twice in the local newspaper of record, the Legal Intelligencer, on September 18, 2022, and September 25, 2022.

9. Neither the Applicant, nor the Applicant’s attorney of record James J. Garrity of Wisler Pearlstine, LLP, appeared at the public hearing before the Board of Commissions held on October 3, 2022.

10. At the hearing the Township admitted the application and supporting materials and the proofs of publication of the hearing advertisements into the record. Public comment was entertained. No member of the public requested formal objector status to the hearing.

CONCLUSIONS OF LAW

1. Section 350-260.A. of the Zoning Ordinance permits mixed use structures containing two or more permitted or conditional uses and Section 250-260.B permits apartments, mid or high rise, by conditional use in the Township’s Town Center Zoning District.

2. Section 350-350.B(1) of the Zoning Ordinance requires fifty percent of the first floor of the building located along the street frontage on York Road, Easton Road, and Davisville Road to be office or retail uses, unless the Board of Commissioners, under § 350-265, Bonus provisions for conditional uses, allows less than 50% of the first floor, but no less than 2,000 square feet to be office or retail uses.

3. Applicant, as the legal owner of the Property, possesses standing to apply for the conditional use. *See* 53 P.S. § 10107.

4. A conditional use applicant bears the burden of establishing that the proposed conditional use satisfies the criteria in the municipality’s zoning ordinance. *Kretschman Farm, LLC v. Twp. of New Sewickly*, 131 A.3d 1044, 1053 (Pa. Commwlth. Ct. 2016).

5. “The fact that a use is permitted as a conditional use evidences a legislative decision that the particular type of use is consistent with the zoning plan and presumptively

consistent with the health, safety and welfare of the community.” *In re Cutler Group, Inc.*, 880 A.2d 39, 42 (Pa. Commw. Ct. 2005).

6. A township’s governing body is the fact-finder at conditional use proceedings, charged with the responsibility of determining credibility and the weight to assign the evidence. *Kretschmann Farm*, 131 A.3d at 1053.

7. If a conditional use applicant persuades a township’s board of commissioners that the application complies with the zoning ordinance, a presumption arises that the proposed use is consistent with the general welfare of the community; the burden then shifts to objectors to rebut the presumption by proving that there is a high degree of probability the proposed use will adversely affect the welfare of the community in a way not normally expected from the type of use, and that those impacts would pose a substantial threat to the health and safety of the community. *See Kretschmann Farm*, 131 A.3d at 1053; *In re Cutler Group, Inc.*, 880 A.2d at 43; *Allegheny Tower Assocs., LLC v. City of Scranton Zoning Hearing Bd.*, 152 A.3d 1118, 1125 (Pa. Commw. Ct. 2017).

8. “Pointedly, a conditional use application must be granted unless objectors present sufficient evidence that the proposed use has a detrimental effect on the public health, safety and welfare.” *Kretschmann Farm*, 131 A.3d at 1053.

9. The Upper Moreland Township Board of Commissioners (the “Board”) finds that the condition contained in Township Conditional Use Decision and Order 2017-09 which requires “no less than 2,000 square feet of designated office *and* retail space on the first floor” was not drafted in error.

10. The Board finds that the Applicant has intensely marketed the first-floor office/retail space for retail use but has been unsuccessful in its efforts to obtain a retail tenant given current market conditions and perceived issues with parking at the Property.

11. No objectors appeared at the hearing to present evidence that the proposed use would detrimentally affect the public health, safety and welfare of the Township.

12. Therefore, absent evidence presented by objectors that the proposed use has a detrimental effect on the public health, safety and welfare of the Township, the Board must grant the Applicant’s requested modification to its prior grant of conditional use.

**BEFORE THE
BOARD OF COMMISSIONERS
OF UPPER MORELAND TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

IN RE: JERC Partners XXXIX, LLC

APPLICATION NO.: Conditional Use # 22-0030

PREMISES: 73 N. York Road/91 N. York Road, Willow Grove, PA 19090

APPLICATION: Conditional Use Addendum: Mid-Rise Apartment-Office/Commercial Building in the Town Center District

MEMBERS PRESENT: Clifton McFatrige, President
Cheryl Lockard, Vice President
Charles M. Whiting, Commissioner
Kevin C. Spearing, Commissioner
R. Samuel Valenza, Commissioner
Nicholas Scull, Commissioner
Anthony Prousi, Commissioner

ORDER

AND NOW, this 14th day of November, 2022, upon consideration of Applicant JERC Partners XXXIX, LLC's conditional use application #22-0030 and evidence and testimony presented by the Applicant at the June 13, 2022 Board of Commissioners Community Development Committee Meeting and at the October 3, 2022 Conditional Use Hearing, the Upper Moreland Township Board of Commissioners hereby grants Applicant amended conditional use approval to allow the Project building's first floor to have no less than 2,000 square feet of office *or* retail uses to be as shown on the "as built" plan (the "Use"), subject to the following conditions:

1. The Use shall comply with the testimony and evidence presented at the October 3, 2022, Conditional Use Hearing; and
2. Applicant shall comply with all other comments and conditions contained in Conditional Use Decisions 2017-09 and 2019-50, incorporated by reference herein:

ATTEST:

**UPPER MORELAND TOWNSHIP
BOARD OF COMMISSIONERS**

Matthew H. Candland, Secretary

Clifton McFatridge, President

TOWNSHIP of UPPER MORELAND

Montgomery County, Pennsylvania

117 Park Avenue, Willow Grove, PA 19090-3215

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Assistant Township Manager/

Director of Finance

ALEX H. LEVY

Township Treasurer

SEAN P. KILKENNY, ESQ.

Township Solicitor

Agenda Summary

Community Development Committee Meeting - October 17, 2022

Regular Meeting – November 14, 2022

Agenda Item:	Discussion on Automate Trash Collection
Recommended Action by Committee:	Move to full Board Meeting on November 7, 2022 to accept recommendation to go to Automated trash collection.
Background/Analysis:	Since implementing automated recycling in 2019, Workman's compensation claims on the recycling side have disappeared and productivity has increased. With the increased productivity and zero compensation claims, makes me believe that automation is the way of the future for trash collection in Upper Moreland.
Fiscal Impact/Source:	\$1,542,300. 2023 \$440,300 2024 \$367,333 2025 \$367,333 2026 \$367,333 American Recovery Act, General Fund
Alternatives:	Alternatives would be to continue to collect trash with laborers
Attachments:	Report
Prepared by:	David Elsier, Director of Public Works
Committee Recommendations:	At the October 17, 2022 meeting of the Community Development Committee recommends the approval by the Board of Commissioners at their November 14, 2022 Regular Meeting, on the concept to go to automated trash collection.

AUTOMATED SANITATION COLLECTION

In 2019 Upper Moreland Township implemented Automated Recycling. The Township purchased recycling containers and an Automated Recycling Truck with DEP 902 Reimbursement grants.

Since implementing automated recycling, Workman's compensation claims on the recycling side have disappeared and productivity has increased.

With the increased productivity and zero compensation claims, makes me believe that automation is the way of the future for trash collection in Upper Moreland.

Currently, the Sanitation Division deploys 3 trash trucks which include 1 driver and 2 laborers, totaling 9 employees. Implementing automation will bring the waste collection staffing down to 3 employees.

Deploying the new automated program in a phased-in approach will allow for Upper Moreland to plan for staff reductions through attrition: In this way, retiring employees, or those lost through normal attrition reduces staffing permanently. With the operations of paving, snowplowing, yard waste, leaf collection and other Public Works activities the department will need to have a head count of 25 employees. This would be a \$325,653 yearly savings.

Automated collection has proven to significantly reduce collection worker injuries resulting in reduced workers' compensation costs, decreasing disability claims, decreasing the number and cost of light duty assignments, and reducing salary fringe benefit costs in the future. Total Lost wages in the last 5 years due to injuries collecting trash is approximately \$100,481.

What are the benefits of automated waste collection systems?

- Reduced risk of worker injury related to lifting and handling waste.
- Decrease in Workers' Compensation claims and insurance costs.
- Improves employee morale, employee retention, and employee relationships with management.
- Decreased labor costs since fully automated systems require only a driver.
- Increased productivity.

- Improved aesthetics and public health. Wheeled waste carts with lids reduce windblown litter and help control odors.

Additionally, the waste cart adds to community aesthetics by giving neighborhoods a uniform look on collection day.

Advantages and Disadvantages of Automation

FOR RESIDENTS:

- Convenient and easy method for residents to dispose of trash.
- Wheeled containers are easier, more maneuverable, and safer for residents because there is no carrying or lifting of heavy trash cans.
- The capacity of container provided is almost double the size of the 50 gallon max can that can be used.
- The containers keep rodents and pets out of trash given the tight lids.
- Containers are provided by and maintained by the Township
- Cleaner, healthier neighborhoods with no litter on streets after pickup.

DISADVANTAGE

- There will be about a 1% of the population who can't fit all their trash household trash in the one 95-gallon bin. (not including over-sized items) They can always purchase another container at our cost.
- Will have to schedule large item pickup at no cost.

FOR THE TOWNSHIP:

- Improved collection efficiency and reduced costs
- Reduced employee injuries.
- Lower turnover rate and increased productivity due to less time missed by injured employees.
- Reduced Worker's Compensation claims and insurance premiums. Total Lost wages in the last 5 years due to injuries collecting trash is approximately \$100,481.

- Reduced rodent problems.
- Cleaner, healthier neighborhoods with no litter on streets after pickup.
- Volume based containerized system helps limit overages. Helps to eliminate “over service,” as carts have a finite capacity as compared to manual bag programs. Eliminates others from bringing trash to friends’ homes or to rental properties that they own in Upper Moreland

DISADVANTAGE

- Startup costs.

FOR THE EMPLOYEE:

- A fully automated collection program enhances worker safety and comfort
- minimizes manual lifting and exposure to possible hazards in the waste such as sharp objects.
- Fully automated collection eliminates heavy lifting, walking between setouts and frequent steps on and off the truck. The mechanical arms on fully automated trucks are operated by the driver using a joystick control.
- Rather than laborers slogging through rain and avoiding ice in the winter, unsafe conditions, operators of automated refuse collection systems spend their shifts in climate controlled comfort.
- The reduced physical requirement increases the diversity and longevity of the workforce that is able to collect waste.

THE COST FOR AUTOMATION

- The cost to upgrade to automated equipment is expected to be about \$1,542,300. 3 trucks for \$1,102,000 and 6,800 95 gallon containers for \$440,300.

IMPLEMENTATION

There are many ways on how to implement this program. **Purchasing all 3 trucks and all of the containers at one time would be ideal but the onetime cost would be \$1,542,300.**

Below is what I believe would be the best implementation plan. It consists of 4 phases

Phase 1- Purchase all of the 96 gallon containers in 2023. Once ordered the containers would be delivered within 5-6 weeks. The Township would continue to collect trash with 2 laborers until the purchase of an Automated truck. All of the current trash trucks have tippers to accommodate a 96-gallon container. Lifting of the cans would be eliminated, reducing Workman's Comp Claims from the onset.

Phase 2- Order First of 3 Automated trash trucks in January 2024(Delivery late 2024 early 2025). Once the truck is purchased, Public Works would identify particular areas to begin automation based on driver routes

Phase 3- Order 2nd Automated truck in 2025

Phase 4- Order 3rd Automated truck in 2026. Fully automated.

HOW CAN WE PAY TO UPGRADE TO AUTOMATED?

- Purchase Cans with American Recovery Act Money and increase sanitation fees by \$6.50 to cover the cost of the money used for a 10-year period
- Replace Rear load trash trucks with Automated trucks in 2024, 2025 & 2026
- Elimination of lost wages \$100,481 and lesser insurance premiums
- Staff reduction of a \$325,653 yearly. Break even by staff reduction alone would be 4.75 years.

HOW LARGER ITEMS BE HANDLED?

- Large Items such as Mattresses & Box Springs, Dressers, couches, chairs and any other item that we take now and will not fit in the 96-gallon container

would have to be picked up through a permit system that would be free of charge. This would be done through the website on-line. We would continue to charge for Bulk items and E-waste.

TOWNSHIP of UPPER MORELAND

Montgomery County, Pennsylvania

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Township Treasurer

SEAN P. KILKENNY, ESQ.

Township Solicitor

Agenda Summary

Community Development Committee Meeting - October 17, 2022

Regular Meeting – November 14, 2022

Agenda Item:	UMT Letter of Support- DCNR Grant-Pennypack Trust
Attachments:	Support letter to PERT
Recommended Action by Committee:	Requesting Committee take action in support of PERT's grant application.
Background/Analysis:	The Trust is applying for a \$150,000 DCNR grant to support new and comprehensive signage and wayfinding along our 11 miles of trails that serves over 100,000 residents within a 3-mile radius of their boundaries. The Trust has committed to provide a \$140,000 cash match and up to \$10,000 in labor and project administration as in-kind match. The Trust is required to submit letters of support for this grant and would benefit from having Upper Moreland Township's support. The deadline for the support letter is Thursday, October 20, 2022.
Fiscal Impact/Source:	None.
Alternatives:	N/A
Prepared by:	Matt Candland, Township Manager
Committee Recommendation:	At the October 17, 2022 meeting of the Community Development Committee, the Committee recommends approval by the Board of Commissioners at their November 14, 2022 Regular Meeting on ratifying the Township's support letter of PERT's submission of the DCNR grant.

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Township Treasurer

SEAN P. KILKENNY, ESQ.

October 18, 2022

Mr. Chris Mendel

Executive Director

Pennypack Ecological Restoration Trust

2955 Edge Hill Road

Huntingdon Valley, PA 19006-5099

Dear Chris:

This letter is to acknowledge Upper Moreland Township's (UMT) support of the Pennypack Ecological Restoration Trust's (the Trust) grant proposal to the Department of Conservation & Natural Resources. The Trust recently served on UMT's comprehensive trails master plan committee.

We understand and fully support the Pennypack Trust in applying for a \$150,000 grant to support new and comprehensive signage and wayfinding along their 11 miles of trails that serves over 100,000 residents within a 3-mile radius of their boundaries. The Trust's trails are used by over 40,000 visitors per year and provide public access to Pennsylvania residents year-round, every day, from dawn to dusk. These trails are essential to the health and wellbeing of our residents and their appreciation of nature and open space. This signage will enhance the visitor experience by coding existing trails into exercise loops, providing interpretation on various environmental themes and concepts, and enable people to appreciate the larger trail connections between various open spaces in the region.

As the Township Manager, I am committed to ensuring residents have clean, safe, and accessible open space to enjoy and this project is critical to that goal. The Trust's trails are an essential public health amenity. A recent ROE study states that the Trust provides \$1.2M in total annual ecosystem services and is part of a county-wide network of open spaces that collectively provide \$239M in annual recreation benefits for residents, \$225M in medical costs avoided annually, and \$243M in lost productivity costs avoided annually. I strongly endorse this grant application for comprehensive signage and wayfinding.

Sincerely,

Matthew H. Candland

Township Manager

MHC/kk

cc: Board of Commissioners

Equal Opportunity Employer

VISIT US ON THE WEB @ www.uppermoreland.org

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Montgomery County, Pennsylvania

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Township Solicitor

Agenda Summary

Community Development Committee Meeting - October 17, 2022

Regular Meeting – November 14, 2022

Agenda Item:	York Road Green Light Go Project
Recommended Action by Committee:	The Township Staff reviewed the McMahon October 12, 2022 letter and recommends award of the project to Armour & Sons Electric, Inc. for \$115,700.
Background/Analysis:	The Township received a PennDOT Green Light Go Grant for improvements to four traffic signals along York Road in the amount of \$147,760 in 2021. The project includes upgrades to pedestrian countdown signals and radar/video detection.
Fiscal Impact/Source:	Township is responsible for 20% of project costs.
Alternatives:	Investigate and coordinate with PennDOT for additional improvements at the intersections to utilize balance of grant fund. Authorize staff to proceed with construction of the project up to \$147,760 if additions are approved by PennDOT for reimbursement.
Attachments:	October 12, 2022 Letter from the Township Traffic Engineer.
Prepared by:	Matt Candland, Township Manager
Committee Recommendations:	At the October 17, 2022 meeting of the Community Development Committee, the Committee recommends the Board of Commissioners award the project to Armour & Sons Electric, Inc. for \$115,700 at their November 14, 2022 Regular Meeting.



October 13, 2022

Upper Moreland Township
117 Park Avenue
Willow Grove, PA 19090

Re: Traffic Signal Improvements
Various Locations

Mr. Anton Kuhner:

After review of our bid submission, we have discovered a clerical error within our submission and request that our bid be removed from consideration.

If you require any additional information, please do not hesitate to contact me directly.

Sincerely,

A handwritten signature in blue ink, appearing to read "Raymond M. Meehan". The signature is fluid and cursive, written over the printed name and title.

Raymond M. Meehan
President



October 12, 2022

Mr. Matthew H. Candland
Township Manager
Upper Moreland Township
117 Park Avenue
Willow Grove, PA 19090

RE: Bid Recommendation
N. York Road Pedestrian and Traffic Signal Upgrades
Upper Moreland Township, Montgomery County
McMahon Project No. 821743.3A

Dear Mr. Candland:

McMahon Associates, Inc. has reviewed bids received for the above referenced project. The bids were received on October 6, 2022. Below is the summary of the bids received from five (5) contractors:

	Company	Total Bid	Status
1	Armour & Sons Electric, Inc.	\$115,700.00	Verified
2	Carr and Duff, LLC	\$126,650.00	Verified
3	Kuharchik Construction, Inc.	\$140,720.00	Verified
4	Miller Bros.	\$149,061.30	Verified
5	Lenni Electric Corporation	\$111,360.00	Withdrawn – Submitted with errors

Upon review, all the bids received appear to be acceptable and our office recommends that the governing body consider awarding the contract for the total bid amount of \$115,700.00 to the qualified low bidder, Armour & Sons Electric, Inc. of 23 East Cabot Road, Langhorne, PA 19047.

If you have any questions or require additional information, feel free to contact me at 215-433-1664.

Sincerely,

Helen L. Lam, P.E.
Project Manager

I:\eng\UPPERMO1\821743 - York Road Signal Upgrades\Correspondence\Out\2022-10-13 Bid Recommendation.docx

1515 Market Street, Suite 1360, Philadelphia, PA 19102

P: 215.433.1660

mcmahonassociates.com | bowman.com

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Montgomery County, Pennsylvania

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MATTHEW H. CANDLAND
Township Manager
RANDALL K. SCHAIBLE
*Assistant Township Manager/
Director of Finance*
ALEX H. LEVY
Township Treasurer
SEAN P. KILKENNY, ESQ.
Township Solicitor

Agenda Summary

Community Development Committee Meeting - October 17, 2022 Regular Meeting – November 14, 2022

Agenda Item:	Maryland Road Culvert
Recommended Action by Committee:	Township Staff reviewed the McMahon Sept. 9, 2022 memo and recommends to proceed with the rehabilitation alternative for the Maryland Road Culvert.
Background/Analysis:	<p>As part of PennDOT's bi-annual bridge inspection program, the culvert which carries Maryland Rd. over the Pennypack Creek was identified to need repairs. The Township considered several options to address the PennDOT deficiency letter and authorized McMahon to complete a preliminary evaluation of the alternatives.</p> <p>McMahon completed preliminary design on the Maryland Road Culvert to evaluate two options for the structure, including rehabilitation and full replacement. The rehabilitation option consists of installing new stems\foundations adjacent to the existing stems\foundations and installing a new corrugated steel arch within the existing steel arch. The hydraulic opening for the structure will be reduced and will increase the 100-year flood surface elevations with an increase of 0.08'.</p> <p>The rehabilitation option will require FEMA approval since the hydraulic opening will be reduced and Pennypack Creek is in the FEMA Zone AE. The construction cost for the rehabilitation option is \$630,260.</p> <p>The full replacement option consists of constructing a new culvert of a similar size. It is anticipated that construction can occur at half width and traffic can be maintained during construction. The construction cost for the full replacement option is \$2,868,688.</p>
Fiscal Impact/Source:	Funding will be necessary for design and construction of the selected alternative.
Alternatives:	Seek funding for Bridge rehabilitation
Attachments:	September 9, 2022 Memo from the Township Traffic Engineer
Prepared by:	Anton Kuhner, Township Transportation Engineer
Committee Recommendations:	At the October 17, 2022 meeting of the Community Development Committee, the Committee recommends approval by the Board of Commissioners at their November 14, 2022 Regular Meeting on the rehabilitation alternative for the Maryland Road Culvert.

September 9, 2022

Mr. Matthew Candland, Township Manager
Upper Moreland Township
117 Park Avenue
Willow Grove, PA 19090

Maryland Road Culvert Rehabilitation Memo
Upper Moreland Township, Montgomery County, PA
McMahon Project No. 821A20.7P

Dear Mr. Candland:

McMahon Associates, Inc. (McMahon) performed preliminary design in conjunction with the hydrologic and hydraulic analysis of the Maryland Road Culvert in order to determine if rehabilitation of the existing corrugated steel pipe arch structure is feasible. The rehabilitation option consists of the construction of a proposed abutment stem located adjacent to the existing stem and the installation of a new corrugated steel arch inside the existing steel arch (see Figure 1 below).

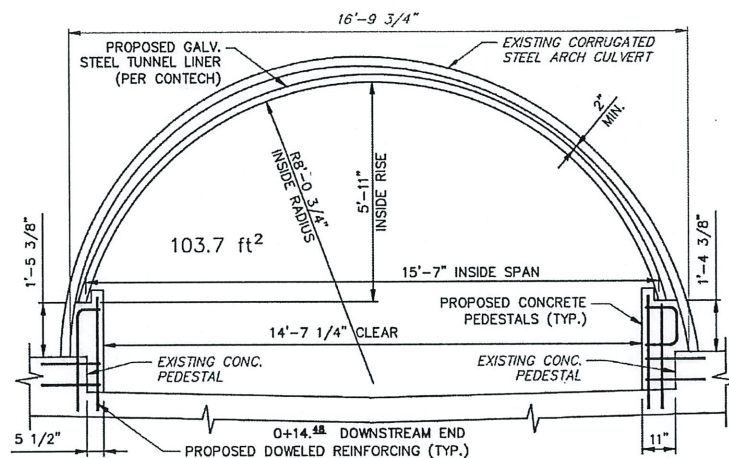


Figure 1.

Maryland Road H&H Analysis Summary

A hydrologic and hydraulic analysis was performed to compare the existing and proposed flow conditions for the Maryland Road culvert rehabilitation option. The existing culvert conveys Tributary 1 of Pennypack Creek under Maryland Road. The project is within a FEMA Zone AE, meaning the waterway has a detailed study at this location. Due to this designation, any modifications to the structure cannot raise the water surface elevation for the 100-year storm.

The hydrologic data was obtained from the Flood Insurance Study (FIS) for the tributary. To be consistent with the FEMA results, the flow rates from the study were used for this project. The hydraulic analysis was performed using HEC-RAS 6.2 software. The HEC-RAS model on file for Tributary 1 of Pennypack Creek was obtained from FEMA. The existing model generated for this project analysis used the same section locations and supplemented the ground elevations with recent surveyed data. The structure was input as a semi-circle culvert set to match the opening size of the existing culvert. The proposed design is to place a smaller CMP arch within the existing culvert. To create the proposed culvert in HEC-RAS, a semi-circle culvert with a slightly smaller opening matching the proposed size of the CMP insert was used.

The majority of the flow for the 100-year storm travels through the culvert, meaning that changes to the culvert will greatly affect the flow patterns. Table 1 represents the hydraulic changes resulting immediately upstream from the culvert opening.

100 Year Water Surface Elevations

	Existing	Proposed	Difference
Water Surface Elevation (ft)	219.93	220.01	+0.08
Velocity (fps)	2.54	2.47	-0.07

Table 1.

Although no flooding damage or erosion is expected to result from a relatively minor water surface elevation (WSE) increase of approximately one inch, no increase within a FEMA Zone AE is considered acceptable. In order to permit a rise in WSE, the facility owner must go through the lengthy CLOMR (Conditional Letter of Map Revision) process and LOMR (Letter of Map Revision) process of revising the FIS and Flood Insurance Rate Map (FIRM). The CLOMR process can take up to 18 months once the project design is complete and the LOMR process can take an additional 18 months after construction of the project is completed. The process requires concurrence from business and residential land owners that the proposed increase in the 100 year water surface elevation is acceptable.

The preliminary construction cost for the rehabilitation option is \$630,260 (see attached Rehabilitation Cost Estimate).

Requirements and constraints relative to the CLOMR and LOMR process would need to be investigated in order to determine engineering costs and timelines if the rehabilitation option is preferred.

The replacement option consists of installation of a similar aluminum structural plate arch with cast-in-place endwalls, wingwalls, and floor. The replacement option could be completed with staged construction in order to maintain one (1) lane of traffic in each direction during construction (see attached Staged Construction Drawing).

The preliminary construction cost for the replacement option is \$2,868,668 (see attached Replacement Cost Estimate).

Municipality: Upper Moreland Township, Montgomery County, Pennsylvania
Project Name: Maryland Road Culvert Rehabilitation - Option 1 (CONTECH 2 Flange Tunnel Line Plate System)
Project Number: 821A20.7P

Plan Title: Maryland Road Culvert Rehabilitation
Roadway(s): Maryland Road
Project Description: Culvert Rehabilitation along Maryland Road

Unit Costs Last Revised: 9/9/2022
Source: ECMS Bid Price History and Similar Project Experience

Disclaimer: McMahon Associates, Inc. has provided this opinion of cost as requested by the client. Please note that opinions of cost are subject to change based on plan/design revisions, fluctuations in unit costs, field conditions, and differences in locale. Opinions of cost are provided for use in budgeting, but in no way intended to be construed as a final cost for the project. Final costs are contingent only on actual bids from contractors. McMahon Associates, Inc. will not be held responsible for differences between this opinion of cost and contractor bid costs.

Item No.	Description	Cost
1	Construction Cost: 2025	\$557,660.00
2	Construction Inspection	\$52,600.00
3	Construction Cost: 2025 and Inspection	\$610,260.00
4	Right-of-Way	\$0.00
5	Utilities	\$20,000.00
6	Total Project Cost: 2025	\$630,260.00

General Notes:

1. Refer to the intersection spreadsheets details relating to cost calculations and individual intersection assumptions.
2. The contingency, inflation factor and inspection percentages are based on PennDOT Publication 352.
3. The Engineer's Conceptual Opinion of Cost does not include relocating or resetting existing underground utilities within the limits of the project, or the provision of any future utilities. Impacts to existing underground utilities will need to be determined during the project development through subsurface utility engineering. Due to visible evidence of subsurface utilities within the project area, as well as a lack of existing subsurface drainage facilities, it is recommended (and likely required by law) that utility test pits be performed during the project development.
4. Project Development includes topographic survey, environmental studies, geotechnical exploration, subsurface utility engineering, preliminary engineering, environmental permitting and final design. The Project Development cost is a rough estimate based on similar, previously completed projects.
5. The Utility Relocations cost is a rough estimate based on aerial and ground-level facilities only which may be impacted by the project. This cost is subject to change through the development of the project and based on the Utility owner's rights.
6. Based on our topographic survey and research, a rough estimate for the right-of-way costs for the project has been provided. This cost is subject to change based on appraisal values, property owner negotiations, and the development of the project.

Municipality: Upper Moreland Township, Montgomery County, Pennsylvania
Project Name: Maryland Road Culvert Rehabilitation - Option 1 (CONTECH 2 Flange Tunnel Line Plate System)
Project Number: 821A20.7P

Item No.	Description	Comment	Unit	Quantity	Unit Cost	Cost
	Standard Items					
1	Flowable Backfill, Type C	Includes Backfilling Between Existing and Proposed Pipe Culvert	CY	28	\$550.00	\$15,400.00
2	Class A Cement Concrete	Includes Pedestals	CY	19	\$1,800.00	\$34,200.00
3	Reinforcement Bars, Epoxy Coated	Includes Pedestals	LB	3,800	\$3.50	\$13,300.00
4	Special Items					
5	CONTECH 2 - 0.25" Aluminum Flange Tunnel Liner Plate System	~180 LF of 15'-9" Span x 6'-0" Rise, Including Delivery &	LS	1	\$125,460.00	\$125,460.00
6	Aluminum Flange Tunnel Liner Plate System Assembly and Installation		LS	1	\$40,000.00	\$40,000.00
7	Additional Structure Repairs	Based on Recommended Maintenance Items	LS	1	\$100,000.00	\$100,000.00
8	Subtotal Construction Cost	Items 1 - 6				\$328,360.00
9	Maintenance and Protection of Traffic	Approx. 10% of Item 8	%		10	\$32,900.00
10	Erosion and Sediment Control	Approx. 15% of Item 8	%		15	\$49,300.00
11	Mobilization	Approx. 15% of Item 8	%		15	\$49,300.00
12	Contingency	Approx. 20% of Item 8	%		20	\$65,700.00
13	Construction Cost: 2023	Items 8 - 12				\$525,560.00
14	Inflation	3% Per Year Compounded 2 Years, Item 13	YR/%	2	3	\$32,100.00
15	Construction Cost: 2025					\$557,660.00
16	Construction Inspection	Approx. 10% of Item 13	%		10	\$52,600.00
17	Construction Cost: 2025 and Inspection	Items 13 - 16				\$610,260.00
18	Right-of-Way	Rough Estimate	LS		\$0.00	\$0.00
19	Utility Relocations (Poles, Manhole Covers, Valve Covers)	Rough Estimate	LS	1	\$20,000.00	\$20,000.00
20	Total Project Cost: 2025	Items 17 - 19				\$630,260.00

Municipality: Upper Moreland Township, Montgomery County, Pennsylvania
Project Name: Maryland Road Culvert Replacement - Option 2 (Aluminum Structural Plate)
Project Number: 821A20.7P

Plan Title: Maryland Road Culvert Replacement
Roadway(s): Maryland Road
Project Description: Culvert Replacement including Pedestrian Improvements along Maryland Road

Unit Costs Last Revised: 8/26/2022
Source: ECMS Bid Price History and Similar Project Experience

Disclaimer: McMahon Associates, Inc. has provided this opinion of cost as requested by the client. Please note that opinions of cost are subject to change based on plan/design revisions, fluctuations in unit costs, field conditions, and differences in locale. Opinions of cost are provided for use in budgeting, but in no way intended to be construed as a final cost for the project. Final costs are contingent only on actual bids from contractors. McMahon Associates, Inc. will not be held responsible for differences between this opinion of cost and contractor bid costs.

Item No.	Description	Cost
1	Construction Cost: 2025	\$2,566,668.00
2	Construction Inspection	\$242,000.00
3	Construction Cost: 2025 and Inspection	\$2,808,668.00
4	Right-of-Way	\$20,000.00
5	Utilities	\$40,000.00
6	Total Project Cost: 2025	\$2,868,668.00

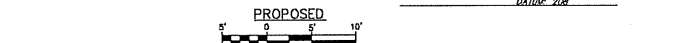
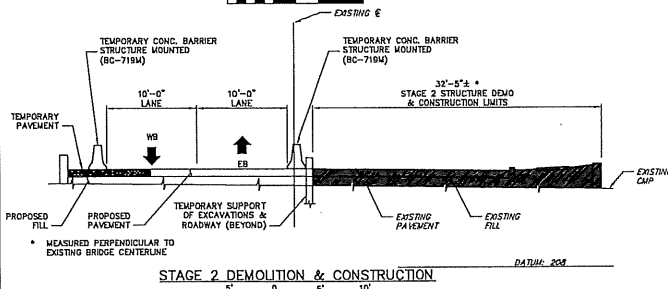
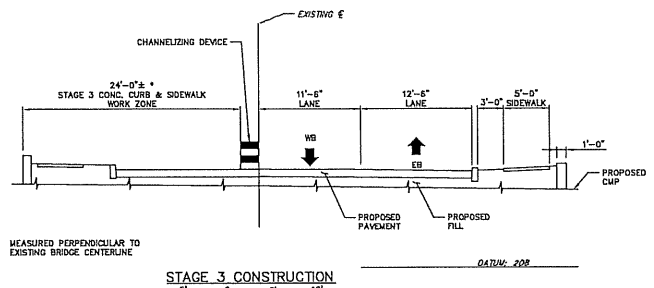
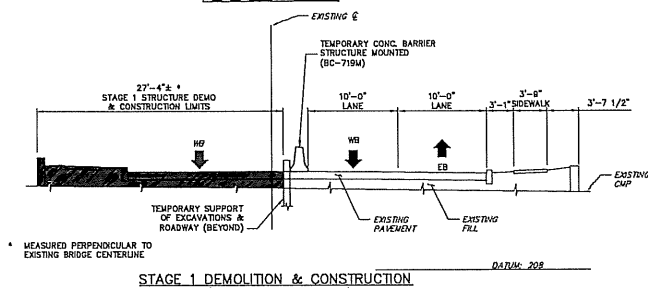
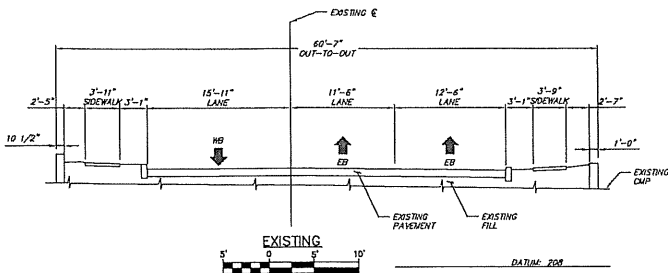
General Notes:

1. Refer to the intersection spreadsheets details relating to cost calculations and individual intersection assumptions.
2. The contingency, inflation factor and inspection percentages are based on PennDOT Publication 352.
3. The Engineer's Conceptual Opinion of Cost does not include relocating or resetting existing underground utilities within the limits of the project, or the provision of any future utilities. Impacts to existing underground utilities will need to be determined during the project development through subsurface utility engineering. Due to visible evidence of subsurface utilities within the project area, as well as a lack of existing subsurface drainage facilities, it is recommended (and likely required by law) that utility test pits be performed during the project development.
4. Project Development includes topographic survey, environmental studies, geotechnical exploration, subsurface utility engineering, preliminary engineering, environmental permitting and final design. The Project Development cost is a rough estimate based on similar, previously completed projects.
5. The Utility Relocations cost is a rough estimate based on aerial and ground-level facilities only which may be impacted by the project. This cost is subject to change through the development of the project and based on the Utility owner's rights.
6. Based on our topographic survey and research, a rough estimate for the right-of-way costs for the project has been provided. This cost is subject to change based on appraisal values, property owner negotiations, and the development of the project.

Municipality: Upper Moreland Township, Montgomery County, Pennsylvania
Project Name: Maryland Road Culvert Replacement - Option 2 (Aluminum Structural Plate)
Project Number: 821A20.7P

Item No.	Description	Comment	Unit	Quantity	Unit Cost	Cost
1	Standard Items					
1	Clearing and Grubbing		LS	1	\$15,000.00	\$15,000.00
2	Class 1B Excavation	Includes Sawcutting and Removal of Existing Pavement	CY	100	\$160.00	\$16,000.00
3	Class 3 Excavation		CY	2,262	\$75.00	\$169,650.00
4	Subbase 6" Depth (No. 2A)	Includes Sidewalks and Pavement Restoration	SY	137	\$35.00	\$4,795.00
5	Subbase 8" Depth (No. 2A)	Includes Roadway, Driveway, and Pavement Restoration	SY	770	\$43.00	\$33,110.00
6	Superpave Asphalt Mixture Design, Wearing Course, PG 64S-22, 3 to< 10 Million ESALs, 9.5 MM Mix, 1.5" Depth, SRL-H		SY	1,045	\$15.00	\$15,675.00
7	Superpave Asphalt Mixture Design, Binder Course, PG 64S-22, 3 to< 10 Million ESALs, 19.0 MM Mix, 2.5" Depth		SY	787	\$22.00	\$17,314.00
8	Asphalt Tack Coat	Apply to Surface of Base Course, Binder Courses, and Milled Area	SY	1,832	\$1.50	\$2,748.00
9	Milling of Asphalt Pavement Surface, 1 1/2" Depth, Milled		SY	258	\$15.00	\$3,870.00
10	Material Retained by Contractor					
10	Storm Water Inlets	Includes Type C Frame, Bicycle Safe Grate, and Standard Inlet Box	EA	1	\$6,500.00	\$6,500.00
11	6" Pavement Base Drain		LF	329	\$60.00	\$19,740.00
12	Plain Cement Concrete Curb	Includes Removal of Existing	LF	481	\$75.00	\$36,075.00
13	Cement Concrete Sidewalk		SY	120	\$190.00	\$22,800.00
14	Membrane Waterproofing	2' Wide Sections X 14 Joints	SY	82	\$60.00	\$4,920.00
15	ADA Curb Ramp		EA	2	\$8,000.00	\$16,000.00
16	No. 57 Coarse Aggregate, 6" Depth		CY	69	\$100.00	\$6,900.00
17	Topsoil Furnish and Placed	4" Topsoil	CY	18	\$165.00	\$2,970.00
18	Seeding & Soil Supplements, Including Mulch		LB	7	\$50.00	\$350.00
19	Reset Post Mounted Sign, Type B		EA	3	\$150.00	\$450.00
20	4" White Pavement Markings		LF	63	\$2.00	\$126.00
21	4" Yellow Pavement Markings		LF	438	\$2.00	\$876.00
22	6" White Pavement Markings		LF	96	\$3.00	\$288.00
23	Class AA Cement Concrete	Upstream and Downstream Moment Slabs with Sidewalk	CY	50	\$1,800.00	\$90,000.00
24	Class A Cement Concrete	Headwalls, Wingwalls, Footings, Pedestals, Floor	CY	389	\$1,800.00	\$700,200.00
25	Selected Borrow Excavation, Structure Backfill		CY	888	\$65.00	\$57,720.00
26	Protective Coating For Reinforced Concrete Surfaces	Includes Sidewalks and Interior and Exterior faces of Barriers	SY	119	\$20.00	\$2,380.00
27	Reinforcement Bars	Includes Footings and Floor	LB	54,026	\$4.00	\$216,104.00
28	Reinforcement Bars, Epoxy Coated	Includes Moment Slabs, Barriers, Headwalls, Wingwalls, and Pedestals	LB	33,578	\$3.50	\$117,523.00
29	Special Items					
30	Removal of Existing Bridge		LS	1	\$85,000.00	\$85,000.00
31	Temporary Excavation Support and Protection System		LS	1	\$125,000.00	\$125,000.00
32	Aluminum Structural Plates, Including Hardware and Delivery	120 LF of 16' Span X 7'-11" Rise, Single Radius Arch ~ 60° Skewed Ends	LS	1	\$110,184.00	\$110,184.00
33	Aluminum Structural Plate Assembly and Installation		LS	1	\$35,000.00	\$35,000.00
32	Subtotal Construction Cost	Items 1 - 31				\$1,935,268.00
33	Maintenance and Protection of Traffic	Approx. 5% of Item 33	%		5	\$96,800.00
34	Erosion and Sediment Control	Approx. 5% of Item 32	%		5	\$96,800.00
35	Mobilization	Approx. 5% of Item 32	%		5	\$96,800.00
36	Contingency	Approx. 10% of Item 32	%		10	\$193,600.00
37	Construction Cost: 2023	Items 32 - 36				\$2,419,268.00
38	Inflation	3% Per Year Compounded 2 Years, Item 37	YR/%	2	3	\$147,400.00
39	Construction Cost: 2025					\$2,566,668.00
40	Construction Inspection	Approx. 10% of Item 37	%		10	\$242,000.00
41	Construction Cost: 2025 and Inspection	Items 37 - 40				\$2,808,668.00
42	Right-of-Way	Rough Estimate	LS	1	\$20,000.00	\$20,000.00
43	Utility Relocations (Poles, Manhole Covers, Valve Covers)	Rough Estimate	LS	1	\$40,000.00	\$40,000.00
44	Total Project Cost: 2025	Items 41 - 43				\$2,868,668.00

DISTRICT	COUNTY	ROUTE	SECTION	SHEET
8-8	MONTGOMERY			OF 28
MUNICIPALITY				
REVISIONS				
NO.	DATE	BY		



	425 COMMERCE DRIVE SUITE 200 FORT WASHINGTON, PA 19034 PH: (215) 283-9444 FAX: (215) 283-9447	DESIGNED BY: MAMK DRAWN BY: MAMK CHECKED BY: CDS DATE: 8-17-2022	JOB NO. B21A20.7P DWS DATE: 8-17-2022	UPPER MORELAND TOWNSHIP 117 PARK AVENUE WILLOW BRICK, VA 19090 (215) 896-3100	MARYLAND ROAD CULVERT REPLACEMENT MARYLAND ROAD OVER TRIBUTARY TO PENNYPACK CREEK UPPER MORELAND TOWNSHIP MONTGOMERY COUNTY

TOWNSHIP of UPPER MORELAND

Montgomery County, Pennsylvania

117 Park Avenue, Willow Grove, PA 19090-3215

Telephone (215) 659-3100 / Fax (215) 659-7363

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CHERYL LOCKARD

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Township Manager

RANDALL K. SCHAIBLE

Assistant Township Manager/

Director of Finance

ALEX H. LEVY

Township Treasurer

SEAN P. KILKENNY, ESQ.

Township Solicitor

Agenda Summary

Public Health & Safety Committee Meeting - October 24, 2022

Regular Meeting – November 14, 2022

Agenda Item:	Consider the adoption by resolution of the Civil Service Commission's adopted Resolution R-2022-12
Attachments:	Township's Resolution R-2022-41 Civil Service Resolution R-2022-12
Recommended Action by Committee:	Requesting Committee to recommend to the Board of Commissioners the adoption of Civil Service Commission's Resolution R-2022-12.
Background/Analysis:	Consider the adoption by resolution, the Civil Service Commission's adopted Resolution 2022-12, which revised Section 4.3; General Examination Requirements for Promotion; Section A. Police Dept to change the weighting for the promotional examination for the position of Sergeant and Lieutenant to (30%) for the Written Exam and (70%) for the Oral Exam on a (100) point scale.
Fiscal Impact/Source:	None
Alternatives:	N/A
Prepared by:	Andrew Block, Chief of Police
Committee Recommendations:	At the October 24, 2022 meeting of the Public Health & Safety Committee, the Committee recommends approval by the Board of Commissioners at their November 14, 2022 Regular Meeting on Resolution R-2022-41.

**UPPER MORELAND TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

RESOLUTION R-2022-41

A RESOLUTION BY THE UPPER MORELAND TOWNSHIP BOARD OF COMMISSIONERS ACCEPTING AND RATIFYING THE AMENDMENTS MADE TO THE UPPER MORELAND TOWNSHIP CIVIL SERVICE RULES BY THE UPPER MORELAND TOWNSHIP POLICE AND FIRE CIVIL SERVICE COMMISSION.

WHEREAS, Upper Moreland Township, is a duly organized First Class Township located in Montgomery County, Pennsylvania (the “Township”); and

WHEREAS, the Pennsylvania First Class Township Code (the “Code”) requires the Township to follow the civil service provisions of the Code which govern the creation of its Police and Fire Civil Services Commission (the “Civil Services Commission”), as well as the promulgation and amendment of its rules and regulations; and

WHEREAS, through prior resolutions, the Township has established civil service rules and regulations for the Police Department and the Fire Department (the “Civil Service Rules”); and

WHEREAS, the Civil Service Commission has reviewed and recommended updates to the Civil Service Rules regarding the Police Department through the passage of Civil Service Commission Resolution No. 2022-12 which revises the general examination requirements for promotion of the Sergeant and Lieutenant positions, a true and correct copy of which is attached hereto as **Exhibit A**; and

WHEREAS, the First Class Township Code requires the Upper Moreland Township Board of Commissioners to accept and ratify the amendments to the Civil Service Rules contained in Civil Service Commission Resolution No. 2022-12.

NOW, THEREFORE, BE IT RESOLVED, that the Upper Moreland Township Board of Commissioners does hereby accept and ratify the amendments to the Civil Service Rules contained in Civil Service Commission Resolution No. 2022-12.

DULY PRESENTED AND ADOPTED by the Board of Commissioners of Upper Moreland Township, Montgomery County, Pennsylvania, this 14th day of November, 2022.

ATTEST:

**UPPER MORELAND TOWNSHIP
BOARD OF COMMISSIONERS**

Matthew H. Candland, Secretary

Clifton McFatridge, President

EXHIBIT A

CLARK HILL

Joe C. Rudolf
T (215) 640-8410
F (215) 640-8501
Email: JRudolf@ClarkHill.com

Clark Hill PLC
Two Commerce Square
2001 Market Street, Suite 2620
Philadelphia, PA 19103
T (215) 640-8500
F (215) 640-8501

clarkhill.com

October 20, 2022

Matthew Candland
Township Manager
Township of Upper Moreland
117 Park Avenue
Willow Grove, PA 19090

Re: Civil Service Commission Resolution Passed at the October 13, 2022 Meeting

Dear Mr. Candland:

On October 13, 2022, at its regular monthly meeting, the Civil Service Commission adopted Resolution 2022 – 12 which modified the promotional criteria for promotions in the Police Department by changing the weighted average of Written and Oral Test Scores from a 60%/40% split to a 70%/30% split. Enclosed is a copy of that Resolution. I would ask that you distribute it to the Board and, as appropriate, take the necessary steps to include this matter on the Board's Meeting Agenda. I would note that the revisions to the Rules contained in Resolution 2022-05 will not become effective until approved by the Board at a public meeting.

If you have any questions, please feel free to call or email me at your convenience.

Sincerely,

CLARK HILL PLC

/s/ Joseph C. Rudolf

Joseph C. Rudolf

Enc.

October 20, 2022

Page 2

cc: Civil Service Commission
Chief Andrew Block
Chief Edward Glassman
Megan DeLaurentis

Resolution Number 2022-12

**RESOLUTION OF THE POLICE AND FIRE CIVIL SERVICE COMMISSION
OF UPPER MORELAND TOWNSHIP, MONTGOMERY COUNTY,
PENNSYLVANIA UPDATING THE UPPER MORELAND TOWNSHIP CIVIL
SERVICE RULES**

BE IT RESOLVED by the Police and Fire Civil Service Commission of Upper Moreland Township, County of Montgomery, Pennsylvania ("Commission"), pursuant to the First Class Township Code that:

WHEREAS, Upper Moreland Township has been duly organized and recognized as a First Class Township in Pennsylvania; and

WHEREAS, as a First Class Township, Upper Moreland Township is required to follow the civil service provisions of the First Class Township Code which govern the creation of its civil service commission, as well as the promulgation and amendment of its rules and regulations; and

WHEREAS, Section 630 of the First Class Township Code authorizes the Commission to prescribe and amend rules and regulations governing the appointment, promotion and removal of police officers and paid firefighter/EMTs within the Township's Police Department and Fire Department; and

WHEREAS, through prior resolutions, the Township has established civil service rules and regulations for the Police Department and the Fire Department (the "Civil Service Rules"); and

WHEREAS, the Commission is recommending an update of its Civil Service Rules;

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Commission that the existing Township Civil Service Rules are hereby amended by replacing Section 4.3, **General Examination Requirements for Promotion**, with the following language:

A. **Police Department.** The examination for the position of sergeant and the position of lieutenant shall include a written examination, and oral examination which shall be graded on a one hundred (100) point scale, with the written examination representing thirty percent (30%) of the final score and the oral examination representing seventy percent (70%) of the final score.

BE IT FURTHER RESOLVED that this amendment shall take effect immediately upon approval by the Upper Moreland Township Board of Commissioners.

The undersigned hereby certifies that the foregoing is a true and correct copy of the Resolution duly adopted by the Commission on the 13th day of October, 2022.

**UPPER MORELAND TOWNSHIP
CIVIL SERVICE COMMISSION**

BY: Commissioner Tanya Geisler
Electronic Signature authorized via email dated 10/13/22

DATE: 10/13/22

UPPER MORELAND TOWNSHIP

CIVIL SERVICE RULES

Approved by Civil Service Commission 7/20/2010 and by Board of Commissioners on 8/2/10

Revision to Section 3.6A approved by Civil Service Commission 2/14/11 and by Board of Commissioners on 3/7/11

Approved by the Civil Service Commission 1/31/2012 and by the Board of Commissioners on 3/5/12

Revision to Section 3.6A approved by Civil Service Commission on 6/7/13 and by Board of Commissioners on 7/1/13

Revision to Section 3.6A, 4.3A, 4.1, 4.2, 4.4, 4.6, 4.9 and 5.1 approved by Civil Service Commission on 10/31/13 and by Board of Commissioners on 12/1/13.

Revision to Section 3.6A and 4.5A approved by Civil Service Commission on 7/9/14 and by Board of Commissioners on 10/6/14

Revision to Section 3.6B and 3.7B approved by Civil Service Commission 5/13/15 and by Board of Commissioners on 7/6/15.

Revisions to Section 3.6.A(8) approved by Civil Service Commission on 4/13/16 and by Board of Commissioners on 5/2/16.

Revisions to Section 3.6.A(5),(6),and (8); Section 3.7 1, 4 (a), 5 (a) and 5 (b); Section 4.1; Section 4.3 (A); Section 4.5 (A); and Section 4.6 (A) approved by Civil Service Commission on 1/13/21 and by Board of Commissioners on 2/1/21

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Revisions to Section 3.6,A approved by Civil Service Commission August 10, 2022 and by Board of Commissioners on October 3, 2022.

Revisions to Section 4.3;A approved by Civil Service Commission October 13, 2022 and by the Board of Commissioners on [Date].

UPPER MORELAND TOWNSHIP CIVIL SERVICE RULES

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CHAPTER 1. DEFINITION OF TERMS

Section 1.1 Definitions

Unless otherwise expressly stated, the following words and phrases, wherever used in these Rules, shall be construed to have the meaning indicated herein:

Applicant: Any individual who applies in writing to the Commission in response to a legally advertised notice of vacancy and/or examination for any position in the Police Department or Fire Department for any full-time or part-time position in the Police Department or Fire Department.

Alternate Commissioner: An individual appointed by the Appointing Authority in a First Class Township to serve as an "Alternate Civil Service Commissioner." Properly appointed Alternate Commissioners shall have all the same powers and duties as a properly appointed Commissioner set forth in the First Class Township Code.

Appointing Authority: The Board of Commissioners of Upper Moreland Township, Montgomery County, Pennsylvania.

Certification: The submission to the Appointing Authority pursuant to its request for three names taken from the eligible list developed by the Commission.

Chairperson: The Chairperson of the Commission.

Commission: The Civil Service Commission of Upper Moreland Township, Montgomery County, Pennsylvania.

Commissioner: An individual appointed by the Appointing Authority to serve as a member of the Civil Service Commission of the Township.

Fire Department. The department in Upper Moreland Township which provides emergency services to the Township consisting of the Fire Department with paid firefighter/EMTs and fire companies with volunteer firefighters. For purposes of these Rules, all references to applicants for positions in the Fire Department shall refer only to paid operators of fire apparatus as referenced in the First Class Township Code and defined as Firefighter/EMT in these Rules.

Eligible: A person whose name is recorded on a current eligible list or furlough list.

Eligible List: The list of names of persons who have passed all examinations for a particular position in the Police Department or Fire Department.

Examination: The series of tests given to applicants to determine their qualifications for a position in the Police Department or Fire Department.

Firefighter/EMT: For the purpose of these Rules, an entry level sworn full-time paid position in the Fire Department.

Furlough List: The list containing the names of persons temporarily laid off from positions in the Police Department or Fire Department because of a reduction in the number of police officers or firefighter/EMTs.

Patrol Officer: For purposes of these Rules, an entry level sworn full-time or part-time position in the Police Department. The Appointing Authority shall retain full discretion in determining which part-time patrol officer receives an offer of full-time employment. Regardless of a patrol officer's hours worked, the civil service rank of full-time and part-time patrol officers shall be the same.

Police Department. The department in Upper Moreland Township which provides police and law enforcement services.

Probationer: An officer in the Police Department or firefighter/EMT in the Fire Department who has been appointed from an eligible list, but who has not yet completed the work-test period.

Reduction in Rank: A change to a different position or rank where the employee fulfilled all of the requirements of these Rules for both the prior and current position or rank. However, a decrease in salary without a change to a different position or rank shall not necessarily constitute a reduction in rank.

Removal: The permanent separation of a police officer from the Police Department or firefighter/EMT from the Fire Department.

Secretary: The Secretary of the Commission.

Suspension: The temporary separation without pay of a police officer from the Police Department or a firefighter/EMT from the Fire Department.

Township: Upper Moreland Township, Montgomery County, Pennsylvania.

Section 1.2 Gender

The words "he," "his," "him" and "men" when used in these Rules represent both the masculine and feminine genders.

CHAPTER 2. THE COMMISSION

Section 2.1 Civil Service Commission

A. **Number or Members; Appointment.** The Commission shall consist of three Commissioners who shall be qualified electors of the Township and shall be appointed by the Appointing Authority initially to serve for the terms of two, four and six years, and as terms thereafter expire shall be appointed for terms of six years.

B. **Vacancy.** Any vacancy occurring in the Commission for any reason whatsoever shall be filled by the Appointing Authority for the unexpired term within the period of thirty (30) days after such vacancy occurs.

C. **Oath; No Compensation.** Each Commissioner and Alternate Commissioner, before entering upon the discharge of the duties of his office, shall take an oath or affirmation to support the Constitution of the United States and of the Commonwealth of Pennsylvania and to perform his official duties with fidelity. No Commissioner or Alternate Commissioner shall receive compensation.

D. **Alternate Commissioners.** The Appointing Authority may appoint no more than three qualified electors of the Township to serve as Alternate Commissioners. The term of office shall be six years. An Alternate Commissioner shall be entitled to participate in all proceedings and discussions of the Commission to the same and full extent as provided by law for Commission members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in the First Class Township Code and as otherwise provided by law. Alternate Commissioners shall hold no other office in the Township. Any Alternate Commissioner may participate in any proceeding or discussion of the Commission, but shall not be entitled to vote as a Commissioner unless designated as a voting alternate member pursuant to Section 628 of the First Class Township Code.

Section 2.2 Offices Incompatible with Commissioner

No Commissioner nor Alternate Commissioner shall at the same time hold an elective or appointed office under the United States government, the Commonwealth of Pennsylvania or any political subdivision of the Commonwealth, except that one Commissioner may be a member of the Board of Commissioners of the Township.

Section 2.3 Organization of Commission; Quorum

A. The Commission first appointed shall organize within ten days of its appointment and shall elect one of its members as its chairperson and one as its secretary. The Commission shall thereafter meet and organize on the first Monday of January of each even-numbered year. Three members of the Commission shall constitute a quorum and no action of the Commission shall be valid unless it shall have the concurrence of at least two Commissioners.

B. If, by reason of absence or disqualification of a Commissioner, a quorum is not reached, the Chairperson shall designate as many Alternate Commissioners to sit on the Commission as may be needed to provide a quorum. Any Alternate Commissioner shall continue to serve on the Commission in all proceedings involving the matter or case for which the Alternate Commissioner was initially designated until the Commission has made a final determination of the matter or case. Designation of an Alternate Commissioner shall be made on a case-by-case basis in rotation according to declining seniority among all Alternate Commissioners. No action of the Commission shall be valid unless it shall have the concurrence of at least two Commissioners including any serving Alternate Commissioners.

C. For purposes of hiring and promoting police officers or firefighters/EMTs under these Rules, each step of the hiring or promotional process requiring official action by the Commission shall be considered a separate "matter or case" under Subsection (B) above, and each step of the hiring or promotional process need not be voted upon or approved by the same composition of Commissioners or Alternate Commissioners, as the case may be, provided that the quorum requirement has been satisfied.

Section 2.4 Duties of Chairperson

The chairperson, or in his absence, the vice-chairperson, shall preside at all meetings and hearings of the Commission, decide all points of order or procedure and perform any duties required by law or these Rules.

Section 2.5 Duties of Secretary

The secretary shall transmit, at the direction of the Commission, all official correspondence of the Commission and all notices required by law and these Rules, keep a record of each examination or other official action of the Commission, and perform all other duties required by law or these Rules.

Section 2.6 Meetings

Except for the biennial organization meeting, all meetings shall be held either at the call of the chairperson or at the call of two members of the Commission. The Commission shall have the discretion to determine whether meetings shall be open to the public when not specifically regulated by law or these Rules. The secretary of the Commission shall give each Commissioner twenty-four (24) hours notice in writing of each and every meeting of the Commission.

Section 2.7 Clerks and Supplies

The Appointing Authority shall furnish the Commission with such supplies and clerical assistance as may be necessary for the Commission to fulfill its duties. In addition, the Commission may retain counsel, and any other consultants or experts, including physicians and psychiatrists, as are necessary. The elected and appointed officials of the Township shall assist the Commission with all reasonable and appropriate efforts including compensation for any counsel or experts retained by the Commission.

Section 2.8 Amendment of Rules

The Commission may amend, revise, void or replace these Rules for any reason by action of a majority of the Commission at any properly convened meeting of the Commission. Before any changes to these Rules become effective, those changes must be approved by the Appointing Authority. These Rules and any amendments thereto shall be made available to the public for distribution or inspection.

Section 2.9 Minutes and Records

The Commission shall keep minutes of its proceedings and records of examinations and other official action. All records of the Commission shall be preserved and disposed of according to the *Retention and Disposition Schedule for Records of Pennsylvania Municipalities* issued by the Local Government Records Committee under the authority of the Municipal Records Act, 53 Pa. C.S.A. § 1381 *et seq.*

Any and all records related to any disciplinary action filed with the Commission shall be open to public inspection subject to reasonable regulation. The secretary shall keep minutes of the Commission's proceedings showing the vote of each Commissioner upon each question. If a Commissioner is absent or fails to vote, the secretary shall indicate that fact in the minutes.

Section 2.10 Investigations

The Commission shall have the power to make investigations concerning all matters relating to the administration and enforcement of these Rules. The chairperson of the Commission is authorized to administer oaths and affirmations for witnesses testifying in connection with such investigations.

Section 2.11 Subpoenas

The Commission shall have the power to issue subpoenas over the signature of the chairperson, or his designee, to require the attendance of witnesses and the production of records and papers pertaining to any investigation or inquiry, including any background investigation conducted pursuant to Section 4.9 of these Rules. The fees of such witnesses for attendance and travel shall be the same as for witnesses appearing in the courts and shall be paid from appropriations for the incidental expense of the Commission.

All officers in public service and employees of the Township shall attend and testify when required to do so by the Commission.

If any person shall refuse or neglect to obey any subpoena issued by the Commission, upon conviction of such refusal or neglect in a summary proceeding, that person shall be sentenced to pay a fine not to exceed one hundred dollars (\$100), and in default of the payment of such fine and costs shall be imprisoned not to exceed thirty (30) days.

If any person shall refuse or neglect to obey any subpoena issued by the Commission, the Commission may apply by petition to the Court of Common Pleas of Montgomery County for its subpoena for an order

requiring the attendance of such persons before the Commission or the court to testify and to produce any records and papers necessary, and in default thereof shall be held in contempt of court.

Section 2.12 Annual Report

The Commission shall make an annual report to the Appointing Authority containing a brief summary of its work during the year and a full accounting for any expenditures of public monies. The annual report shall be available for public inspection.

CHAPTER 3. APPLICATIONS AND QUALIFICATIONS

Section 3.1 Eligibility for Examination – All Applicants

In order to be eligible for participation in any examination for any position with the Police Department or Fire Department, every applicant must submit a completed application form to the Commission, or its designated agent, before the deadline stated by the Commission for that specific examination. The applicant must make an oath or affirmation that the application is completed truthfully, and the applicant is subject to the penalties of 18 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities.

Section 3.2 Discrimination

The Township is an equal opportunity employer. It is the Township's and the Commission's policy to grant equal employment opportunities to qualified persons without regard to race, religion, color, national origin, gender, age, veteran status, marital status or non-job-related physical or mental handicap or disability. The Township and the Commission will provide equal opportunities in employment and promotion.

Section 3.3 Availability of Applications

A. **Police Department.** Application forms shall be available to all interested persons in the office of the Chief of Police and from such other offices and officers that the Commission, from time to time, may choose to designate. Application forms may be mailed upon written or telephone request. However, the Commission assumes no responsibility for missed filing deadlines due to a delay in the mail.

B. **Fire Department.** Application forms shall be available to all interested persons at the Township Building and from such other offices and officers that the Commission, from time to time, may choose to designate. Application forms may be mailed upon written or telephone request. However, the Commission assumes no responsibility for missed filing deadlines due to a delay in the mail.

Section 3.4 Recording and Filing Applications – All Applicants

Applications for positions in the Police Department or Fire Department will be received at the location(s) specified by the Commission or the persons or entities authorized by it to accept applications and conduct examinations on its behalf. Such applications will be received only after a hiring or promotional test has been properly advertised and before the deadline for receiving applications which must be set forth in the public advertisement. Applications will be received by the person or entity designated in the public advertisement. That person or entity shall record the receipt of all applications and provide each applicant with notice of the time and place for the first portion of the testing procedure, the written examination. Any application containing material errors or omissions may, at the discretion of the Commission, be returned to the applicant for correction prior to the deadline for filing applications, after which no new applications or amended applications will be accepted.

Section 3.5 Age Requirements – All Applicants

All applicants for patrolman or firefighter/EMT positions must have reached their twenty-first (21st) birthday before the deadline for submitting completed applications.

Section 3.6 General Qualifications – Applicants for Patrol Officer Or Firefighter/EMT

A. **Police Department.** Every applicant for any position in the Police Department: (1) must possess a diploma from an accredited high school or a graduate equivalency diploma (GED); (2) must be a United States citizen; (3) must be physically and mentally fit to perform the full duties of a police officer; (4) must possess a valid motor vehicle operator's license at the time of application.

B. **Fire Department.** Every applicant for a firefighter/EMT position in the Fire Department must possess a diploma from an accredited high school or a graduate equivalency diploma (GED). In addition, every applicant must be a United States citizen, be physically and mentally fit to perform the full duties of a firefighter/EMT and, prior to appointment, possess a valid motor vehicle license issued by the Commonwealth of Pennsylvania. In addition to the above criteria, every applicant must meet all of the following additional qualifications:

1. have served at least five (5) years as a full-time or volunteer firefighter in the Commonwealth of Pennsylvania; or have earned at least sixty (60) credits from an accredited college or university, and

2. have the following certifications:

Fire Fighter I	(NFPA 1001)
Fire Fighter II	(NFPA 1001)
Pump 1 and Pump 2	
Haz Mat Operations	(NFPA 472)

PA DOH Medical certification for EMT
PA DOH Vehicle Rescue Technician

And the following certifications to be obtained within (1) year from date of hire
Driver/Operator Pumper (NFPA 1002)
Fire Inspector I (NFPA 1031)

Section 3.7 General Qualifications – Applicants for Promotion

A. Police Department

Applicants for promotion must meet all of the following criteria in order to be eligible to take the examination:

1. Must possess evidence of graduation from high school or a GED equivalent certificate.
2. Shall not have been suspended, without pay, for more than twelve (12) hours in the twelve (12) months immediately preceding the deadline for submitting applications. Any suspension to which the applicant has timely appealed, pursuant to a contractual grievance procedure or these Rules, shall be disregarded unless the appeal is resolved prior to the creation of the eligibility list.
3. Shall have achieved a “meets criteria” evaluation rating or higher pursuant to the Police Department’s performance evaluation system on the last two (2) evaluations of that applicant.
4. In addition to the foregoing, all applicants for the position of sergeant shall possess the following qualifications:
 - (a) have served at least five (5) years of service in the Police Department;
 - (b) understand the laws, ordinances and rules of the Police Department;
 - (c) possess knowledge of basic principles of police administration including all applicable laws, definition of crimes, criminal procedures, observations and patrol, traffic laws and procedures, firearms, self-defense, first aid, public relations and a working knowledge of the police sciences;
 - (d) possess the ability to give orders to subordinates and receive them from superiors in accordance with departmental policies; and
 - (e) possess the ability to handle crisis situations effectively.
5. For the position of lieutenant, all applicants shall possess all of the foregoing qualifications in this section and also:
 - (a) have served at least ten (10) years in the Police Department; and

(b) currently hold the rank of sergeant for at least five (5) years in the Police Department.

B. Fire Department – General Qualifications – Rank of Fire Captain

Vacancies for the rank of Fire Captain will be posted in the Fire Department. If applicants within the Department meet the general qualifications for promotion, the examination will not be open to outside applicants. In the event that applicants within the Department do not meet the general qualifications for the Fire Captain vacancy, it will be open to applicants from outside the Department.

1. General Qualifications for Applicants from the Fire Department. Applicants for promotion to the rank of Fire Captain must meet all of the following criteria in order to be eligible to take the examination:

a. Have at least five (5) years of service as a full-time, paid firefighter/EMT in the Fire Department of the Township;

b. Have earned a minimum of sixty (60) college credits from an accredited college/university;

c. Have the following certifications:

Driver/Operator Aerial/Tiller	(NFPA 1002)
Fire Inspector II	(NFPA 1031)
Hazardous Materials Technician	(NFPA 472)
Fire Service Instructor II	(NFPA 1041)
Fire Officer II	(NFPA 1021)
Incident Safety Officer	(NFPA 1521)
Plans Examiner I & II	(NFPA 1031)
Fire Investigator	(NFPA 1033)

d. Shall not have been suspended without pay for more than twelve (12) hours in the twelve (12) months immediately preceding the deadline for submitting the application; and

e. Have achieved a “meets expectations” performance evaluation or higher on the most recent annual evaluation conducted pursuant to the Fire Department’ evaluation system.

2. General Qualifications for Applicants from Outside the Fire Department. Applicants for promotion to the rank of Fire Captain must meet all of the following criteria in order to be eligible to take the examination:

a. Have at least five (5) years of service as a full-time, paid firefighter/EMT in another municipal fire department;

b. Have earned a minimum of sixty (60) college credits from an accredited college/university;

c. Have the following certifications:

Driver/Operator Aerial/Tiller	(NFPA 1002)
Fire Inspector II	(NFPA 1031)
Hazardous Materials Technician	(NFPA 472)
Fire Service Instructor II	(NFPA 1041)
Fire Officer II	(NFPA 1021)
Incident Safety Officer	(NFPA 1521)
Plans Examiner I & II	(NFPA 1031)
Fire Investigator	(NFPA 1033)

d. Shall not have been suspended without pay for more than twelve (12) hours in the twelve (12) months immediately preceding the deadline for submitting the application; and

e. Have achieved a “meets expectations” or comparable rating on the last evaluation performed on the applicant from the last fire department for which he/she was employed full-time. If there was no evaluation system in place, this criteria will be waived.

Section 3.8 Rejection of Applicant – All Applicants

The Commission may refuse to examine, or, if examined, may refuse to certify as eligible after examination, any applicant who is found to lack any of the minimum qualifications for examination prescribed in these Rules for the particular position for which the applicant has applied which shall include providing any false or misleading information or material omissions at any time during the examination or investigation process. In addition, the Commission may refuse to examine, or if examined, may refuse to certify any applicant who is physically or mentally unfit to perform the full duties of the position applied for, or who is illegally using a controlled substance, as defined in Section 102 of the Controlled Substances Act (Public Law 91-513, 21 U.S.C. §802), who has been guilty of any crime involving moral turpitude, or of infamous or notoriously disgraceful conduct, or who has been dismissed from public service for delinquency or misconduct in office, or who is affiliated with any group whose policies or activities are subversive to the forms of government set forth in the constitutions and laws of the United States and the Commonwealth of Pennsylvania.

Section 3.9 Hearing for Disqualified Applicants – All Applicants

Any applicant who is aggrieved by the refusal of the Commission to examine or to certify the applicant as eligible after examination, may request a hearing before the Commission. Within ten (10) days after such request, the Commission shall designate a time and place for a public hearing, with or without counsel, which shall be conducted pursuant to the procedures set forth in the Local Agency Law, 2 Pa. C.S. § 101 *et seq.* The applicant must make his request for a hearing in writing within ten (10) calendar days of the date when the applicant knew or should have known of the Commission's action which is being challenged. The request for a hearing shall be addressed to the Chairperson of the Commission and delivered to the Township Building, 117 Park Avenue, Willow Grove, PA 19090. At the hearing the Commission shall consider evidence and review its refusal to provide examination or certification. The decision of the Commission shall be final.

Section 3.10 Public Notice

The Commission shall conspicuously post in the Township building an announcement of the hiring or promotional testing and set forth the time and place of every examination, together with the information as to the type of position to be filled, the requirements for that position, where applications may be obtained, and the deadline for filing those applications. In addition, at least two weeks prior to the close of the application period, publication of the notice shall occur in at least one newspaper of general circulation or a newspaper circulating generally in the Township.

CHAPTER 4. EXAMINATION AND GRADING PROCEDURE

Section 4.1 General Examination Requirements for the Position of Patrol Officer

In order to be eligible to take the examination, an applicant must have met all general qualifications for the position as set forth in Chapter 3 of these Rules. The examination for patrol officer will consist of a written and an oral examination which will each be graded on a one hundred (100) point scale. The weight of the written examination shall be forty percent (40%) of the final score and the weight of the oral examination shall be sixty percent (60%) of the final score. In addition, each applicant will undergo a physical fitness assessment, a polygraph test and a background investigation. The physical fitness assessment and polygraph tests and background investigation will be graded on a pass/fail basis for every applicant. After an applicant has been extended a conditional offer of employment, final appointment shall be contingent upon the applicant passing a medical and psychological examination.

Section 4.2 General Examination Requirements for the Position of Firefighter/EMT

In order to be eligible to take the examination, an applicant must have met all general qualifications for the position as set forth in Chapter 3 of these Rules. The examination for firefighter/EMT will consist of a written and an oral examination which will each be graded on a one hundred (100) point scale. The weight of the written examination shall be fifty percent (50%) of the final score and the weight of the oral test shall be fifty percent (50%) of the final score. In addition, each applicant will undergo a physical fitness assessment and a background investigation. The physical fitness assessment and background investigation will be graded on a pass/fail basis for every applicant. After an applicant has been extended a conditional offer of employment, final appointment shall be contingent upon the applicant passing a medical and psychological examination.

Section 4.3 General Examination Requirements for Promotion

A. Police Department. The examination for the position of sergeant and the position of lieutenant shall include a written examination, and oral examination which shall be graded on a one hundred (100) point scale, with the written examination representing thirty percent (30%) of the final score and the oral examination representing seventy percent (70%) of the final score

B. Fire Department. The examination for the rank of Fire Captain shall include a written and oral examination each of which shall be graded on a one hundred (100) point scale, with the written examination representing fifty percent (50%) of the final score and the oral examination representing fifty percent (50%) of the final score. After an applicant has been extended an offer of to the rank of Fire Captain, the final appointment to that position shall be contingent upon the applicant passing medical and psychological examinations.

Section 4.4 Appointment of Examiners

The Commission shall appoint a written examination administrator, an oral examination administrator, a polygraph examiner for police candidate examinations only, a physical fitness examiner, a medical examiner and a psychological examiner to conduct the appropriate examination required by these Rules.

Section 4.5 Written Examination for Patrol Officer or Firefighter/EMT

A. Police Department. The written examination shall be graded on a one hundred (100) point scale, and an applicant must score seventy percent (70%) or higher and receive one of the top thirty (30) of the highest scores, whichever results in the greater number of passing applicants, in order to continue in the application process. Tie scores shall be counted separately to determine the total number of applicants who have made the cut-off point. Applicants scoring less than seventy percent (70%) or not receiving one of the top thirty (30) of the highest scores shall be rejected. Within thirty (30) days after the administration of the written examination, all applicants who pass and qualify to move forward with the application process shall be given written notice of their test results, and shall be informed of the next step in the examination process. All applicants may view their scores at the Township police department or on its website. All posted scores shall be shown by applicant identification number only.

B. Fire Department. The written examination shall be graded on a one hundred (100) point scale, and an applicant must score seventy percent (70%) or higher and receive one of the top thirty (30) or ten percent (10%) of the highest scores, whichever results in the fewest passing applicants, in order to continue in the application process. Tie scores shall be counted separately to determine the thirty (30) highest scores. Applicants scoring less than seventy percent (70%) or not receiving one of the top thirty (30) or ten percent (10%) of the highest scores shall be rejected. Within thirty (30) days after the administration of the written examination, all applicants shall be given written notice of their test results, and each passing applicant shall be informed of the next step in the examination process.

Section 4.6 Oral Examination for Patrol Officer or Firefighter/EMT

A. Police Department. Every applicant who qualified to move beyond the written examination as set forth in Section 4.5 above and who has passed the physical fitness assessment, if the Commission determined that the physical fitness assessment should be administered prior to the oral examination, shall be given an oral examination that will be graded on a one hundred (100) point scale with a score of seventy percent (70%) or higher necessary for passing. The oral examination shall involve questions addressing the applicant's judgement, fairness and honesty. Within thirty (30) days after the applicants' oral examination, they shall be informed of

their oral examination and total overall scores, and each passing applicant shall be informed of the next step in the examination process. Any applicant who does not pass the oral examination shall be rejected.

B. Fire Department. Every applicant who qualified to move beyond the written examination as set forth in Section 4.5 above and who has passed the physical agility testing, if the Commission determined that the physical agility testing should be administered prior to the oral examination, shall be given an oral examination that will be graded on a one hundred (100) point scale with a score of seventy percent (70%) or higher necessary for passing. The oral examination shall involve questioning applicants on how they would handle situations relevant to fire operations and fire prevention/fire safety education. Within thirty (30) days after the applicants' oral examination, they shall be informed of their oral examination and total overall scores, and each passing applicant shall be informed of the next step in the examination process. Any applicant who does not pass the oral examination shall be rejected.

Section 4.7 Overall Passing Score – All Applicants

An applicant for patrolman or firefighter/EMT must score seventy percent (70%) or greater on the written and oral examinations combined, based on a one hundred (100) point scale, in order to qualify. Any applicant not receiving a passing score shall be promptly notified in writing.

Section 4.8 Veterans' Preference Points – All Applicants

Pursuant to the Veterans' Preference Act, any applicant for the position of patrol officer or firefighter/EMT who qualifies as a "soldier" under the Act shall receive an additional ten (10) points on top of his total score if that applicant had received passing scores under this Chapter. Any applicant claiming veterans' preference is responsible for providing any and all relevant documents to the Commission.

Section 4.9 Physical Fitness Assessment

A. Police Department. An applicant for the position of patrol officer must undergo a physical fitness assessment pursuant to standards established by the Commission which are job-related and consistent with business necessity. The physical fitness assessment may be held at any time in the application process after the written examination as determined by the Commission. The physical fitness specifications will be provided to all potential applicants in the application package. Any applicant who does not pass the physical fitness assessment shall be rejected.

B. Fire Department An applicant for the position of firefighter/EMT must meet the requirements of the physical agility examination. The specific elements of the physical agility examination, which will be job-related and consistent with business necessity, will be adopted at an advertised meeting of the Commission prior to the announcement of the examination/testing cycle. The physical agility specifications will be provided to all potential applicants in the application package. Any applicant who does not pass the physical agility examination shall be rejected and shall be promptly notified in writing.

CHAPTER 5. CREATION OF THE ELIGIBILITY LIST, BACKGROUND INVESTIGATION, RECOMMENDATION AND APPOINTMENT

Section 5.1 Creation of Eligibility List – Entry Level and Promotion

At the completion of the examination requirements set forth in these Rules for written examination, oral examination and, physical fitness assessment, the Commission shall rank all passing applicants on a list with the applicant receiving the highest score at the top of the list and the applicant receiving the lowest passing score at the bottom of the list. Applicants who qualify for veterans' preference points shall have those points added to their passing score prior to being ranked on the eligibility list.

In the case of tied scores, the tie will be broken by ranking the names of the candidates with tied scores in alphabetical order by surname.

The eligibility list will be valid for one year from the date the Commission ranks all passing applicants, assigns veterans' preference points and formally adopts the eligibility list. The Commission may, at its sole discretion, before the original expiration date, by a vote of the majority of the Commission at a duly authorized Commission meeting, extend the list for up to an additional twelve (12) months. The Commission may, at its sole discretion, void an eligibility list at any time for any reason.

Section 5.2 Background Investigation – Applicants for Patrol Officer or Firefighter/EMT

The Commission shall request the chief of police, the fire chief or their designees to conduct a background investigation on as many applicants as it deems necessary for the purpose of certifying a list to the Appointing Authority in order to fill a position within a department. The background investigation shall also include interviews with anyone who can provide information regarding the applicant's fitness for the position, including, but not limited to, the applicant's family, acquaintances, current and former employers, current and former neighbors, references and current and former teachers and school officials. At a minimum, personal interviews shall be conducted with at least three (3) people that have personal knowledge of the applicant but who are not related to the applicant and with the applicant's employer(s) for the past five (5) years. The background investigation shall also include a criminal history check, including the submission of fingerprints to the Central Repository for the Commonwealth of Pennsylvania and the Federal Bureau of Investigation. The applicant's credit history and record of criminal convictions shall also be investigated, as well as the applicant's driving record. The applicant may be interviewed directly when the information collected during the background investigation requires clarification or explanation.

If necessary to complete a thorough background investigation on any applicant, the Commission may, upon the request of the chief of police, the fire chief or their designees, subpoena the personnel records maintained by any other police department(s) by which the applicant was previously employed.

Section 5.3 Polygraph Examination for Patrol Officer Candidates Only

A. As part of the background investigation, every applicant for the position of patrol officer shall fill out a Personal Data Questionnaire and undergo a polygraph examination at the direction of the Commission. The Commission shall furnish each polygraph examiner with forms upon which the examiner shall state whether any of the applicant's responses to questions from the applicant's Personal Data Questionnaire are deceptive. The report on each examination shall be submitted to the Commission within ten (10) business days after the date of the examination.

B. The examiner shall ask questions based on the information contained in the Personal Data Questionnaire. Before administering the test, the examiner shall ask each applicant whether there is any more information related to the Personal Data Questionnaire which the applicant would like to provide. There shall also be a post-test review, during which the examiner shall again ask the participant, if deception is indicated, whether there is any information which the applicant is withholding.

C. If the examiner shall deem any of the applicant's responses to be deceptive, the examiner must tell the applicant immediately and give the applicant an opportunity to explain, deny or admit the deception. If the applicant denies being deceptive or if the explanation is found unsatisfactory by the examiner, the applicant will be given the opportunity to retake the polygraph examination with a second examiner. Notice of the opportunity to retake the polygraph examination shall be given in writing to the applicant. Within ten (10) days of the date of the notice of the opportunity to retake the polygraph examination the applicant must indicate in writing addressed and delivered to the Commission, or its designated agent, at the Township Building, that he or she is electing to undergo the second polygraph examination. The second examiner will not have access to the results of the first examination prior to re-administering the polygraph examination. If the second examiner finds no deception, the applicant will be considered as having passed the polygraph examination. If the second examiner also finds the applicant deceptive, the applicant will be considered as having failed the polygraph examination.

D. An applicant who has failed both tests may appeal to the civil service commission for a third examination, and the decision to give the applicant an opportunity to take a third polygraph examination rests solely within the discretion of the Commission. If the applicant is awarded an opportunity to take a third polygraph examination and passes, the applicant will be considered as having passed the polygraph examination. If the applicant is found deceptive on a third examination, the applicant will be rejected.

Section 5.4 – Recommendation to Commission

After the background investigation is completed, the chief of police, the fire chief or their designees, shall make a written recommendation to the Commission on whether the applicant is appropriate for certification to the Appointing Authority for appointment as a police officer or firefighter/EMT.

Appropriateness of the applicant shall be based on the criteria and the results of any background investigation set forth in these Rules. This recommendation shall be in writing and, if the recommendation is to disqualify, then a written explanation of the reasons for disqualification must be included. The Commission shall make the final determination on whether the information collected during the background investigation warrants rejection of the applicant. Within thirty (30) days after the Commission considers the recommendation of the chief of police, the fire chief or their designees, each applicant will be informed of whether they have passed the background investigation.

Section 5.5 Certification of Candidate List and Appointment – Any Vacancy Including Promotion

A. The Appointing Authority of the Township may fill any vacancy in an existing position in the Police Department or Fire Department that occurs as a result of expansion of either department, retirement, resignation, disability, termination or death by the reappointment or reinstatement of a former employee of either department who had been furloughed.

B. In the case of a vacancy for patrol officer or firefighter/EMT, but not for promotion, no other testing shall be required for a furloughed employee or a rehired or reappointed employee, except for medical and psychological examinations after conditional offer of appointment and also subject, to any recertification requirements prescribed by the Municipal Police Officers' Education and Training Commission.

C. If no furlough list exists or if positions remain to be filled after all of the individuals on the furlough list were offered reemployment, every position, except that of chief of police and fire chief, shall be filled only in the following manner:

1. The Appointing Authority of the Township shall notify the Commission of any vacancy which is to be filled and shall request the certification of three (3) names of persons from the list of eligible candidates who have the highest examination scores;

2. In response to the Appointing Authority's request, and after receiving a recommendation following any required background investigation pursuant to Section 5.4, the Commission shall certify the top three (3) candidates from the list of eligible candidates. If a list of eligible candidates for initial appointment or promotion does not contain three (3) names, the Commission shall certify the names remaining on the eligibility list.

3. Subject to its right to object to a candidate, the Appointing Authority of the Township shall make a conditional appointment of one candidate from the three (3) names certified based solely on the merits and fitness of the candidates. However, for initial appointment to patrol officer or firefighter/EMT, when one (1) of the three (3) candidates on the certified list is a veteran, that candidate shall be selected.

D. The Appointing Authority may object to one or more of the candidates certified for the reasons set forth in Section 3.8 of these Rules. If the candidate to whom the Appointing Authority objects fails to timely exercise the rights of appeal under Section 3.9, or if the Commission declines to uphold the appeal, the Commission shall strike the name of that candidate from the eligibility list and take the steps necessary to certify the next highest name for inclusion on the list of three candidates for each name stricken off.

Section 5.6 Appointment of Chief of Police or Director of Emergency Services

In the case of a vacancy in the office of chief of police or fire chief, the Appointing Authority has full discretion in selecting the individual to fill the position. If the Appointing Authority requests the Commission to subject that person to a noncompetitive examination, and if that person successfully passes the noncompetitive examination, then the Commission shall notify the Appointing Authority of the results of the examination. If,

after receiving notice from the Commission that the candidate is qualified, the Appointing Authority votes to bestow civil service status on that person, he may only be removed from the position of chief of police or fire chief for the reasons set forth in Section 6.1.

Section 5.7 Physical and Psychological Medical Examinations

A. An applicant selected from the eligibility list shall receive a conditional offer of employment. The offer of employment shall be conditioned upon the conditional employee undergoing a physical and psychological medical examination and a determination that the conditional employee is capable of performing all the essential functions of the position. Physical medical examinations shall be under the direction of a physician or other qualified medical professional. Psychological medical examinations shall be under the direction of a psychiatrist or psychologist.

B. The physician or other qualified medical professional and the psychiatrist or psychologist shall be appointed by the township commissioners and shall render an opinion as to whether the conditional appointee has a physical or mental condition which calls into question the person's ability to perform all of the essential functions of the position for which the person was conditionally appointed.

C. If the opinion rendered by the physician, or other qualified medical professional, psychiatrist or psychologist calls into question the conditional appointee's ability to perform all essential functions of a position, a person designated by the township commissioners shall meet with the conditional appointee for the purpose of having one or more interactive discussions on whether the conditional appointee can, with or without reasonable accommodation, perform all the essential functions of the position.

D. If, at the conclusion of the interactive discussion under subsection C, the township commissioners determine that the conditional appointee is not qualified, the township commissioners shall give written notice to the conditional appointee and the Civil Service Commission.

E. Nothing in these Regulations shall be construed to authorize physical or psychological medical examinations prior to the conditional appointment.

F. As used in this section, the following definitions shall apply:

"Medical examination" shall mean any examination, procedure, inquiry or test designed to obtain information about medical history or a physical or mental condition which might disqualify an applicant if it would prevent the applicant from performing, with or without a reasonable accommodation, all of the essential functions of the position.

"Physician" shall have the meaning given to it in 1 Pa.C.S. §1991 (relating to definitions).

"Qualified medical professional" shall mean an individual, in collaboration with or under the supervision or direction of a physician, as may be required by law, who is licensed:

(1) as a physician assistant pursuant to the act of December 20, 1985 (P.L. 457, No. 112), known as the "Medical Practice Act of 1985" or the act of October 5, 1978 (P.L. 1109, No. 261), known as the "Osteopathic Medical Practice Act"; or

(2) as a certified registered nurse practitioner pursuant to the act of May 22, 1951 (P.L. 317, No. 69), known as "the Professional Nursing Law."

Section 5.8 Probationary Period

Every candidate appointed to the position of patrol officer or firefighter/EMT or to a promotional position with the Police Department or Fire Department shall serve a twelve (12) month probationary period. For newly hired patrol officers, the one (1) year probationary period shall not commence until after the patrol officer has completed training under Act 120 and receives a certification number. If the candidate already has Act 120 certification when he is appointed, his probationary period shall commence immediately upon appointment. During the probationary period, a newly hired patrol officer or firefighter/EMT may only be dismissed for the reasons set forth in Section 3.8. Any individual who is promoted during probation may be returned to a prior rank only for the reasons set forth in Section 3.8 of these Regulations or because of incapacity for duty due to the use of alcohol or drugs. However, at the end of the twelve (12) month probationary period, if the conduct of the probationer has not been satisfactory to the Appointing Authority the probationer shall be notified in writing that the appointment will not be permanent. At that time, probationer's employment shall end, and a promoted probationer shall return to a previous rank. Any probationer, who is not informed in writing that his performance has been unsatisfactory, shall receive a permanent appointment to the new position. Any probationer who is notified in writing that his appointment will not be made permanent has no right of appeal under these Rules.

Section 5.9 Provisional Appointments

Whenever there are urgent reasons for the filling of a vacancy in any position in the Police Department or Fire Department and there are no names on the eligibility list for such appointment, the Appointing Authority may nominate a person to the Commission for noncompetitive examination. Such nominee may be certified by the Commission as qualified after such noncompetitive examination and may be appointed provisionally to fill such vacancy. It shall thereupon become the duty of the Commission within three (3) weeks to hold a competitive examination and certify a list of eligible candidates and a regular appointment shall then be made from the name or names submitted by the Commission provided, however, that nothing within this section shall prevent the appointment, without examination, of persons temporarily as police officers or firefighter/EMTs in cases of riot or other emergency.

CHAPTER 6. SUSPENSIONS, REMOVALS AND REDUCTIONS IN RANK

Section 6.1 Grounds for Disciplinary Action

A. No person appointed to a position in the Police Department or Fire Department pursuant to these Rules may be suspended without pay or removed and no person promoted in rank pursuant to these Rules may be reduced in rank except for the following reasons:

1. Physical or mental disability affecting the ability of the employee to continue in service, in which case the employee shall receive an honorable discharge from service;

2. Neglect or violation of any official duty;
 3. Violation of any law of this Commonwealth which provides that such violation constitutes a misdemeanor or felony or violation of any law in any other state or commonwealth which would constitute a misdemeanor or felony if committed in this Commonwealth;
 4. Inefficiency, neglect, intemperance, disobedience of orders or conduct unbecoming a police officer or firefighter/EMT, as the case may be;
 5. Intoxication while on duty; or
 6. Engaging or participating in or conducting of any political or election campaign other than the exercise of the right of suffrage of the employee.
- B. No employee shall be removed for religious, racial or political reasons.
- C. A statement of any charges made against any employee so employed shall be furnished to the employee within five (5) days after the Appointing Authority has adopted those charges.

Section 6.2 Furloughs

A. If for reasons of economy or other reasons, it shall be deemed necessary by the Township to reduce the number of full-time police officers or firefighters/EMTs in their respective departments, then the Township shall furlough in accordance with law.

Section 6.3 Notice of Suspensions, Removals or Reductions in Rank

A. Whenever a police officer or firefighter/EMT is suspended without pay, removed or reduced in rank, the specific charges warranting such actions shall be stated in writing by the Board of Commissioners. The charges shall be stated clearly and in sufficient detail to enable the police officer or firefighter/EMT to understand the charges and to allow the police officer or firefighter/EMT an opportunity to respond to those charges. The charges shall specify the subsection of Section 6.1 which provides the basis for the disciplinary action as well as an explanation of the factual circumstances upon which the appointing authority relied in finding a violation of Section 6.1.

B. Within five (5) days after the Board of Commissioners has voted to impose the disciplinary action, a written statement of the charges shall be delivered to the police officer or firefighter/EMT either by personal service or by certified and registered mail. In addition, the charges shall notify the police officer or firefighter/EMT of the right to appeal under Section 6.4 of these Rules. A copy of the statement of charges shall also be served upon the members of the Commission.

Section 6.4 Hearings on Suspensions, Removals and Reductions in Rank

A. The police officer or firefighter/EMT who has been suspended, removed or reduced in rank may appeal the decision of the Board of Commissioners by written notice to the secretary of the Commission at 117 Park Avenue, Willow Grove, Pennsylvania 19090 requesting a hearing. It is the obligation of the police officer or firefighter/EMT to cause the request for a hearing to be delivered to the Commission within ten (10) days after the police officer or firefighter/EMT received notice of the discipline. The police officer or firefighter/EMT may make written answers to any charges filed not later than the date fixed for the hearing. Failure of the police officer or firefighter/EMT to provide written answers to any of the charges shall not be deemed an admission by such person.

B. The Commission shall schedule a hearing within ten (10) days from the Commission's receipt of the written request of the police officer or firefighter/EMT for a hearing, unless continued by the Commission for cause at the request of the Commission, the Board of Commissioners or the police officer or firefighter/EMT. At any such hearing, the police officer or firefighter/EMT against whom the charges have been made may be present and represented by counsel, may call witnesses and present testimony and documentation in his or her defense. The Township may also be represented by counsel, call witnesses and present evidence as is necessary to support the charges. A stenographic record of all testimony shall be taken at every hearing and preserved by the Commission. In the event the charges are dismissed, the record shall be sealed and not be available for public inspection.

C. In conducting the hearing, the Commission's standard of review shall be to determine whether sufficient evidence has been presented to support the statutory reason for the disciplinary action. If the Commission finds that sufficient evidence has been introduced to support the charge, the Commission shall not modify the penalty imposed by the Board of Commissioners unless it finds that the penalty imposed was arbitrary, discriminatory or an abuse of the Board's discretion. In considering the appropriateness of the discipline, the Commission shall not substitute its judgment for that of the Board of Commissioners. The Commission may request post-hearing Proposed Findings of Fact and Conclusions of Law from the parties and shall issue a written decision containing specific findings of fact and conclusions of law within sixty (60) days of the later of (a) receipt of the hearing transcript or (b) the date set for receipt of any Proposed Findings of Fact and Conclusions of Law.

Section 6.5 Hearing Procedure

A. All testimony shall be given under oath administered by the chairperson, or in absence of the chairperson, the vice-chairperson of the Commission. The Commission shall have the power to issue subpoenas as set forth in these Rules. The hearing shall be open to the public unless, prior to the commencement of the hearing, a written or oral request to close the hearing is made by either the charged police officer or firefighter/EMT or the Township and the Commission decides to honor that request.

B. If the Commission sustains the charges, the police officer or firefighter/EMT who was suspended, removed or reduced in rank may file an appeal with the Court of Common Pleas within thirty (30) days from the date of entry by the Commission of its final order. No order of suspension without pay shall be made by the Commission for a period longer than one (1) year. In the event that the Commission fails to uphold the charges, then the police officer or firefighter/EMT sought to be suspended, removed or demoted shall be reinstated with full pay for the period of the suspension without pay, removal or demotion, and no charges related to the suspension, removal or reduction in rank shall be officially recorded in the such person's record.

TOWNSHIP of UPPER MORELAND

Montgomery County, Pennsylvania

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Township Manager
RANDALL K. SCHAIBLE
*Assistant Township Manager/
Director of Finance*
ALEX H. LEVY
Township Treasurer
SEAN P. KILKENNY, ESQ.
Township Solicitor

Agenda Summary

Parks and Recreation Committee Meeting - October 24, 2022
Regular Meeting – November 14, 2022

Agenda Item: Tree City USA Application

**Recommend Action
by Committee:** Authorize the Director to Make Application

Background/Analysis: We have not, as yet, filed our application for Tree City USA. In order to meet the criteria, you must meet these four qualifications:

- Maintain a Tree Board or Department
- Have a community tree ordinance
- Spend at least \$2.00 per capita on urban forestry
- Celebrate Arbor Day

It is my belief we meet the criteria. The application can be completed on line.

Fiscal Impact / Sources: Spending about \$50,000 annually of tree care (which includes staff time). When including past fund spending, staff time, tree care, we have been spending this much as part of our budgets each year.

Alternatives: N/A

Attachments: N/A

Prepared by: Patrick Stasio, Director of Parks and Recreation

Committee Recommendations:

At the October 24, 2022 meeting of the Parks and Recreation Committee, the Committee recommends approval by the Board of Commissioners at their November 14, 2022 Regular Meeting, on the submission of a Tree City USA application.