



# **HATFIELD TOWNSHIP BOARD OF COMMISSIONERS WORKSHOP MEETING AGENDA**

**January 11, 2023**

**7:30 PM**

**I. CALL TO ORDER**

**II. ROLL CALL**

- ☐ COMMISSIONER PRESIDENT ZIPFEL
- ☐ COMMISSIONER VICE PRESIDENT RODGERS
- ☐ COMMISSIONER ANDRIS
- ☐ COMMISSIONER LEES
- ☐ COMMISSIONER ZIMMERMAN

**III. PLEDGE OF ALLEGIANCE**

**IV. APPROVAL OF AGENDA**

**V. CITIZENS' COMMENTS – AGENDA ITEMS ONLY**

***Attention: Board of Commissioner Meetings are Video Recorded***

*All comments made at the podium. Please state your name and address for the record.  
Comments are guided by Resolution #10-10.*

**VI. CONSENT ITEMS**

*Motion to Enter into the Record*

- A. Police Report – December
- B. VMSC Ambulance Report – 2022 Year End Report
- C. HTMA Meeting Minutes – November 8, 2022
- D. NPWA Meeting Minutes – November 22, 2022

## **VII. COMMITTEE REPORTS**

### **A. Planning and Zoning Committee – Vice President Rodgers**

1. Land Development Application Discussion  
- Alterra Property Group, 2750 Bethlehem Pike

### **B. Public Works Committee – Commissioner Lees**

### **C. Parks and Recreation Committee – Commissioner Zimmerman**

### **D. Public Safety Committee –President Zipfel**

### **E. Finance Committee – Commissioner Andris**

## **VIII. ACTION ITEMS**

1. Volunteer Board Appointments (Listed on following page)  
*Motion for Approval*
2. Professional Appointment  
*Motion to Appoint Don Delamater as Zoning Officer*
3. Lounge Chairs – Aquatic Center Bid  
*Motion to Award bid to Sequoia Out Back*

## **IX. TOWNSHIP STAFF REPORTS**

### **A. Township Manager’s Report**

1. Liquor License Transfer Hearing, Wawa – Cowpath/Broad  
- Regular Meeting, January 25<sup>th</sup>

## **X. SOLICITOR’S REPORT**

## **XI. CITIZENS’ COMMENTS**

Attention: Board of Commissioner Meetings are Video Recorded  
*All comments made at the podium. Please state your name and address for the record.  
Comments are guided by Resolution #10-10.*

## **XII. ADJOURNMENT**

## **VOLUNTEER APPOINTMENTS**

### Industrial Development Authority (5 years)

Jim McAuliff 1-1-23 to 12-31-27

### Hatfield Township Municipal Authority (5 years)

George Landes 1-1-23 to 12-31-27

### Planning Commission (4 years)

Barry White 1-1-22 to 12-31-26

### Pool Advisory Board (3 years)

Sandie Musolena 1-1-23 to 12-31-25

### Shade Tree Commission (5 years)

Joan DiMaria 1-1-23 to 12-31-27

### Vacancy Board Chairman (1 year)

David Kresge 1-1-23 to 12-31-23

### Zoning Hearing Board (3 years)

Dan Kerr 1-1-23 to 12-31-25



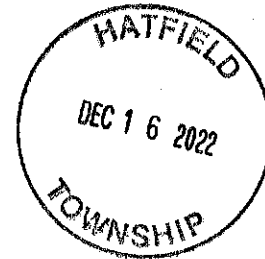
## MUNICIPAL AUTHORITY

Ralph Harvey, *Chairman*  
Donald Atkiss, *Vice Chairman*  
George Landis, *Asst. Secretary*  
Barry Wert, *Secretary / Asst. Treasurer*  
Charles Sibel, *Treasurer*

GHD Inc ~ *Engineer*

Hamburg, Rubin, Mullin,  
Maxwell & Lupin ~ *Solicitor*

HATFIELD TOWNSHIP MUNICIPAL AUTHORITY  
PUBLIC MEETING AGENDA  
November 8, 2022, 7:30 PM



- I. Call to order by the Chairman
  - A. Executive Session Announcement
- II. Roll call by Secretary – Authority members present: Ralph Harvey, Barry Wert, George Landes, Charles Sibel and Donald Atkiss. Also present Peter Dorney, Executive Director, Joseph Stammers, Plant Manager, Corey deSimone, Asst. Plant Manager, Paul Mullin, Solicitor and Charles Winslow, GHD Engineer.
- III. Approval of minutes for October 11, 2022 – Motion was made by Mr. Landes to approve the minutes as submitted, seconded by Mr. Atkiss and approved by the Authority Board.
- IV. Citizen's comments – no report
- V. Union – no report
- VI. Montgomery Township
  - A. Capital Projects Review with MTMSA staff on November 9 – along with a brief Plant tour.
- VII. Executive Director's Report
  - A. Grant for Administration Building Approval – A grant in the amount of \$850,000 from the Redevelopment Assistance Capital Program (RACP) has been approved, and a presentation ceremony was held on Friday November 4<sup>th</sup> at the Plant.
  - B. DEP/Stack Test – The stack test is scheduled for December 14<sup>th</sup> and 15<sup>th</sup>, and 16<sup>th</sup> if necessary.

- C. Air Quality Title V Permit Renewal – Mr. Dorney has been told that the Draft Title-V Permit Renewal should be coming very soon, and will address HTMA's request to include a slight change in HTMA's Permitted sludge charging rate to the incinerator.
- D. NPDES Permit Renewal – Steve Hann from our Solicitor's office is working with DEP on settlement language for our Appeal.
- E. Secondary Channels Replacement Project Progress – after discussions between our Engineer and the new troughs manufacturer, it was agreed upon that we will only need 45 new support brackets per tank and not 95, per proper engineering calculations. Eastern will be informed to proceed with the order and a change order will be issued to HTMA. Motion was made by Mr. Landes to inform Eastern Environmental to proceed, seconded by Mr. Sibel and approved by the Authority Board. We will expect to see a change order.
- F. Office Addition Progress – it is expected that we should be able to bid this project in January. We need to coordinate specific bid requirement with the Grant.
- G. Pine Street sewer line replacement progress – Paving is being scheduled for Rebecca Drive. Temperature may be a factor in applying the final coat, but the contractor should at least be able to finish the trenches and apply the base coat.
- H. Plant Electric Grid Upgrade – there has been no significant progress in this project.
- I. Flood Wall Project – Mindy and GMS are working on the Grant Application to FEMA.
- J. Retaining Wall at Headworks/Adjacent Owner Agreements – we received the original signature copies of the two Agreements, however the Permissive Use Agreement was notarized on the incorrect page by the owner's Notary. He has been informed and we are awaiting the corrected Agreement. This project could possibly be included in the FEMA Grant application, along with a more secure section of fencing along the creek that has been damaged several times lately due to unprecedented flooding.
- K. Potential Development on Broad Street – we have received information about a proposal to build 40 residential units on a portion of the former Ziegler's beverage property. The intent is to subdivide this from the rest of the property. The potential developer has been told that due to capacity issues in the sewer line under Broad Street, a capacity letter cannot be signed by HTMA without DEP intervention. The capacity issue can only be solved by replacing approximately 5500 feet of existing sewer line. The Developer has requested a meeting with DEP to this end.

L. Patch Liners purchase approval – the Authority reviewed the costs of the liners and would like 100 purchased (COSTARS purchase) at the lump sum price of \$58,140. These patch liners are used in our constant battle with cracks in the older sewer lines that allow roots and infiltration into the collection system. Motion was made by Mr. Landes to approve the COSTARS purchase, seconded by Mr. Wert and approved by the Authority Board.

M. Financial Statement approval – The Board has reviewed the annual Financial Statement prepared by our Auditor. Motion was made by Mr. Sibel to approve the Financial Statement for year ending March 31, 2022, seconded by Mr. Atkiss and approved by the Authority Board.

VIII. Pretreatment Report – Mr. Stammers reported that the Headworks Analysis required by our newly renewed NPDES Permit is due next week, and he and Judy Musselman of GHD are finalizing the report information.

IX. Engineer's Report

A. Project Requisitions – the following requisitions were submitted by Mr. Winslow.

Project #2020-9480	Pine Street Interceptor	\$2,604.50
Project #2021-9840	Clarifier Launder Troughs	\$1,804.50
Project #2021-9420	Admin Building Expansion	\$13,106.75
Project #2021-9770	Electric Grid Project	\$1,542.00

X. Solicitor's Report

A. No specific report tonight

XI. Treasurer's Report – After questions from Mr. Sibel and Mr. Atkiss, with answers from Mr. Dorney, a motion was made by Mr. Sibel to accept the bills, seconded by Mr. Landes and approved by the Authority Board.

XII. Old Business

A. DHS Security Evaluation – a preliminary meeting was held with the DHS to once again review the steps they will take and some of the information they will need during the full inspection of the Plant and our operations in order to prepare their security report.

B. Grit Washer Purchase – nothing new to report

C. Clemens PSA – Our engineer is finalizing a report on what is necessary for HTMA to consider accepting approximately 150,000 gallons per day of flow from Clemens Food Group. The flow requested by Clemens would include clean process waste and domestic sewerage. No brine waste is being considered.

D. Screw Pump Replacement Evaluation – no new information from GHD to report.

E. TV Truck, delivery of the new TV truck and system has been delayed until March at the earliest.

XIII. New Business

A. Demolition of Old Primary Tank – Mr. Dorney has withdrawn this discussion at this time.

XIV. Other Business

A. Mr. Dorney reported that he will now begin working on next year's fiscal budget. A brief discussion was held regarding whether a small sewer rate increase should be considered for next year if we once again project that our expenditures will exceed our revenues, so that we don't get too far behind when the big projects begin to hit our budget.

XV. Adjournment – A motion to adjourn was made by Mr. Landes at 8:13 PM, seconded by Mr. Atkiss and approved by the Authority Board.

Submitted by,

A handwritten signature in black ink, appearing to read "R. W. [unclear]", is written over the printed name "R. W. [unclear]".

Secretary

**NORTH PENN WATER AUTHORITY**  
**MINUTES OF THE BOARD OF DIRECTORS MEETING**  
**November 22, 2022**

William K. Dingman, Chair, called the meeting to order at 7:30 p.m. The following Board members were also in attendance at the meeting: David W. Dedman, George E. Witmayer, Richard C. Mast, Robert J. Rodgers, Arthur C. Bustard, Helen B. Haun, Kenneth V. Farrall and Jeffrey H. Simcox. Amy J. Cummings-Leight was absent. Also present were Anthony J. Bellitto, Jr., P.E., Executive Director, Jonathan C. Hartzell, Director of Operations and Field Services, Daniel P. Pearce, Director of Information Technology, Daniel C. Preston, P.E., Director of Asset Management and Strategic Initiatives, Ami L. Tarburton, Director of Finance and Human Resources, and Paul G. Mullin, Esquire, Hamburg, Rubin, Mullin, Maxwell & Lupin, Solicitor.

The following items, by agenda number, were discussed:

1. **MINUTES** - Upon the motion of Mr. Farrall, seconded by Mrs. Haun, the Board approved unanimously the Minutes of the October 25, 2022, Board of Directors meeting as presented.
2. **BIDS:**
  - 2.1. There was no Bid Activity this month.
3. **PUBLIC COMMENTS** – There was no public comment.
4. **FINANCIAL AND HUMAN REOURCES REPORT:**
  - 4.1. The **Statement of Income and Expense** for the period ending October 31, 2022, was highlighted by Mrs. Tarburton and discussed. Mrs. Tarburton noted, with 83% of the year lapsed, that revenues were 91% of budget and operating expenses were 79% of budget. Total Metered Sales are up 5% year to year for the month, with Total Revenues up over 3% year to year. Debt Service Coverage is at 1.44, which is above the 1.10 required by the Trust Indenture. Total Debt Service Coverage is at 1.72. The **Statement of Net Position, Expense Variance Report, Capital Budget Report and Metered Sales Report** for the period ending October 31, 2022 were highlighted by Mrs. Tarburton and discussed. It was noted that Net Position had increased by 2% year to year, an increase of approximately \$3.5 million dollars. Also, it was noted that the Capital Budget expenditures are at 80% and are in line with the budgeted amount for this time of year. The total metered sales are up and are at or exceeding budget and in line with sales projections at or above the 3 year average mark. Commercial and industrial sales continue to outperform and exceed projections. Following discussion, upon the motion of Mr. Farrall, seconded by Mr. Rodgers, the Board voted unanimously to accept the financial reports and file for future audit.
  - 4.2. The Check Register for October 19, 2022 to November 15, 2022 was reviewed and discussed. Upon the motion of Mr. Farrall, seconded by Mr. Mast, the Board ratified the payments 8-0, with one abstention. In accordance with the Public Official and Employee Ethics Act, Mr. Dingman announced his abstention due to a payment to Gilmore and Associates, Inc. and his written memorandum

regarding such abstention is attached hereto and made a part hereof as Exhibit "A".

5. **OPERATIONS, METER/CUSTOMER SERVICE, AND STATISTICS REPORT** - The Report for the month of October 2022 was presented, highlighted by Mr. Hartzell, and discussed.
6. **ENGINEERING AND WATER QUALITY REPORT** - The Report for the month of October 2022 was presented, highlighted by Mr. Preston, and discussed.
7. **INFORMATION TECHNOLOGY REPORT** - The Report for the month of October 2022 was presented, highlighted by Mr. Pearce, and discussed.
8. **ADMINISTRATION AND PUBLIC RELATIONS REPORT** - The Report for the month of October 2022 was presented, highlighted by Mr. Bellitto, and discussed. Mr. Bellitto indicated there was nothing else to report or highlight.
9. **FOREST PARK WATER** – Mr. Rodgers, Chair of the Forest Park Water Operating Committee, reported that the committee had not met since the last Board meeting. Mr. Bellitto indicated there is nothing to report beyond that contained in the meeting packet.
10. **MAIN EXTENSIONS:**
  - 10.1. M.E. 1437 – Crown Point Manor (Berks Road, LLC) – Upon the motion of Mr. Bustard, seconded by Mrs. Haun, the Board granted unanimously Final Approval for 7 EDUs to Berks Road, LLC, for Crown Point Manor, located at Berks Road and Skippack Pike, Worcester Township and further, authorized execution of the Main Extension Agreement and Tri-Party Set Aside Agreement.
11. **ITEMS FOR DISCUSSION:**
  - 11.1. Mr. Bellitto gave an update on the Ferry Road transmission main project and reviewed a memo from June 21, 2019, and the justification for North Penn Water Authority's participation in the project was discussed. North Wales Water Authority has resolved its legal issues with a neighboring Authority and will soon bid out the project. No Board action is required at this time until bids are opened some time in the next 6-8 weeks.
  - 11.2. Change Order No. 9 for Contract 792 (2022 Main Replacement Group) – Mr. Preston reviewed the memo included with the Board packet that discussed the justification for the change order. The additional cost was related to restoration costs associated primarily with the Washington Avenue main extension and the Almont Road main extension projects. After discussion, and upon the motion of Mr. Farrall and seconded by Mr. Witmayer, the Board voted unanimously to authorize Change Order No. 9 for Contract 792 in the amount of \$211,729.06.
  - 11.3. Mr. Bellitto indicated that the schedule of 2023 meeting dates is contained in Section 11 of the board packet. He noted that all meetings will be held on the fourth Tuesday of the month, except the December meeting due to the Christmas

holiday, as usual. Upon the motion of Mrs. Haun, seconded by Mr. Dedman, the board unanimously authorized advertising the 2023 meeting date schedule as presented.

12. **COMMITTEE REPORTS:**

- 12.1. Engineering Committee – Mr Farrall, Chair of the Engineering Committee, reported that the committee had not met this month.
- 12.2. Executive Committee – Mr. Simcox, Chair of the Executive Committee, reported that the committee had not met this month.
- 12.3. Finance Committee - Mrs. Haun, Chair of the Finance Committee, reported that the committee met on November 17, 2022. The Committee discussed the proposed refinancing of the 2015 Bond Issue and the 2023 Capital and Operating Budgets.
  - 12.3.1 Refunding of the 2015 Bond Issue – Mrs. Tarburton reported on behalf of the Committee that the Authority is working with John Frey of PFM on a possible refunding of this bond issue. We are eligible beginning in May 2023 to refund at a projected net savings of approximately \$300,000. We are currently monitoring rates and will make a decision in January 2023, based on whether our parameters are met to justify a refunding at this time.
  - 12.3.2. Mrs. Haun reported that the proposed 2023 Capital and Operating Budgets were discussed. The 2023 proposed Capital Budget in the amount of \$8,051,000, which was previously reviewed by the Engineering Committee, was reviewed by the Finance Committee. The major items in the 2023 Capital Budget are the following: Water Main Improvement Projects, Forest Park Water, Service Connection Lines and Meter Replacement Projects. Together, these four items total \$6,373,000, which accounts for 79% of the total 2023 Capital Budget.

The 2023 Proposed Operating Budget includes an increase in the usage rate and fixed service charge totaling about three percent (3%) for the average customer as recommended by the Rate Study that was approved previously by the Board. Budgeted Operating Revenue is \$22,239,000, and combined with Non-operating revenue, Total Budgeted Revenue for 2023 is \$23,119,000. After subtracting Operating Expenses of \$12,402,000 and Debt Service of \$8,126,000, the projected Net Income is \$2,591,000. Budgeted Operating Income to Debt Ratio is 1.21 and Total Net Revenue to Debt Service Ratio is 1.32. Metered Revenue is 95% of all Operating Revenue, with 60% of that being Domestic metered sales.

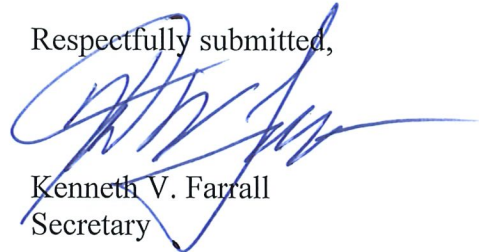
The Finance Committee recommended the adoption of both budgets as presented, including recommendations on employee compensation.

- 12.3.3. Following discussion, upon the motion of Mrs. Haun, seconded by Mr. Witmayer, the board unanimously approved the budgets and Resolution 22-11-22 A Approving and Adopting the Operating Budget of the Authority for the Fiscal Year January 1, 2023 to December 31, 2023.
- 12.3.4. Following discussion, upon the motion of Mrs. Haun, seconded by Mr. Rodgers, the board unanimously approved Resolution 22-11-22 B Amending the Schedule of Water Service Rates and Charges and Repealing Inconsistent Resolutions.
- 13. **CORRESPONDENCE** - Various items of correspondence and newspaper articles contained in the Authority meeting packet were reviewed. Mr. Bellitto noted on Page 42 of the Correspondence that both Mr. Farrall and Mr. Mast have terms expiring at the end of this year and that they were both being reappointed by their municipalities for another 5 year term.
- 14. **COMING EVENTS:**
  - 14.1. Forest Park Operating Committee Meeting Dates for 2023 are February 21 and August 15 at 6:00 p.m. at the North Wales Water Authority office.
  - 14.2. NPWA/NWWA 2023 Joint Board Meeting Dates are scheduled for March 2 and September 7 at the North Penn Water Authority office.
  - 14.3. PMAA Board Member Training session is scheduled for March 30, 2023 at the Crowne Plaza Philadelphia/Valley Forge.
  - 14.4. Roadmasters Meeting is scheduled for April 2023 at the Hennings Market in Harleysville on a date to be determined.
  - 14.5. Public voting will take place at the North Penn Water Authority Operations Center on Primary Election Day, Tuesday, May 16, 2023 and General Election Day, Tuesday, November 7, 2023.
  - 14.6. The Annual Municipal Banquet will be held on Thursday, May 25, 2023, at 6:30 p.m., at the Indian Valley Country Club, 650 Bergey Road, Franconia Township.
  - 14.7. The PMAA 80th Annual Conference and Trade Show will be held from September 17-20, 2023, at the Kalahari Resorts and Convention Center, Pocono Mountains, Pennsylvania.
  - 14.8. The Forest Park Customer Appreciation Day Golf will be held on Monday September 25, 2023 at The Bucks Club, York Road, Jamison, Pennsylvania.
- 15. **OLD BUSINESS** – There was no Old Business to come before the Board.

16. **NEW BUSINESS** – There was no New Business to come before the Board.
17. **EXECUTIVE SESSION** – The Board recessed to Executive Session at 8:40 p.m. to discuss a personnel matter and reconvened at 8:43 p.m.

There being no further business, upon the motion of Mr. Simcox, seconded by Mr. Farrall, the Board voted unanimously to adjourn at 8:43 p.m.

Respectfully submitted,



Kenneth V. Farrall  
Secretary



Exhibit "A"

**Voting Conflict Memorandum**

The Check Register for October 19, 2022 to November 15, 2022 was reviewed and discussed. Upon the motion of Mr. Farrall, seconded by Mr. Mast, the Board ratified the payments 8-0, with one abstention.

I, William K. Dingman, member of the North Penn Water Authority, abstained from the above mentioned ratification due to a payment to Gilmore and Associates, Inc. The situation constitutes a conflict of interest under section 1102 of the Public Official and Employee Ethics Act (the "Act"), therefore I abstained from the vote.

A handwritten signature in cursive script, reading "William K. Dingman", is positioned above a horizontal line.

William K. Dingman

Filter statement

Filters

Years in ESO Record Created Date2022

Scene ZoneMONTGOMERY - HATFIELD TOWNSHIP (46930)

TOTAL ZONE CALLS: 1,823

TOTAL VMSC CALLS: 10,999

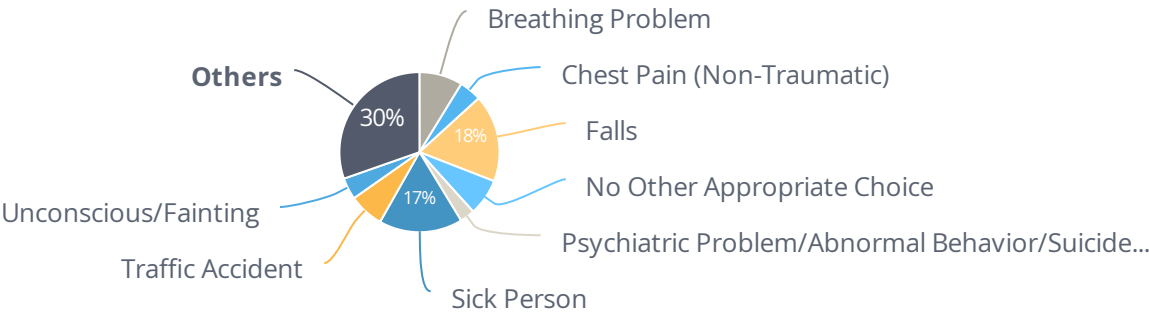
Average Chute Time: 1m:19s

Average Response Time: 07m:41s

Top 5 Call Types

Type of Incident	# <div>↓</div>
Falls	322
Sick Person	308
Breathing Problem	160
No Other Appropriate Choice	135
Traffic Accident	129

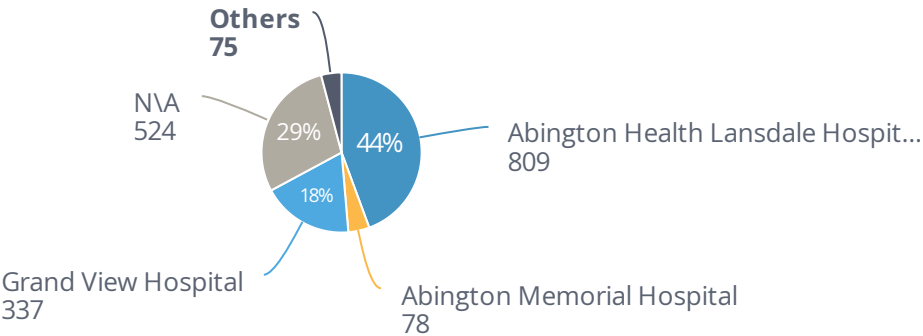
Dispatched Complaint Percentages



Call Disposition

Disposition	# <div>↓</div>
Transported No Lights/Siren	940
Transported Lights/Siren	353
Patient Refused Evaluation/Care (Without Transport)	151
Cancelled (No Patient Contact)	112
Assist, Unit	109

Hospital Transports





**HATFIELD TOWNSHIP  
1950 SCHOOL ROAD  
HATFIELD, PA 19440**

**CONTRACT DOCUMENTS  
FOR**

**HATFIELD AQUATIC CENTER  
FURNITURE**

**IN**

**HATFIELD TOWNSHIP  
MONTGOMERY COUNTY, PENNSYLVANIA**

**BID DUE: 10:00 AM, Friday December 23, 2022**

# SEQUOIA OUT BACK

PO Box 238

LINE LEXINGTON, PA 18932

866-993-9273



## QUOTE

2210-145987 R3 PAGE 1 OF 1

SOLD TO
HATFIELD TOWNSHIP SWIM CLUB (MIKE KREWSON) 1950 SCHOOL ROAD HATFIELD PA 19440

JOB ADDRESS
HATFIELD TOWNSHIP SWIM CLUB (MIKE KREWSON) 1950 SCHOOL ROAD HATFIELD PA 19440 215-855-0900

ACCOUNT	JOB
2158550900	0
CREATED ON	10/19/2022
EXPIRES ON	12/02/2022
BRANCH	3000
CUSTOMER PO#	
STATION	T16
CASHIER	TRACY
SALESPERSON	ELI
ORDER ENTRY	COL
MODIFIED BY	TRACY

Item	Description	D	Quantity	UM	Price	Per	Amount
MISCELLANEOUS	TELESCOPE GARDENELLA SLING STACKING BISTRO CHAIR ITEM#8L6 (CHOOSE FRAME COLOR & GR-A FABRIC) FRAME: WARM GREY, FABRIC: NIMBUS OCEAN #577		55	EACH	199.5000	EACH	10,972.50
MISCELLANEOUS	TELESCOPE GARDENELLA SLING BARSTOOL ITEM#8L9 (CHOOSE FRAME & FAB#GR-A) FRAME: WARM GREY, FABRIC: NIMBUS OCEAN #577		15	EACH	212.4000	EACH	3,186.00
MISCELLANEOUS	TELESCOPE GARDENELLA SLING CHAISE LOUNGE NO ARMS 16"FOUR POSITION ITEM#7L3 (CHOOSE FRAME COLOR & FAB#GR-A) FRAME: WARM GREY, FABRIC: NIMBUS OCEAN #577		150	EACH	336.4000	EACH	50,460.00
Sequoia Supply is not responsible for errors or omissions in material take-offs. Customer accepts ownership of the quoted products, quantities, sizes and exclusions. A 15% restocking fee is applied to all returns. SPECIAL ORDERS ITEMS MAY NOT BE RETURNED					Subtotal		64,618.50
					EXE 0.00%	Sales Tax	0.00
						Total	64,618.50

Buyer:

Signature

**BID FORM**  
**HATFIELD TOWNSHIP**

**SCHEDULE OF PRICES**

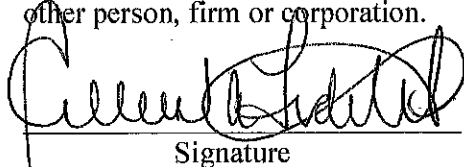
Item Number	Description	Quantity	Unit	Unit Price	Total Price
1.	Stacking Bistro Chair	55	EACH	\$199.50	\$10,972.50
2.	Barstool	15	EACH	\$212.40	\$3,186.00
3.	Chaise Lounge	150	EACH	\$336.40	\$50,460.00

Sixty Four Thousand  
(Price in Words) Six hundred eighteen - 50/100 Grand Total 64,618.50

**Notes:**

1. If discrepancy, price in words shall govern.
2. Bid quantities are not guaranteed.
3. Owner may elect to delete or add any bid item from the awarded contract without effecting the remaining bid items.

I (we) proposed to furnish the above items at the prices and in the manner indicated. The undersigned hereby certifies that this proposal is genuine and is made without collusion with any other person, firm or corporation.

  
Signature

12/21/22  
Date

215-368-5233.  
Telephone Number

MANAGER

Title

Sequoia Outback

Name of Bidder

2420 Bethlehem Pike

Hatfield PA 19440.

Address of Bidder

## **INSTRUCTIONS FOR NON-COLLUSION AFFIDAVIT**

1. This Non-Collusion Affidavit is material to any contract awarded pursuant to this bid. According to the Pennsylvania Antibid-Rigging Act, 73 P.S. SS 1611 et seq., governmental agencies may require Non-Collusion Affidavits to be submitted together with bids.
2. This Non-Collusion Affidavit must be executed by the member, officer or employee of the bidder who makes the final decision on prices and the amount quoted in the bid.
3. Bid rigging and other efforts to restrain competition, and the making of false sworn statements in connection with the submission of bids are unlawful and may be subject to criminal prosecution. The person who signs the Affidavit should examine it carefully before signing and assure himself or herself that each statement is true and accurate, making diligent inquiry, as necessary, of all other persons employed by or associated with the bidder with responsibilities for the preparation, approval or submission of the bid.
4. In the case of a bid submitted by a joint venture, each party to the venture must be identified in the bid documents, and an Affidavit must be submitted separately on behalf of each party.
5. The terms "complementary bid" as used in the Affidavit has the meaning commonly associated with that term in the bidding process, and includes the knowing submission of bids higher than the bid of another firm any intentionally high or non-competitive bid, and any other form of bid submitted for the purpose of giving a false appearance of competition.
6. Failure to file an Affidavit in compliance with these instructions will result in disqualification of the bid.

# AFFIDAVIT

## ACCEPTING PROVISIONS OF THE WORKMEN'S COMPENSATION ACT

State of Pa )  
)  
) ss:  
)  
County of Bucks )

being duly sworn according to law deposes  
he has  
and says that they have accepted the provisions of the Workmen's  
it

Compensation Act of 1915 of the Commonwealth of Pennsylvania, with

has his  
its supplements and amendments, and have insured their liability  
it

thereunder in accordance with the terms of said Act with

LACKAWANNA INSURANCE COMPANY  
(SURETY COMPANY)

Colleen A. Fidelibus Segura Outback  
(TYPE OR PRINT) CONTRACTOR

BY Colleen A. Fidelibus  
(SIGNATURE)

Sworn to and subscribed before me this 21 day of Dec A.D. 2022.

Lance Davidson

My Commission Expires 09/27/2025  
(DATE)

Commonwealth of Pennsylvania - Notary Seal  
LANCE DAVIDSON, Notary Public  
Montgomery County  
My Commission Expires September 27, 2025  
Commission Number 1279338

NON-COLLUSION AFFIDAVIT

State of PA : Contract/Bid No. \_\_\_\_\_  
County of Bucks : s.s. \_\_\_\_\_

I state that I am FURNITURE MANAGER of Sequoia Outback  
(Title) (Name of my firm)

and that I am authorized to make this affidavit on behalf of my firm, and its owners, directors, and officers. I am the person responsible in my firm for the price(s) and the amount of this bid.

I state that:

- (1) The price(s) and amount of this bid have been arrived at independently and without consultation, communication or agreement with any other contractor, bidder or potential bidder.
- (2) Neither the price(s) nor the amount of this bid, and neither the approximate price(s) nor approximate amount of this bid, have been disclosed to any other firm or person who is a bidder or potential bidder, and they will not be disclosed before bid opening.
- (3) No attempt has been made or will be made to induce any firm or person to refrain from bidding on this contract, or to submit a bid higher than this bid, or to submit any intentionally high or noncompetitive bid or other form of complementary bid.
- (4) The bid of my firm is made in good faith and not pursuant to any agreement or discussion with, or inducement from, any firm or person to submit a complementary or other noncompetitive bid.

(5) Sequoia Outback, its affiliates,  
(Name of my firm)

subsidiaries, officers, directors and employees are not currently under investigation by any governmental agency and have not in the last four years been convicted or found liable for any act prohibited by State or Federal law in any jurisdiction, involving conspiracy or collusion with respect to bidding on any public contract, except as follows:

I state that Sequoia Outback understands and  
(Name of my firm)

acknowledges that the above representations are material and important, and will be relied

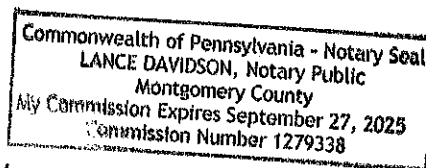
on by Sequoia Outback  
(Name of public entity)

in awarding the contract(s) for which this bid is submitted. I understand and my firm understands that any misstatement in this affidavit is and shall be treated as fraudulent concealment from

Sequoia Outback of the true facts relating to the  
(Name of public entity)  
submission of bids for this contract.

Colleen Fidelibus - MANAGER  
(Name and Company Position)

SWORN TO AND SUBSCRIBED  
BEFORE ME THIS 21 DAY  
OF DEC 20 22.  
Lance Davidson  
Notary Public



My Commission Expires 09/27/2025

## **ADVERTISEMENT**

Notice is hereby given that Hatfield Township will accept sealed proposals for Hatfield Aquatic Center Furniture. Bids will be accepted until 10:00 am on December 23, 2022, at the Township Building, 1950 School Road, Hatfield, PA 19440. All bids received will be opened and read aloud at 10:00 am at the Township building. The Bids will be reviewed by the Board of Commissioners at a subsequent meeting of the Board.

1. Bid Specifications and related documents are available upon request to the Township Manager ([abibro@hatfield.org](mailto:abibro@hatfield.org))
2. A bid bond is not required.
3. Questions regarding this solicitation shall be submitted to Mike Krewson ([mkrewson@hatfield.org](mailto:mkrewson@hatfield.org)) no later than Monday, December 19, 2022 at 3:00 PM.
4. A Performance Bond is not required.
5. All bids will be opened at the Township Building on Friday, December 23, 2022 at 10:00 a.m.
6. The Board of Commissioners of Hatfield Township reserves the right to accept or reject any and all bids and to waive any defect or informality in bidding procedures in part, or in full, and to award the contract in the best interest of Hatfield Township.

Aaron Bibro  
Township Manager

## **INSTRUCTIONS TO BIDDERS**

### **1. BIDDER'S RESPONSIBILITY**

Each bidder will familiarize themselves with all the attached forms, Instructions, General Conditions, Specifications, etc., as they will be held responsible to fully comply therewith. Contact Mike Krewson ([mkrewson@hatfield.org](mailto:mkrewson@hatfield.org)) to schedule a time to visit the site. The Contractor will bid the project as a line item bid.

### **2. DELIVERY OF PROPOSALS**

It is the responsibility of the bidder to deliver their bid prior to the time of opening, regardless of what medium used to deliver it. No bid will be considered if it arrives after the time set for the receipt of bids. Envelopes containing proposals will be sealed, addressed to:

Mr. Aaron Bibro, Manager  
Hatfield Township  
1950 School Road  
Hatfield, PA 19440

and submitted on the Form of Proposal furnished herein. The envelope will bear the identification:

### **HATFIELD AQUATIC CENTER FURNITURE**

HATFIELD TOWNSHIP

### **3. BULLETINS**

Bidders will acknowledge receipt of all bulletins that have been issued during period of bidding and agree that said bulletins and addenda will become part of this contract. The bidders will list the numbers and issuing dates of the bulletins and addenda received and acknowledge same on the appropriate page provided in the Form of Proposal section of these specifications.

### **4. METHOD FOR SUBMITTING BIDS**

No proposal will be considered unless submitted upon the proposal form for the project. For the purpose of comparison of bids received, the lowest Total Bid will be utilized to determine the successful bidder.

The bidder must complete and provide all forms with the bid submission as noted:

- C. SCHEDULE OF PRICES
- D. NON-COLLUSION AFFIDAVIT OF PRIME BIDDER
  - BULLETINS (if appropriate)
- E. WORKMEN'S COMPENSATION ACT AFFIDAVIT

The bidder will sign his proposal correctly. If the proposal is made by an individual, in addition to his signature, his complete post office address should be given. If made by a firm or partnership, the complete post office address of each member of the firm or partnership must be given. If made by a corporation, the person signing the proposal should be the President or Vice President and the Secretary or Treasurer of the corporation; otherwise, the signing individual's certificate or authority to execute such papers should accompany the proposal.

If bidder has been incorporated in some state other than Pennsylvania, bidder will state whether the corporation is registered to do business in Pennsylvania. If bidder operates under an assumed or fictitious name, he will state whether such name has been registered in Pennsylvania.

No contract will be awarded to a bidder who is a foreign corporation or operating under a fictitious or assumed name unless he has complied or agreed to comply with the proper registration under the laws of this Commonwealth.

**5. PROOF OF BIDDER'S RESPONSIBILITY**

On request, bidder will file an experience questionnaire and financial statement with the Owner. The questionnaire and statement will be certified to be true and correct by an affidavit sworn to or affirmed before a notary public, or other officer empowered to administer oaths or affirmations.

**6. CHANGES WHILE BIDDING**

During the bidding period, bidders may be furnished addenda or bulletins for additions to or alterations of the plans or specifications, if any, which will be included in the work covered by the Proposal and become a part of the contract documents.

If any prospective bidder on the proposed contract is in doubt as to the true meaning of any part of the plans, specifications or other proposed contract documents, he may submit a written request to Mike Krewson ([mkrewson@hatfield.org](mailto:mkrewson@hatfield.org)) no later than Monday, December 19, 2022 at 3:00 PM.

Any interpretation of the proposed documents will be made only by an addendum duly issued and a copy of such addendum will be sent to each prospective bidder via email. The Owner will not be responsible for any other explanations or interpretations of the proposed documents.

**7. BID OPENING PROCEDURE**

Proposals will be received by the Owner until the time stated in the "Advertisement." The bids will be reviewed by the Township and their agents. The Owner reserves the right to reject any or all bids, or parts thereof, as it may deem best for the interest of the Owner.

**8. COLLUSIVE BIDS**

The proposal of any bidder or bidders who engage in collusive bidding will be rejected. Any bidder who submits more than one proposal in such manner as to make it appear that the proposals submitted are on a competitive basis from different parties will be considered a collusive bidder. The Owner may reject the bid proposals of any collusive bidder upon bid opening. However, nothing in this section will prevent a bidder from superseding a bid proposal by a subsequent proposal delivered prior to bid opening, which expressly revokes the previous bid.

**9. WITHDRAWAL OF BIDS**

No bidder may withdraw his bid unless the request is made in writing and is received by the Owner prior to the time set for bid opening. After bid opening, no bidder may withdraw his bid within the time period indicated herein under "ADVERTISEMENT". Requests for withdrawal of bids after bid opening due to clerical error will be made in accordance with Commonwealth of Pennsylvania Act. No. 4 (S.B. 793).

**10. AWARD OF CONTRACT**

The Owner will have the right to reject any or all proposals or any parts thereof or items therein. The Owner's Solicitor will have the right to waive technicalities for the best interests of the Owner. If an award of contract is made, it will be made to the highest scoring bidder, within the time period indicated herein under "NOTICE" on contract of \$50,000 or less.

On public contracts in excess of \$50,000 the contract will be awarded to the responsible bidder within 90 days of the bid opening or all bids will be rejected. Thirty-day extensions of time may be made by the mutual written consent of the Owner and the highest scoring responsible bidder.

If the winning bidder withdraws his bid, refuses award of contract, the Owner will have the right to award the contract to the next highest scoring bidder or to reject all bids and re-bid the contract.

**11. EXECUTION OF CONTRACT**

The individual, firm or corporation to whom or to which the contract has been awarded within ten (10) days after receipt of said documents will sign and return to the Owner, the executed contract documents.

No proposals or awards will be considered binding upon the Owner unless and until the contract documents are properly executed by both parties.

**12. FAILURE TO EXECUTE CONTRACT**

If the highest scoring responsible bidder to whom the contract is awarded fails to execute the contract within the time specified, the Owner, at his discretion, may award the contract to the second highest scoring responsible bidder, or reject all bids.

**13. SUBLETTING OR ASSIGNING OF CONTRACT**

The Contractor will not sublet, sell, transfer, assign or otherwise dispose of the contract or any portion thereof, of his right, title or interest therein, without the written consent of the Owner.

**14. REJECTION OF PROPOSALS**

The right is reserved by the Owner at its discretion to reject any or all bids or parts thereof. Proposals may be rejected if they show any omission, alterations of form, addition or deductions not called for, conditional or uninvited alternate bids, or irregularities of any kind. However, the Owner reserves the right to waive any defects or irregularities on proposals.



Ellen M. Freeman, Esq  
Direct Dial: 412-535-5100  
E-mail Address: [ellen@flaherty-ohara.com](mailto:ellen@flaherty-ohara.com)

Pittsburgh Office:  
610 Smithfield Street 412-456-2001  
Suite 300 FAX: 412-456-2019  
Pittsburgh, PA 15222 [www.flaherty-ohara.com](http://www.flaherty-ohara.com)

Toll Free: 1-866-4BEVLAW  
File No. 39093.037

December 7, 2022



*Via Federal Express &  
Electronic Mail*

Hatfield Township  
Attn: Aaron Bibro, Township Manager  
1950 School Road  
Hatfield, PA 19440  
[abibro@hatfield-township.org](mailto:abibro@hatfield-township.org)

Re: Request for a Public Hearing on the Intermunicipal Transfer of a Liquor License  
into Hatfield Township, Montgomery County, Pennsylvania

Dear Mr. Bibro:

I represent and am writing on behalf of Wawa, Inc. ("Wawa") to request a resolution from Hatfield Township (the "Township") approving the intermunicipal transfer of a Pennsylvania "restaurant" or "R" liquor license from outside the municipality into the Township. Wawa is constructing a new convenience store located at 1900 North Broad Street, Hatfield, PA 19446. The new convenience store will include a dining area with a vast array of food options to dine-in or take to-go, as well as an offering of beer and wine which will be sold primarily to-go.

In order to sell beer and wine from its new store in the Township in accordance with its business plan, Wawa must secure a restaurant liquor license. There are no restaurant liquor licenses available to purchase within the Township. As a result, Wawa bid on a Montgomery County restaurant liquor license at the latest auction conducted by the Pennsylvania Liquor Control Board ("PLCB"). Wawa plans to move the license into the Township with the approval of the Board of Commissioners, and subsequently the PLCB.

Wawa hereby formally requests that the Township schedule a public hearing pursuant to the provisions of Section 461(b.3) of the Liquor Code. The public hearing will be for the purpose of allowing the residents of the Township to voice their recommendations and opinions on the proposed operations of a liquor license by Wawa at its proposed location. After the public hearing, the Township must approve or deny the requested transfer, by way of a resolution or ordinance. The public hearing and subsequent resolution or ordinance must occur within 45 days of receiving this request. If additional time is needed, the Township can elect to extend this time period by 60 days by notifying my office of its election to do so.

November 17, 2022

Page 2

To date, the PLCB has approved liquor licenses at 21 other Wawa locations. Eighteen (18) of the locations are currently selling beer and wine both for consumption on premises in the dining area and "to go." The other approved licenses are being held in safekeeping with the PLCB pending completion of the stores' construction.

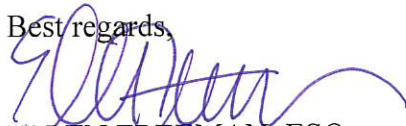
I have enclosed a proposed resolution which other municipalities have used in the past when responding to requests for intermunicipal transfers. The Pennsylvania Liquor Control Board requires that a resolution approving an intermunicipal transfer must include the following: (1) the name of the applicant (here, Wawa, Inc.); (2) the address to which the license is being transferred (here, 1900 North Broad Street, Hatfield, PA 19446); (3) the liquor license number (here, R-15117); (4) a statement that a public hearing was held on the requested resolution; (5) a statement that proper notice of the hearing was published and (6) the name and address of the current licensee (here, the Pennsylvania Liquor Control Board).

Further, the Liquor Code requires that notice of the public hearing be published once each week for two successive weeks in a newspaper of general circulation in the municipality. See 47 P.S. §102. Notices must state the time and place of the hearing and the matter to be considered at the hearing (i.e. request by Wawa, Inc. for an intermunicipal transfer of a liquor license). Section 102 also provides that the first publication shall not be more than 30 days before the date of the hearing and the second publication shall not be less than seven (7) days before the date of the hearing.

At the time of the public hearing, my client and I will present complete information on the proposed operations of Wawa's new store and answer any questions that the Township and/or its residents might have. However, if there are any preliminary questions that you feel would assist the Board of Commissioners in rendering a decision on Wawa's request, please do not hesitate to reach out to me. Wawa will reimburse the Township for all expenses related to the inter-municipal transfer hearing. Please send all invoices via email to Lexie Miller at [lexie@flaherty-ohara.com](mailto:lexie@flaherty-ohara.com).

Please email or call me as soon as possible when a hearing date is scheduled in order to be sure my client and I are available to travel to and attend the hearing.

Best regards,



ELLEN FREEMAN, ESQ.

Enc.

**RESOLUTION NO. 2 - \_\_\_\_**  
**HATFIELD TOWNSHIP**  
**MONTGOMERY COUNTY, PENNSYLVANIA**

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**A RESOLUTION OF HATFIELD TOWNSHIP APPROVING THE  
TRANSFER OF RESTAURANT LIQUOR LICENSE NO. R-15117 INTO  
HATFIELD TOWNSHIP FOR USE BY WAWA, INC. AT 1900 NORTH  
BROAD STREET, HATFIELD, PA 19446**

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**WHEREAS**, Act 141 of 2000 ("the Act") authorizes the Pennsylvania Liquor Control Board ("PLCB") to approve, in certain instances, the transfer of restaurant liquor licenses across municipal boundaries within the same county regardless of the quota limitations provided for in Section 461 of the Liquor Code if sales of liquor and malt or brewed beverages are legal in the municipality receiving the license; and

**WHEREAS**, the Act requires the applicant obtain from the receiving municipality a resolution or ordinance approving the inter-municipal transfer of the liquor license prior to the applicant's submission of an application to the Pennsylvania Liquor Control Board; and

**WHEREAS**, the Liquor Code stipulates that, prior to adoption of a resolution or ordinance by the receiving municipality, at least one public hearing be held for the purpose of permitting individuals residing within the municipality to make comments and recommendations regarding the applicant's intent to transfer a liquor license into the receiving municipality; and

**WHEREAS**, an application for transfer filed under the Act must contain a copy of the resolution adopted by the municipality approving the transfer of a liquor license into the municipality.

**NOW, THEREFORE, BE IT RESOLVED**, that Wawa, Inc. (hereinafter, "Applicant") has requested the approval of the Hatfield Township Board of Commissioners for the proposed transfer of Pennsylvania Restaurant Liquor License No. R-15117 from the Pennsylvania Liquor Control Board to 1900 North Broad Street, Hatfield, PA with the understanding that said transfer must be approved at a later date by the Pennsylvania Liquor Control Board; and

**BE IT FURTHER RESOLVED**, that the Hatfield Township Board of Commissioners has held a Public Hearing pursuant to duly advertised Public Notice in accordance with the requirements of Section 102 of the Liquor Code to receive comments on the proposed liquor license transfer by the Applicant impacting the above stated location; and

**BE IT FURTHER RESOLVED**, that the Hatfield Township Board of Commissioners approves, by adoption of this Resolution, the proposed Inter-Municipal liquor license transfer of Pennsylvania Restaurant Liquor License No. R-15117 to the Applicant; and

**BE IT FURTHER RESOLVED**, that Hatfield Township finds that the transfer by the Applicant will not have an adverse effect on the welfare, health, peace and morals of the Township or its residents; and

**BE IT FURTHER RESOLVED**, that transfers, designations and assignments of liquor licenses hereunder are subject to approval by the Pennsylvania Liquor Control Board.

**PURSUANT TO THE ABOVE, BE IT RESOLVED** that the Petition for an Inter-Municipal Transfer of Restaurant Liquor License No. R-15117 from the Pennsylvania Liquor Control Board to the Applicant to be used at the premises located at 1900 North Broad Street, Hatfield, PA is hereby **APPROVED**.

Duly adopted this \_\_\_\_ day of \_\_\_\_\_, 202\_, by the Board of Commissioners of Hatfield Township, Montgomery County, Pennsylvania, in lawful session duly assembled.

**ATTEST:**

**HATFIELD TOWNSHIP  
BOARD OF COMMISSIONERS**

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**Aaron Bibro, Township Manager**

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**Commissioner**