

AGENDA
MONTGOMERY TOWNSHIP
BOARD OF SUPERVISORS
July 22, 2013

www.montgomerytp.org

Joseph P. Walsh
Robert J. Birch
Candyce Fluehr Chimera
Michael J. Fox
Jeffrey W. McDonnell

Lawrence J. Gregan
Township Manager

ACTION MEETING – 8:00 PM

1. Call to Order by Chairman
2. Pledge of Allegiance
3. Public Comment
4. Announcement of Executive Session
5. Consider Approval of Minutes of the July 8, 2013 Meeting
6. Donation Presentation - Montgomery County Norristown Public Library
7. Recognize Donation to Fire Department of Montgomery Township
8. Recognition of Contribution from Mr. and Mrs. Young Moon for Police Bicycle Unit
9. Public Hearing – Conditional Use Application #C-61-Capital Telecom Cell Tower-Upper State Rd.
10. Consideration of Preliminary/Final Plan – LDS#765 Bharatiya Temple
11. Consider Authorization to Advertise Bid Specifications – Leaf and Yard Waste Collection
12. Consider Authorization to Submit DCED Greenways, Trails & Recreation Grant Program – Accessible Playground/Spray Park
13. Consider Authorization to Solicit Proposals for Audit Services
14. Consider Authorization to Advertise Bid Specifications – Township Facility Trash Collection and Disposal
15. Presentation of 2nd Quarter Budget Report
16. Consider Approval of Escrow Releases:
 - LDS#651P – Montgomery Pointe – Phase 3
 - LDS#651P2B – Montgomery Point – Phase 2B
 - LDS#653A – Montgomery Preserve – Phase 1
 - LDS#653B - Montgomery Knoll Phase IB
 - LDS#627R-IIB - Montgomery Walk – Phase IIB
17. Consider Payment of Bills
18. Other Business
19. Adjournment

Future Public Hearings/Meetings:

07-23-2013 @7:00 PM – EAC Committee
07-25-2013 @7:30 PM – Finance Committee
08-06-2013 @ 7:30 PM – Zoning Hearing Board
08-12-2013 @ 8:00 PM – Board of Supervisors

NOTICE: All Public Meetings of the Board of Supervisors are Videotaped for Rebroadcast on Comcast Channel 22 and Verizon Channel 34.

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS
BOARD ACTION SUMMARY

SUBJECT: Public Comment

MEETING DATE: July 22, 2013

ITEM NUMBER: #3

MEETING/AGENDA: WORK SESSION

ACTION XX NONE

REASON FOR CONSIDERATION: Operational: XX Information: Discussion: Policy:

INITIATED BY: Lawrence J. Gregan
Township Manager

BOARD LIAISON: Joseph P. Walsh, Chairman

BACKGROUND:

The Board needs to remind all individual(s) making a comment that they need to identify themselves by name and address for public record.

The Board needs to remind the public about the policy of recording devices. The individual(s) needs to request permission to record the meeting from the chairman and needs to identify themselves, by name and address for public record.

ZONING, SUBDIVISION OR LAND DEVELOPMENT IMPACT:

None.

PREVIOUS BOARD ACTION:

None.

ALTERNATIVES/OPTIONS:

None.

BUDGET IMPACT:

None.

RECOMMENDATION:

None.

MOTION/RESOLUTION:

None.

DISTRIBUTION: Board of Supervisors, Frank R. Bartle, Esq.

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS
BOARD ACTION SUMMARY

SUBJECT: Announcement of Executive Session

MEETING DATE: July 22, 2013

ITEM NUMBER: #4

MEETING/AGENDA: WORK SESSION

ACTION XX NONE

REASON FOR CONSIDERATION: Operational: XX Information: Discussion: Policy:

INITIATED BY: Lawrence J. Gegan
Township Manager

BOARD LIAISON: Joseph P. Walsh, Chairman



BACKGROUND:

Frank Bartle will announce that the Board of Supervisors met in Executive Session and will summarize the matters discussed.

ZONING, SUBDIVISION OR LAND DEVELOPMENT IMPACT:

None.

PREVIOUS BOARD ACTION:

None.

ALTERNATIVES/OPTIONS:

None.

BUDGET IMPACT:

None.

RECOMMENDATION:

None.

MOTION/RESOLUTION:

None.

DISTRIBUTION: Board of Supervisors, Frank R. Bartle, Esq.

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS
BOARD ACTION SUMMARY

SUBJECT: Approval of Minutes for July 8, 2013 Meeting

MEETING DATE: July 22, 2013

ITEM NUMBER:

#5

MEETING/AGENDA: WORK SESSION

ACTION XX

NONE

REASON FOR CONSIDERATION: Operational: XX Information: Discussion: Policy:

INITIATED BY: Lawrence J. Grogan
Township Manager

BOARD LIAISON: Joseph P. Walsh, Chairman



BACKGROUND:

Just a reminder – Please call Deb Rivas or Shirley Snyder on Monday, July 22, 2013 before noon with any changes to the minutes.

ZONING, SUBDIVISION OR LAND DEVELOPMENT IMPACT:

None.

PREVIOUS BOARD ACTION:

None.

ALTERNATIVES/OPTIONS:

None.

BUDGET IMPACT:

None.

RECOMMENDATION:

None.

MOTION/RESOLUTION:

None.

DISTRIBUTION: Board of Supervisors, Frank R. Bartle, Esq.

MINUTES OF MEETING MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS JULY 8, 2013

Chairman Joseph Walsh called the executive session to order at 7:30 p.m. In attendance were Supervisors Robert Birch, Candyce Fluehr Chimera and Michael Fox. Supervisor Jeffrey McDonnell was absent. Also in attendance were Lawrence Gegan, Frank Bartle, Esquire, Police Chief Scott Bendig, Officer Andrew Benner and Joseph Schott, Jr.

Joseph Walsh called the action meeting to order at 8:00 p.m. In attendance were Supervisors Robert Birch, Candyce Fluehr Chimera and Michael Fox. Supervisor Jeffrey McDonnell was absent. Also in attendance were Frank Bartle, Esquire, Lawrence Gegan, Chief J. Scott Bendig, Richard Lesniak, Kevin Costello, Bruce Shoupe, Shannon Drosnock, Ann Shade, Stacy Crandell, Laura Duff, Richard Grier and Deb Rivas.

Following the Pledge of Allegiance, Chairman Joseph Walsh called for public comment from the audience and there was none.

Township Solicitor Frank Bartle, Esquire reported that the Board met in an executive session earlier in the evening at 7:30 p.m. Mr. Bartle reported that there were two personnel matters discussed. Mr. Bartle also reported that these matters are legitimate subjects of executive session pursuant to Pennsylvania's Sunshine Law.

Chairman Joseph Walsh made a motion to approve the minutes of the June 24, 2013 Board meeting, and Supervisor Robert Birch seconded the motion. The minutes of the meeting were unanimously approved as submitted.

Chairman Joseph Walsh noted that Montgomery Township is filled with many talented residents and the Board would like to continue to honor students of Montgomery Township for their outstanding academic and athletic achievements this evening. Chris Melillo is a recent graduate of La Salle College High School where he graduated with a 3.6 GPA, was a member of the Honor Society and also named an "AP Scholar of Distinction" for his performance on AP exams. Athletically, Chris played varsity baseball for three years at LaSalle and in 2012, Chris

was the starter and leading playoff hitter for LaSalle's AAAA State Champion baseball team. Chris is a recruited baseball player in the incoming freshman class for the University of Notre Dame baseball program.

Andrew Stone is also a recent graduate of LaSalle College High School where he was a two time winner of LaSalle's Wesner Art Scholarship and achieved Microsoft Certifications in Server Administration and Security. Andrew won a National AP Spanish Exam Gold Award and graduated with an overall GPA of 4.15. Andrew competed in Cross Country as well as Indoor and Outdoor Track in which he earned 12 varsity letters and competed in the State Championships all four years. Andrew broke four all-time school records and has the fastest high school 800 meter run in Pennsylvania this year. Andrew was also honored with this year's Dannehower Scholarship Award as the top student-athlete in Montgomery County. He will be attending and running for the University of Notre Dame.

The North Penn High School Baseball Team played in and won the 2013 PIAA Class AAAA Championship in the title game at Penn State on June 14, 2013. Montgomery Township would like to honor several Montgomery Township team members. David Evan Raymond was a pitcher for the Championship team and a graduating member of the Class of 2013. David Evan played Varsity baseball for North Penn during both his 11th and 12th grades. Academically, David Evan is an AP student with a 3.93 GPA. He will be attending Penn State University Park – Smeal College of Business in the fall. Jordon Trump was also a pitcher and is a member of the graduating Class of 2013. Jordan has been playing baseball for Montgomery Township since he was 7 years old and attributes much of his success to his great coaches over the years. Jordan will be attending Penn State University in the fall, majoring in marketing. Brandon Heggan played the position of outfielder for the Championship team and is a member of the Class of 2014. Brandon played Junior Varsity baseball in both his sophomore and junior years and was called up to the Varsity at the end of his junior year. Brandon is an honors

student and has maintained straight A's throughout his high school career. Jared Melone played first baseman for the Championship team and is a member of the Class of 2015. Jared also participates in the Future Business Leaders of America and was the North Penn High School representative to the Montgomery County District Attorney's Leadership Summit in May. Jared is also an Honors Student with a 3.8 GPA. Matt Stella played the position of backup catcher for the Championship team and is a member of the NPHS Class of 2014. Matt has played baseball for two years at North Penn. Matt also plays on the North Penn Ice Hockey team and is actively involved in the Future Business Leaders of America. Academically, Matt is an Honors Student at North Penn. Chris Kersey was the starting shortstop and co-captain for the Championship team and is a member of the NPHS Class of 2014. Chris has played Varsity baseball for two years at NPHS where he also plays Varsity basketball. Academically, Chris is an Honors Student with a 4.12 GPA. Brad Bertucci played third base for the Championship team and graduated this year as a member of the Class of 2013. This was Brad's first year on the varsity team having previously played football in both middle school and high school. Brad studied within the Engineering program at North Penn and will be attending Millersville University in the fall studying in the Applied Engineering program.

Chairman Walsh noted that many Township resident students participate in the Odyssey of the Mind international program which challenges teams of five to seven students to use their creativity and problem-solving skills to solve short-term "spontaneous" problems and a long-term problem that ranges from building mechanical devices to presenting their own interpretation of literary classics. The North Penn High School team is co-coached by Steve Ives and Joanne Wiernusz. This year the team advanced to the World Finals where they competed against 47 teams, including teams from the US, Poland, Mexico, India and Singapore. The team earned 2nd place at the competition, held at Michigan State University. The students from the North Penn High School team introduced themselves and described their

team's challenge. The students from North Penn High School who participated in the Odyssey of the Mind challenge were Kevin Chen, Anthony Flores, Robert Gaibler, Max Ives, Alex Ives and Madison Wiernusz.

Montgomery Elementary School's Odyssey of the Mind team competed at the state level and placed second in their category. The students from the Montgomery Elementary team introduced themselves. The Montgomery Elementary students who participated were Riley Baedke, Vianne Cheng, Nicole Chui, Sally Meyers, Amy Scholl, Elise Upright and Natalie Upright.

The students and teams were presented with Certificates of Achievement from the Board of Supervisors and congratulated for their outstanding academic and athletic achievements by Resolution #1, made by Supervisor Michael Fox, seconded by Candyce Chimera and adopted unanimously.

Chairman Joseph Walsh presented a donation check in the amount of \$3,000 to The PEAK Center. Robin Burstein was present to accept the check on behalf of The PEAK Center.

Chairman Joseph Walsh presented a donation check in the amount of \$1,500 to the Visiting Nurse Community Services. Denise Frattara was present to accept the check on behalf of the Visiting Nurse Community Services organization.

Chairman Joseph Walsh presented a donation check in the amount of \$6,000 to the Montgomery Township Historical Society. Richard Roller was present to accept the check on behalf of the Montgomery Township Historical Society.

The Board considered the appointment of Township resident, Alfred J. Quasti, Jr., to a position on the Montgomery Township Park & Recreation Board. Resolution #2, made by Supervisor Michael Fox, seconded by Chairman Joseph Walsh and adopted unanimously, appointed Alfred J. Quasti, Jr. to the Park and Recreation Board to fill a term which will expire on January 1, 2016.

Chief Scott Bendig introduced Officer Andrew Benner, who is being promoted to the rank of Corporal with the Montgomery Township Police Department after a highly competitive promotion process. Corporal Benner is a graduate of Pennridge High School and served as a Sergeant in the United States Marine Corps., 2nd Light Armor Reconnaissance Battalion. Upon discharge from the Marine Corps, Corporal Benner was appointed as a police officer with the SEPTA Transit Police. On July 7, 2000, Corporal Benner was sworn in as a police officer with the Montgomery Township Police Department and assigned to the Patrol Division. Corporal Benner serves in several capacities in addition to his patrol responsibilities. These include: Firearms Instructor, Field Training Officer, Bicycle Unit Officer, Squad Officer-In-Charge, Montgomery County Drug Task Force Officer and the CMSWAT Sniper Element Leader. Corporal Benner has received numerous awards and commendations throughout his career. Resolution #3, made by Supervisor Robert Birch, seconded by Supervisor Candyce Chimera and adopted unanimously, promoted Officer Andrew S. Benner to the rank of Corporal for the Montgomery Township Police Department effective July 8, 2013.

Chief Scott Bendig introduced Joseph Schott, Jr., who is the top ranked candidate for the position of Recruit Police Officer. Mr. Schott was born and raised in Hazelton, Pennsylvania. He attended Luzerne County Community College where he received an associate's degree in Criminal Justice. Upon completion of his degree, Mr. Schott returned to Luzerne County Community College where he received his Act 120 Certification in June 2011. Mr. Schott currently works as a part time police officer with the Upland Borough Police Department. Resolution #4, made by Supervisor Michael Fox, seconded by Supervisor Robert Birch and adopted unanimously, appointed Joseph Schott, Jr. to the position of Recruit Police Officer in the Montgomery Township Police Department, effective July 12, 2013.

Director of Fire Services Rick Lesniak introduced Robert Gruber, a resident of Montgomery Township, who recently joined the Fire Department of Montgomery Township. Mr.

Gruber is being nominated by FDMT to be appointed as a Special Fire Police Officer. Mr. Gruber has been interviewed by the Police Department and has been recommended for appointment. Resolution #5, made by Supervisor Michael Fox, seconded by Supervisor Candyce Chimera and adopted unanimously, appointed Robert Gruber to the position of Special Fire Police Officer with the Fire Department of Montgomery Township.

Director of Administration and Human Resources Ann Shade presented the recommended listing of the Fall 2013 Recreation Programs to be offered to the public during the months of September through December 2013. The programs will be promoted via posting on the Township website, cable channels, E-News, and printed with the Fall Recreation Newsletter. Resolution #6 made by Supervisor Robert Birch, seconded by Supervisor Michael Fox and adopted unanimously, approved the 2013 Fall Programs and Fee Schedule amendments as submitted.

Director of Planning Bruce Shoupe reported that the General Hancock Partnership has requested the start of the maintenance period for their townhouse project, Highview at Montgomery. Mr. Shoupe reported that the project has been inspected by the Township consultants and all public improvements have been satisfactorily completed. The maintenance period would be for a period of 18 months and end in January 2015. Resolution #7, made by Chairman Walsh, seconded by Supervisor Michael Fox and adopted unanimously, accepted the start of the maintenance period for the General Hancock Partnership townhouse development, Highview at Montgomery.

Edward J. Furman, CPA, Partner of Maillie, Falconiero & Company, LLP provided an overview of the 2012 Audit Results for Montgomery Township. Mr. Furman announced that Montgomery Township had a solid year for 2012, with strong balance sheets and an extremely strong financial report. Resolution #8, made by Chairman Joseph Walsh, seconded by Supervisor Robert Birch and unanimously approved, accepted the Comprehensive Annual

Financial Report for Year Ended December 31, 2012, as prepared by Maillie, Falconiero & Company, LLP.

Township Manager Lawrence Gregan reported on the status of the Steering Committee that was established to meet with the design consultants and provide input on the new Recreation/Community Center building design. Along with the Architect, Jon Trump of Kimmel Bogrette Architecture + Site, the Steering Committee held three meetings during the month of June to review two optional building layout plans. At this time, the design schedule requires approval of a building layout by the Board of Supervisors in order to proceed with detail design of the structural, mechanical, plumbing and electrical systems.

Jon Trump presented a project recap, up to the current Steering Committee input for the two design layouts. Mr. Trump reported on the dilemma currently facing the Steering Committee which is the suggested location of the community meeting rooms and the exercise rooms. After lengthy discussions of both pros and cons, the Steering Committee could not come together with a unanimous decision. Mr. Trump presented both sides of the discussion and offered the suggestions made by the members of the steering committee. The general consensus was that having the meeting rooms on the first floor offered quick and convenient access to the public, while the exercise rooms on the second floor offered a spectacular view to the paying customer. After discussing the options, the Board agreed with Option #1, which places the community meeting rooms on the first floor and the exercise rooms on the second floor. The Board asked for continued updates on an ongoing basis.

Chairman Joseph Walsh made a motion to approve the payment of bills. Supervisor Michael Fox seconded the motion. The payment of bills was unanimously approved as submitted.

There being no further business to come before the Board, the meeting adjourned at 9:47 p.m.

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS
BOARD ACTION SUMMARY

SUBJECT: Donation Presentation – Montgomery County Norristown Public Library

MEETING DATE: July 22, 2013

ITEM NUMBER:

#6

MEETING/AGENDA: WORK SESSION

ACTION XX

NONE

REASON FOR CONSIDERATION: Operational: XX Information: Discussion: Policy:

INITIATED BY: Lawrence J. Gregan
Township Manager

BOARD LIAISON: Joseph P. Walsh, Chairman



BACKGROUND:

This evening the Board will be presenting a check in the amount of \$9,000 to the Montgomery County Norristown Public Library. Kathy Arnold-Yerger will be present at the meeting to accept the check on behalf of the Montgomery County Norristown Public Library.

ZONING, SUBDIVISION OR LAND DEVELOPMENT IMPACT:

None.

PREVIOUS BOARD ACTION:

None.

ALTERNATIVES/OPTIONS:

None.

BUDGET IMPACT:

None.

RECOMMENDATION:

None.

MOTION/RESOLUTION:

None.

DISTRIBUTION: Board of Supervisors, Frank R. Bartle, Esq.

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS
BOARD ACTION SUMMARY

SUBJECT: Recognize Donation to the Fire Department of Montgomery Township

MEETING DATE: July 22, 2013

ITEM NUMBER: #7

MEETING/AGENDA: ACTION XX

NONE

REASON FOR CONSIDERATION: Operational: xx Policy: Discussion: Information:

INITIATED BY: Richard M. Lesniak
Director of Fire Services

BOARD LIAISON: Robert J. Birch, Liaison to the
Public Safety Committee

BACKGROUND:

On March 10, 2013 the Village Tavern Restaurant hosted its 4th Annual St. Patrick's Day Shock Run in Montgomery Township. The proceeds raised from this year's run were used to purchase and donate automatic external defibrillators (AEDs) to local businesses and organizations.

"Each year about 1.1 million people in the U.S. have heart attacks, almost half of these people die. Coronary Artery Disease, which often results in heart attacks, is the leading killer of both men and women. Many people could recover from heart attacks if they could get help faster. Of the people that die from heart attacks, about half of them die within an hour of their first symptoms, and before they reach the hospital. When defibrillators are used after symptoms occur, they have been known to save many lives (from flyer for the run)."

On June 27, 2013, the Village Tavern presented the F.D.M.T. with a new AED to be placed in service and added to the Department's compliment of AEDs.

ZONING, SUBDIVISION OR LAND DEVELOPMENT IMPACT:

None.

PREVIOUS BOARD ACTION:

None.

ALTERNATIVES/OPTIONS:

None.

BUDGET IMPACT:

None.

RECOMMENDATION:

It is recommended that the Board of Supervisors recognize the Village Tavern for their donation of an automatic external defibrillator to the Fire Department of Montgomery Township.

MOTION/RESOLUTION:

BE IT RESOLVED by the Board of Supervisors of Montgomery Township that we hereby recognize the Village Tavern for their donation of an AED to the Fire Department of Montgomery Township and express our appreciation to the Owners and Management of the Village Tavern Restaurant for their contribution to the welfare of the residents of Montgomery Township.

MOTION: _____

SECOND: _____

ROLL CALL:

Robert J. Birch	Aye	Opposed	Abstain	Absent
Candyce Fluehr Chimera	Aye	Opposed	Abstain	Absent
Michael J. Fox	Aye	Opposed	Abstain	Absent
Jeffrey W. McDonnell	Aye	Opposed	Abstain	Absent
Joseph P. Walsh	Aye	Opposed	Abstain	Absent

DISTRIBUTION: Board of Supervisors, Frank R. Bartle, Esq.

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS
BOARD ACTION SUMMARY

SUBJECT: Recognition of Contribution from Mr. and Mrs. Young Moon for Police Bicycle Unit

MEETING DATE: July 22, 2013

ITEM NUMBER: #8

MEETING/AGENDA:

ACTION XX

NONE

REASON FOR CONSIDERATION: Operational: XX Policy: Discussion: Information:

INITIATED BY: J. Scott Bendig
Chief of Police

BOARD LIAISON: Robert J. Birch, Supervisor
Liaison—Public Safety Committee

BACKGROUND:

On December 3, 2012, the long awaited Route 202 Parkway officially opened for use to our community. In its short time of existence, the Parkway has become a highly used recreational outlet, providing non-motorized transportation and enjoyment for walkers, runners, skaters and cyclists alike. In an effort to fulfill our mission to our community, the Police Department has expanded our Police Bicycle Unit to increase patrols on the Parkway and in other Township Parks.

Last week township residents Mr. and Mrs. Young Moon presented the Police Department with a check for \$500.00 for the enhancement of our Bicycle Unit. Their generosity will enable the Police Department to fund the purchase of a new bicycle for the Bicycle Unit.

ZONING, SUBDIVISION OR LAND DEVELOPMENT IMPACT:

None

PREVIOUS BOARD ACTION:

None

ALTERNATIVES/OPTIONS:

None

BUDGET IMPACT:

None

RECOMMENDATION:

It is recommended that the Board of Supervisors recognize Mr. and Mrs. Young Moon for their donation of funds to purchase of a new bicycle for the Police Bicycle Unit.

MOTION/RESOLUTION:

BE IT RESOLVED by the Board of Supervisors of Montgomery Township that we hereby recognize Mr. and Mrs. Young Moon for their donation to the Montgomery Township Police Department and express our appreciation for their support of our community.

MOTION: _____

SECOND: _____

ROLL CALL:

Robert J. Birch	Aye	Opposed	Abstain	Absent
Candyce Fluehr Chimera	Aye	Opposed	Abstain	Absent
Michael J. Fox	Aye	Opposed	Abstain	Absent
Jeffrey W. McDonnell	Aye	Opposed	Abstain	Absent
Joseph P. Walsh	Aye	Opposed	Abstain	Absent

DISTRIBUTION: Board of Supervisors, Frank R. Bartle, Esq.

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS
BOARD ACTION SUMMARY

SUBJECT: Public Hearing – Conditional Use #C-61–
 Capital Telecom Acquisition, LLC – 608 Upper State Road

MEETING DATE: July 22, 2013

ITEM NUMBER: **#9**

MEETING/AGENDA: WORK SESSION ACTION XX NONE

REASON FOR CONSIDERATION: Operational: XX Information: Discussion: Policy:

INITIATED BY: Bruce Shoupe

Director of Planning and Zoning

BOARD LIAISON:

Joseph P. Walsh

Chairman

BACKGROUND:

Attached is an application for conditional use approval from Capital Telecom Acquisitions. Please recall that they had previously asked for a continuation of the public hearing. They propose the installation of a new telecommunications facility at the rear portion of the property at 608 Upper State Road. The proposal consists of the construction of a 130 foot antenna support structure and the placement of twelve panel-style antennas at the top of the tower. The antennas will extend to an overall height of 134 feet above the ground. The amended application shows that radio equipment is to be placed within a radio equipment cabinet to be located at the base of the tower within a fenced compound. Access is proposed via a new driveway extension from the rear parking lot of the existing building. The access drive will be paved. Parking spaces for two vehicles will be provided outside the gate leading to the compound.

Adjoining property owners were notified of this hearing. The property was also posted. Review letters from the Township consultants are attached.

PREVIOUS BOARD ACTION:

This hearing was continued until this date.

ALTERNATIVES/OPTIONS:

Approve or not approve the conditional use application.

BUDGET IMPACT:

None.

RECOMMENDATION:

MOTION/RESOLUTION:

The Resolution is attached.

MOTION _____

SECOND _____

ROLL CALL:

Robert J. Birch	Aye	Opposed	Abstain	Absent
Candyce Fluehr Chimera	Aye	Opposed	Abstain	Absent
Michael J. Fox	Aye	Opposed	Abstain	Absent
Jeffrey W. McDonnell	Aye	Opposed	Abstain	Absent
Joseph P. Walsh	Aye	Opposed	Abstain	Absent

DISTRIBUTION: Board of Supervisors, Frank B. Bartle, Esq.

Resolution #

WHEREAS, Capital Telecom Acquisition, LLC, has submitted an application to the Township of Montgomery for Conditional Use approval to install a new telecommunications facility at the rear portion of the property at 608 Upper State Road. The proposal consists of the construction of a 130 foot antenna support structure capable of co-location of five users and the placement of twelve panel-style antennas at the top of the tower for the use of the AT&T Mobility; and

WHEREAS, said application was submitted in compliance with Section 230-156.2 and Section 230-220 of the Zoning Code; and the Applicant request a waiver of Section 230-155 and 230-223.B which pertains to the requirements for landscaping of telecommunication facilities by complying with Section 205-52.C(4)(b) and 205-52.J with the approval of the Board of Supervisors; and

WHEREAS, the Board has considered said application, the evidence presented at this hearing, the recommendations of the Township consultants, and the opinions of the citizens of the Township.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Montgomery Township that we hereby **deny/approve** the Conditional Use Application for Capital Telecom Acquisition, LLC.

MOTION BY:

SECOND BY:

VOTE:

DATE:

xc: Applicant, F. Bartle, R. Dunlevy, B. Shoupe, M. Stoerrle, MCPC, MTPC, K. Johnson, Minute Book, Resolution File, File

Township of Montgomery, Montgomery County, Pennsylvania

Appellant: Name: Capital Telecom Acquisition, LLC
Address: 1500 Mt. Kemble Ave, Suite 203
Morristown, NJ 07960 ATTN: Scott Von Rein
Phone: 973-425-0606 ext 108 Fax: _____
E-Mail: svonrein@capitaltelecom.com

Owner: Name: Tradewinds Investment Corp.
Address: 70 West Germantown Pike
East Norriton, PA 19403
Phone: (610) 539-4700 Fax: (610) 539-4701
E-Mail: info@gambone.com

Attorney: Name: Christopher H. Schubert, Esq./ RILEY RIPER HOLLIN & COLAGRECO
Address: 717 Constitution Drive, Suite 201
Exton, PA 19341
Phone: (610) 458-4400 Fax: (610) 458-4441
E-Mail: chriss@rrhc.com

Notice of Appeal
Page 2

Interest of appellant, if not owner (agent, lessee, etc.):

Lessee

1. Brief Description of Real Estate Affected:

Block and Unit Number Block 13, Unit 22

Location 608 Upper State Road, North Wales, PA (back portion of Property)

Lot Size 1.91 acres

Present Use Commercial retail (adult novelties)

Present Zoning Classification LI-Limited Industrial (back portion of Property)

Present Improvements Upon Land Commercial retail building (3,300 +/- s.f.) and ancillary off-street parking

Deed Recorded at Norristown in Deed Book 6898 Page 2097

2. Specific reference to section of the Zoning Ordinance upon which application is based.

Section 230-220 (Wireless Telecommunications Facilities), permitted in the LI Limited Industrial District by conditional use.

3.

Action desired by appellant or applicant (statement of proposed use)

See Addendum "A", attached hereto and incorporated herein.

4. Reasons appellant believes Board should approved desired action (refer to section(s) of Ordinance under which it is felt that desired action may be allowed, as well as regulations contained in Article XVII, Signs, Article XIX, Off Street Parking and Loading and Article XXI, Miscellaneous Provisions.

See Addendum "A", attached hereto and incorporated herein.

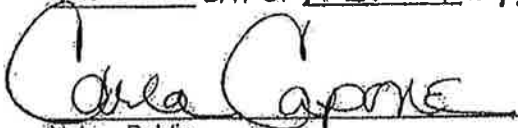
5. Has previous application for conditional use been filed in connection with these premises?
☐ Yes ☒ No

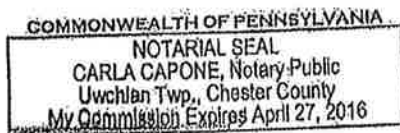
NOTE:


If more space is required, attach a separate sheet and make specific reference to the question being answered.

I, hereby depose and say that all of the above statements and the statements contained in any papers or plans submitted herewith, are true to the best of my knowledge and belief.

SWORN TO AND SUBSCRIBED BEFORE ME THIS

13th DAY OF March 2013

Notary Public




Appellant's or Owner's Signature
Christopher H. Schubert
Attorney for Applicant

**BEFORE THE BOARD OF SUPERVISORS OF
MONTGOMERY TOWNSHIP, PENNSYLVANIA**

**IN RE: CONDITIONAL USE APPLICATION OF
CAPITAL TELECOM ACQUISITION, LLC for the
Use and Benefit of New Cingular Wireless PCS, LLC
d/b/a/ AT&T Mobility
Site Name: Montgomery
608 Upper State Road
North Wales, PA**

ADDENDUM "A" TO CONDITIONAL USE APPLICATION

I. BACKGROUND

The subject property ("Property") is owned by Tradewinds Investment Corp. and is located at 608 Upper State Road, North Wales, Montgomery County, Pennsylvania. The Property is further identified as Parcel No. 46-00-03916-00-7 on the Montgomery, is about 1.91 acres in area and is improved with a building used for commercial retail, off-street parking for such use and other related improvements related thereto. The Property is "split zoned" – the front part of the Property is zoned C-Commercial and the rear portion of the Property is zoned LI-Limited Industrial.

The applicant, Capital Telecom Acquisition, LLC ("Capital") proposes the installation of a new telecommunications facility at the rear portion of the Property to be located wholly within the LI-Limited Industrial district. The proposal consists of the construction of a proposed 130-foot antenna support structure and the placement of twelve (12) panel-style antennas at the top of the tower. The antennas will extend to an overall height of 134 feet above the ground. Radio equipment is proposed to be placed within an equipment shelter to be located at the base of the tower within a fenced compound 2450 square feet in area. The fence will be a wooden, board-on-board style. Consistent with the Township Code, the tower will be designed to afford collocation capability for up to four (4) additional telecommunications providers. Access is proposed via a proposed driveway extension from the rear parking lot of the existing building. The access drive will be paved and contained within a twenty-foot wide right-of-way. Parking spaces for two vehicles will be provided outside the gate leading to the telecommunications compound.

The telecommunications facility will support the 4-G operations of New Cingular Wireless, PCS, d/b/a AT&T Mobility, to provide reliable coverage to customers of AT&T in the area.

II. REQUESTS FOR RELIEF

Capital requests the following:

1. Pursuant to the authorization contained within the Code of Ordinances of Montgomery Township, as amended (the "Code"), and in particular, Section 230-103.A.5 (*LI-district Use Regulations*) that the Montgomery Township Board of Supervisors grant conditional use approval pursuant to the provisions of Article XXX of the Code (*Wireless Telecommunications Facilities*) to allow the establishment of a telecommunications facility, including a new communications tower 130 feet with antennas extending to an overall height of 134 feet, on Property located within an LI-Limited Industrial district.
2. The Applicant also applies for such other interpretations, waivers and/or variances as may ultimately be required.

III. REASONS WHY ZONING RELIEF SHOULD BE GRANTED

The proposed use is suitable for the Property and is in the best interests of the community and the requested relief should be granted for the following reasons:

1. The proposed facility is necessary in order for Capital's tenant, AT&T, to provide telecommunications service in accordance with its Federal Communications commission license and the Telecommunications Act of 1996.
2. The addition of a telecommunication facility, a passive communications use, is a suitable and appropriate use of the Property. The proposed use is consistent with the spirit, purpose and intent of the Code.
3. The proposed use will not substantially injure or detract from the use of neighboring properties or from the character of the neighborhood and the use of the properties adjacent to the Property will be adequately safeguarded.
4. The proposed use will serve the best interest of the Township, the convenience of the community, and the public welfare by making wireless telecommunications service available and will foster competition among the other approved wireless providers.
5. The proposed use will be entirely consistent with the logical, efficient and economical extension of public services and facilities within the Township including police and fire protection.
6. The proposed facility will be designed in accordance with all applicable safety and industry standards, and will not endanger the safety of persons or property.
7. The proposed use will not over crowd the land or create an undue concentration of population.
8. The proposed use will not impair an adequate supply of light and air to adjacent property.

9. The proposed facility will be fully automated and unattended on a daily basis and will be visited only for periodic maintenance or emergency repair.

10. The proposed use will not adversely affect transportation or unduly burden public facilities.

11. The conditional use, if authorized, will represent the minimum relief necessary in order for Capital's tenant, AT&T, to provide 4-G wireless telecommunications services and will represent the least modification possible of the regulation in issue. The height of the telecommunications facility is the minimum height necessary to perform its function.

12. The telecommunications facility complies with all applicable standards established by the Federal Communications Commission.

13. The telecommunications facility shall not cause radio frequency interference with other communications facilities located in the Township.

14. The Applicant's tenant, AT&T, is licensed by the Federal Communications Commission to operate the telecommunications facility.

15. The telecommunications facility shall comply with all applicable Federal Aviation Administration and Commonwealth Bureau of Aviation Regulations.

16. The surrounding neighborhood will not be subjected to objectionable noise, lighting, glare, heat, ventilation, smoke, fumes, vapors, dust, dirt, gases or radioactive or electrical disturbances by the proposed use or change. No signs or lights will be mounted on the telecommunications facility.

17. The telecommunications facility will be maintained in a safe manner in accordance with the requirements of the Township's Building Code.

For all of the reasons stated above, Capital requests the above referenced relief and any other relief the Board deems necessary.

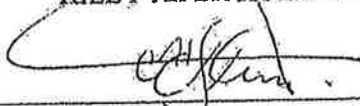
Detailed Plans of the proposed use have been submitted to the Township, to be incorporated by reference herein, for consideration before the Board of Supervisors.

Respectfully submitted,

RILEY RIPER HOLLIN & COLAGRECO

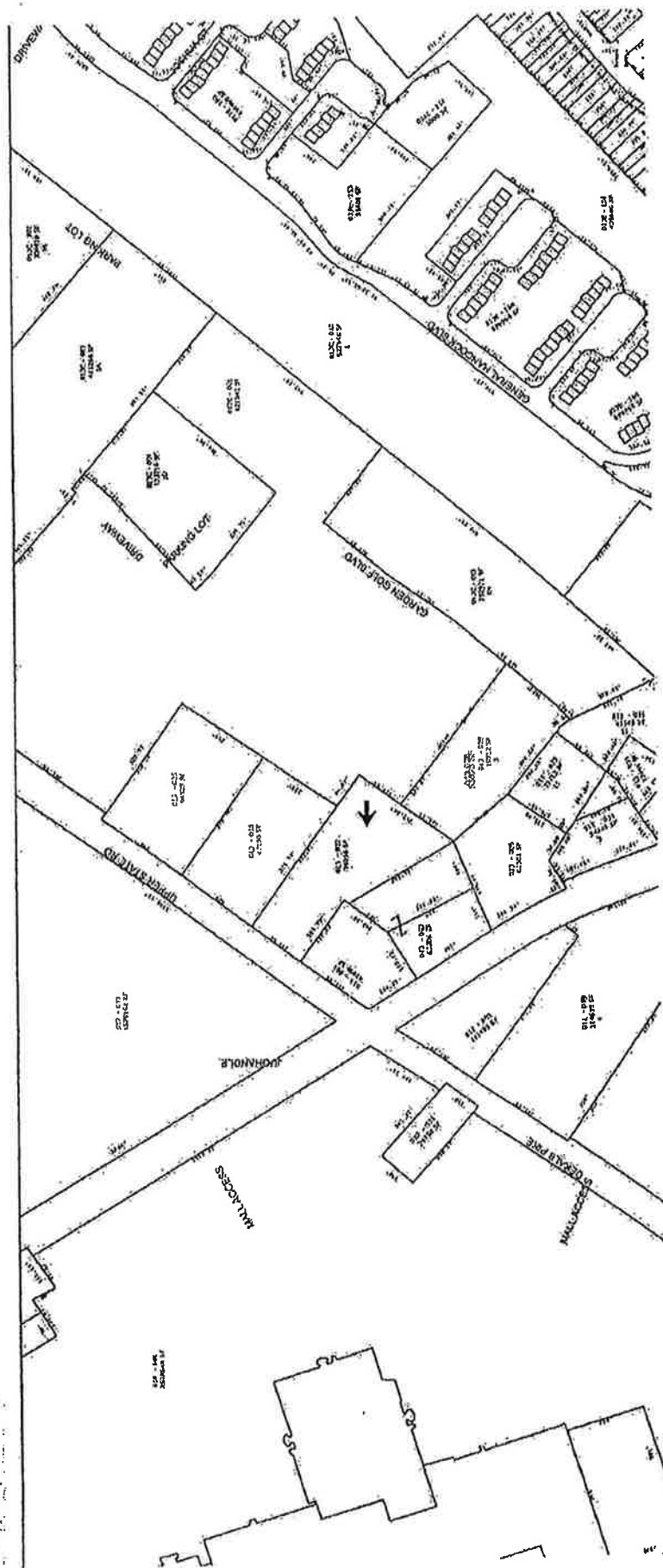
Date: 3/13/13

By:


Christopher H. Schubert, Esquire
Attorneys for Applicant

DATE RECEIVED _____
 2013 JUN 14 11:13 AM
 2013 JUN 14 11:13 AM

Copy to Clipboard



**BEFORE THE BOARD OF SUPERVISORS OF
MONTGOMERY TOWNSHIP, PENNSYLVANIA**

**IN RE: CONDITIONAL USE APPLICATION OF
CAPITAL TELECOM ACQUISITION, LLC for the
Use and Benefit of New Cingular Wireless PCS, LLC
d/b/a/ AT&T Mobility
Site Name: Montgomery
608 Upper State Road
North Wales, PA**

**AMENDED ADDENDUM "A"
TO CONDITIONAL USE APPLICATION**

I. BACKGROUND

The subject property ("Property") is owned by Tradewinds Investment Corp. and is located at 608 Upper State Road, North Wales, Montgomery County, Pennsylvania. The Property is further identified as Parcel No. 46-00-03916-00-7 on the Montgomery, is about 1.91 acres in area and is improved with a building used for commercial retail, off-street parking for such use and other related improvements related thereto. The Property is "split zoned" – the front part of the Property is zoned C-Commercial and the rear portion of the Property is zoned LI-Limited Industrial.

The applicant, Capital Telecom Acquisition, LLC ("Capital") proposes the installation of a new telecommunications facility (the "Telecom Facility") at the rear portion of the Property to be located wholly within the LI-Limited Industrial district. The proposal consists of the construction of a proposed 130-foot antenna support structure and the placement of twelve (12) panel-style antennas at the top of the tower. The antennas will extend to an overall height of 134 feet above the ground. Radio equipment cabinets are proposed to be placed at the base of the tower within a fenced compound, 2,450 square feet in area. The fence surrounding the compound will be a wooden, board-on-board style, eight (8) feet in height.

A total of five (5) radio equipments will be placed on a concrete pad, 10' x 20' in area. The radio equipment cabinets will occupy a total area of 37.5 s.f. They will be covered by a canopy, open on all sides, to provide additional protection from the elements. In addition, a cabinet will house backup batteries (Commscope 48v DC Power Cabinet RBA72, 8.06 s.f.) for the facility. There will also be a cabinet for telco (MESA Span XL cabinet, 6.25 s.f.). Thus, there will be a total of seven (7) cabinets occupying a total area of 51.81 s.f.

There will also be a back-up generator located within the compound. The generator will be used to keep the cell site "on-air" should the batteries not be sufficient. The requirement for keeping cell sites "on air" comes from a Declaratory Ruling of the FCC issued in 2007 following

Hurricane Katrina. FCC Declaratory Ruling, *FCC 07-177* (October 4, 2007) (copy available upon request). It was found that many cell sites went down simply because of a lack of adequate back-up power. The FCC declared that telecommunications providers provide emergency back-up power in the form of batteries and generators sufficient to keep the site on-air in the event of a power outage. This need was brought again to the forefront following Hurricane Sandy in October, 2012. As many as 1 in 4 cell sites became inoperable due to loss of power to the detriment of public safety and emergency responders. As a consequence, the providers are moving forward under the auspices of the FCC to provide emergency backup generators for cell sites. In particular, AT&T has instituted a policy and practice to incorporate emergency generators in the design of all their new cell sites.

Consistent with the Township Code, the tower will be designed to afford collocation capability for up to four (4) additional telecommunications providers. Access is proposed via a proposed driveway extension from the rear parking lot of the existing building. The access drive will be paved and contained within a twenty-foot wide right-of-way. Parking spaces for two vehicles will be provided outside the gate leading to the telecommunications compound.

The Telecom Facility as described will support the 4-G operations of AT&T to provide reliable coverage to customers in the area. Revised site plans are submitted herewith which depict the proposed Telecom Facility. See Site Plans entitled *Preliminary/Final Land Development Plans for Montgomery Site*, prepared for Capital Telecom by NB&C Engineering Services, LLC, dated 11/2/12, last revised 6/14/13.

II. REQUESTS FOR ZONING APPROVAL

Capital requests the following:

1. Pursuant to the authorization contained within the Code of Ordinances of Montgomery Township, as amended (the "Code"), and in particular, Section 230-103.A.5 (*LI-district Use Regulations*) that the Montgomery Township Board of Supervisors **grant conditional use approval pursuant to the provisions of Article XXX of the Code (*Wireless Telecommunications Facilities*)** to allow the establishment of the Telecom Facility, including a new communications tower 130 feet with antennas extending to an overall height of 134 feet, on that portion of the Property located within an LI-Limited Industrial district.
2. In the alternative, **approval of the Telecom Facility based upon the Telecommunications Act of 1996 (the "TCA"), 42 U.S.C. §332(c)(7)(B)(i)(I)**, arising from unreasonable discrimination among providers of functionally equivalent services. AT&T is a telecommunications provider which provides wireless services that are functionally equivalent to wireless services being provided elsewhere in the Township. To deny AT&T the establishment of the Telecom Facility on the Property by failure to grant the requested conditional use approval would result in unreasonable discrimination among providers of functionally equivalent services operating elsewhere in the Township.

3. In the alternative, **approval of the Telecom Facility based upon the TCA, 42 U.S.C. §332(c)(7)(B)(i)(II)**, arising from decisions of local agencies which may prohibit or have the effect of prohibiting the ability of a wireless provider to provide service in an area. On November 18, 2009, the Federal Communications Commission issued a Declaratory Ruling which determined that a local agency may not deny a wireless facility siting application because service is available from another provider. AT&T is a telecommunications provider afforded protections under the TCA and provides wireless services which are functionally equivalent to wireless services now being provided elsewhere in the Township. To deny AT&T the ability to collocate on the proposed Telecom Facility would result in effective prohibition of its wireless service to a significant portion of the Township.
4. In the alternative, **approval of the Telecom Facility based upon the TCA, 42 U.S.C. §253(a)**, which prevents any process for entry that imposes burdensome requirements on telecommunications providers. In the event that conditional use approval is not granted to Capital because of restrictions contained with the Code which are held to be unreasonable, use of the Property for the Telecom Facility will be prevented due to unreasonable conditions which create a barrier to entry of 4G technology and advanced wireless services for a telecommunications provider like AT&T.
5. The Applicant also applies for such other interpretations, waivers and/or variances as may ultimately be required.

III. REQUESTS FOR WAIVERS

Capital requests that the Board of Supervisors grant a waiver/favorable interpretation of the Code, Sections 230-155 and 230-223.B, which pertains to requirements for landscaping of telecommunications facilities. Regarding landscaping and screening set forth in Article VI of Chapter 205, Capital respectfully requests that the Board of Supervisors deems the requirements of the Township Code satisfied for the following reasons. First, Capital is proposing installation of an 8' tall board-on-board style fence around the perimeter of the equipment compound. Section 205-52.C(4)(b) of the Code permits the use of fences as approved by the Board of Supervisors to meet the screen buffer requirements. In addition, Section 205-52.J of the Code allows the use of existing vegetation to satisfy the buffering requirements as approved by grant of a waiver by the Board of Supervisors. The area proposed for construction of the tower is within an existing wooded area at the rear of the Property. Many of the trees are mature trees as noted on the site plans. Finally, pursuant to Table 2 to Chapter 205 (Subdivision and Land Development Regulations), buffering is not required where adjoining land uses are the same (LI to LI). While the zoning district boundary line bisects the Property to the west of the proposed telecommunications compound (which is in the C-Commercial district), the western property line in the C-district is located about 167 feet way. Existing mature vegetation would have to be removed to install new buffer plantings along the

property line. Accordingly, Capital respectfully requests that the Board of Supervisors grants a waiver or, alternatively, deems the buffering requirements satisfied.

In the event that the Board does not grant the waiver as noted, Capital has prepared and will present to the Board during the conditional use hearing a landscaping plan to meet the objective requirements of the governing ordinances of the Township.

III. REASONS WHY ZONING RELIEF SHOULD BE GRANTED

The proposed use is suitable for the Property and is in the best interests of the community and the requested relief should be granted for the following reasons:

1. The proposed facility is necessary in order for Capital's tenant, AT&T, to provide telecommunications service in accordance with its Federal Communications commission license and the Telecommunications Act of 1996.
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For all of the reasons stated above, Capital requests the above referenced relief and any other relief the Board deems necessary.

As noted, detailed site plans of the proposed use have been submitted to the Township, to be incorporated by reference herein, for consideration before the Board of Supervisors.

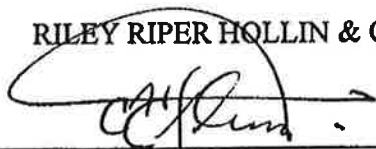
Respectfully submitted,

RILEY ROPER HOLLIN & COLAGRECO

Date:

6/20/13

By:



Christopher H. Schubert, Esquire
Attorneys for Applicant

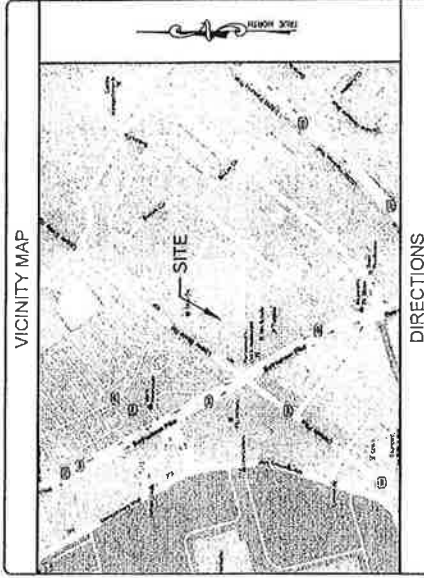
CAPITAL
TELECOM
PRELIMINARY/FINAL LAND DEVELOPMENT PLANS
SITE NAME: MONTGOMERY

808 UPPER STATE ROAD
NORTH WALES, PA 19454
MONTGOMERY TOWNSHIP
MONTGOMERY COUNTY



Know what's below.
Call before you dig.

SITE INFORMATION	
SCOPE OF WORK:	PROJECT CONSISTS OF INSTALLING A PROPOSED WIRELESS TELECOMMUNICATIONS FACILITY
SITE ADDRESS:	808 UPPER STATE ROAD NORTH WALES, PA 19454
APPLICANT:	CAPITAL TELECOM ACQUISITION, LLC 1300 MT. KEMBLE AVE., SUITE 203 MONTGOMERY, NJ 07960
LATITUDE (NAD 83):	N 40° 14' 06" 40" (NAD 83)
LONGITUDE (NAD 83):	W 75° 14' 17" 30" (NAD 83)
JURISDICTION:	MONTGOMERY TOWNSHIP MONTGOMERY COUNTY
PARCEL NUMBER:	45-00-03916-007
PARCEL AREA:	1.91 ACRES
DEED REFERENCE:	DB 5698, PG 2087
ZONING CLASSIFICATION:	C-COMMERCIAL DISTRICT/LL-LIMITED INDUSTRIAL DISTRICT
PARCEL OWNER:	TELECOM ACQUISITION, LLC CORP
ADDRESS:	700 W. GERMANTOWN PIKE EAST NORRITON, PA 19403
GROUND ELEVATION:	424.8' (NAD 83)
STRUCTURE TYPE:	MONOPOLE
STRUCTURE HEIGHT:	130.0' (AQU TOP OF MONOPOLE)
ANTENNA CENTERLINE:	134.0' (AQU TOP OF ANTENNA)
	130.0' (AQU)



DIRECTIONS

FROM KING OF PRUSSIA, PA TAKE: W. DEKALB PIKE/US222 N. CONTINUE TO FOLLOW W. DEKALB PIKE. W. DEKALB PIKE
BECOMES MARKET STREET. TURN RIGHT ONTO MARKET STREET. CONTINUE TO FOLLOW MARKET STREET TO
UPPER STATE ROAD. TURN LEFT ONTO UPPER STATE ROAD. CONTINUE TO FOLLOW UPPER STATE ROAD TO 808 UPPER STATE
ROAD 808 UPPER STATE ROAD IS ON THE RIGHT.

PROJECT TEAM	
CO-APPLICANT:	CAPITAL TELECOM ACQUISITION, LLC 1500 MT. KEMBLE AVE., SUITE 203 MONTGOMERY, NJ 07960
ENGINEERING FIRM:	NEW CIRCULAR WIRELESS PCS, LLC 1000 W. GERMANTOWN PIKE KING OF PRUSSIA, PA 19406
	NABE ENGINEERING SERVICES, LLC 1777 SENTRY PARK WEST, SUITE 200 BLUE BELLS, PA 19422

CODE COMPLIANCE

ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF
THE FOLLOWING CODES. THE FOLLOWING LISTED CODES ARE THE LATEST EDITIONS OF THE FOLLOWING CODES
CONSTRAINED TO PERMIT WORK NOT CONFORMING TO THE LATEST EDITIONS OF THE FOLLOWING CODES

- 2009 INTERNATIONAL BUILDING CODE
- 2009 NATIONAL ELECTRICAL CODE
- 2009 NFPA 70E, LIFE SAFETY CODE
- 2009 IFC
- AMERICAN CONCRETE INSTITUTE
- AMERICAN INSTITUTE OF STEEL CONSTRUCTION
- MANUAL OF STEEL CONSTRUCTION, 13TH EDITION
- ANSI/HI-222-5
- TA 507
- INSTITUTE FOR ELECTRICAL & ELECTRONICS ENGINEER IN
- IEEE C62 NATIONAL ELECTRIC SAFETY CODE LATEST EDITION
- TELECOMEDIA GR-123
- ANSI/TIA 311

DRAWING INDEX	
T-1	TITLE SHEET
Z-1	SITE PLAN
C-1	COMPOUND PLAN & ELEVATION
C-2	CONSTRUCTION DETAILS & NOTES
C-3	AT&T OUTDOOR EQUIPMENT CABINETS AND DETAILS
L-1	LANDSCAPING PLAN & DETAILS
L-2	LANDSCAPING NOTES
ES-1	EROSION & SEDIMENTATION CONTROL PLANS
ES-2	EROSION & SEDIMENTATION CONTROL DETAILS
ATTACHMENTS	
PLAN OF SURVEY (EXISTING FEATURES PLAN)	
DO NOT SCALE DRAWINGS	
THESE DRAWINGS ARE FORMATTED TO BE FULL-SCALE AT 24"X36". CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND LOCATIONS OF ALL FEATURES ON THE SITE AND SHALL MAINTAIN THE PROPOSED LOCATIONS OF ALL FEATURES ON THE SITE AND DISCREPANCIES BEFORE PROCEEDING WITH THE WORK OR MATERIAL ORDERS OR BE RESPONSIBLE FOR THE SAME. CONTRACTOR SHALL USE BEST MANAGEMENT PRACTICE TO PREVENT STORM WATER POLLUTION DURING CONSTRUCTION.	

APPROVAL BLOCK	
APPROVED	DATE
AS NOTED	DATE
DISAPPROVED	DATE
REVIS	DATE
PROPERTY OWNER	DATE
SITE ACQUISITION	DATE
CONSTRUCTION MANAGER	DATE
ZONING	DATE
APPROVED	DATE



MONTGOMERY
808 UPPER STATE ROAD
NORTH WALES, PA 19454
MONTGOMERY TOWNSHIP
MONTGOMERY COUNTY

REVISIONS			
NO.	DATE	DESCRIPTION	BY
1	10/10/07	ADD OUTDOOR EQUIPMENT	DAK
2	10/10/07	REVISED PER COMMENTS	DAK
3	10/10/07	REVISED PER COMMENTS	DAK
4	10/10/07	REVISED PER COMMENTS	DAK

PROFESSIONAL STAMP

ENGINEER

SHEET TITLE

SHEET NUMBER

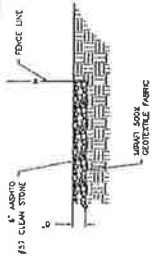
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GENERAL NOTES

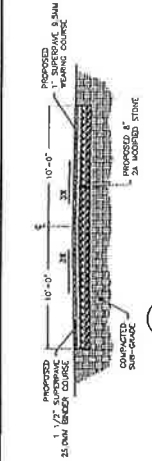
1. ALL MATERIALS AND METHODS OF CONSTRUCTION SHALL BE APPROVED BY THE ENGINEER PRIOR TO CONSTRUCTION.
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COMPOUND NOTES

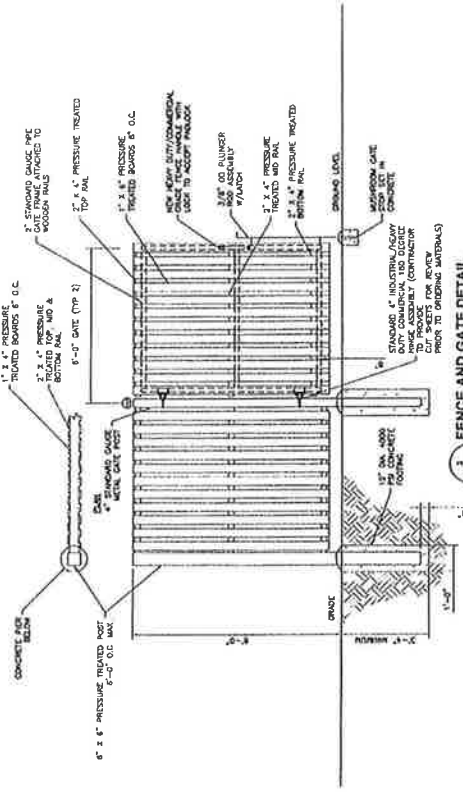
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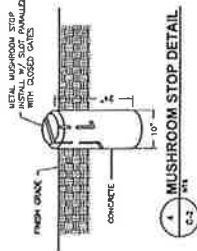
1 GRAVEL COMPOUND DETAIL



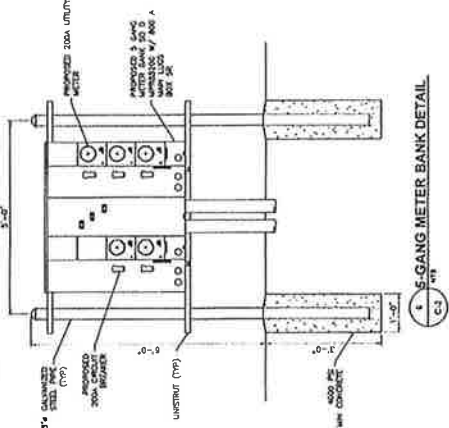
2 PAVED DRIVEWAY SECTION







3 FENCE AND GATE DETAIL



4 MUSHROOM STOP DETAIL



5 5-GANG METER BANK DETAIL

ENGINEER	<div><div>NB&C ENGINEERING SERVICES, LLC <small>INCORPORATED IN MARYLAND</small></div></div>																																				
CO-APPLICANTS	<div><div>CAPITAL TELECOM CAPITAL TELECOM ACQUISITION, LLC 1500 JOHNS HOPKINS AVENUE SUITE 100 BALTIMORE, MD 21205 TEL: (410) 516-1100 FAX: (410) 516-1101</div></div>																																				
SITE INFORMATION	MONTGOMERY 608 UPPER STATE ROAD NORTH WALES, PA 19454 MONTGOMERY TOWNSHIP MONTGOMERY COUNTY																																				
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SHEET TITLE	CONSTRUCTION DETAILS & NOTES																																				
SHEET NUMBER	C-2																																				

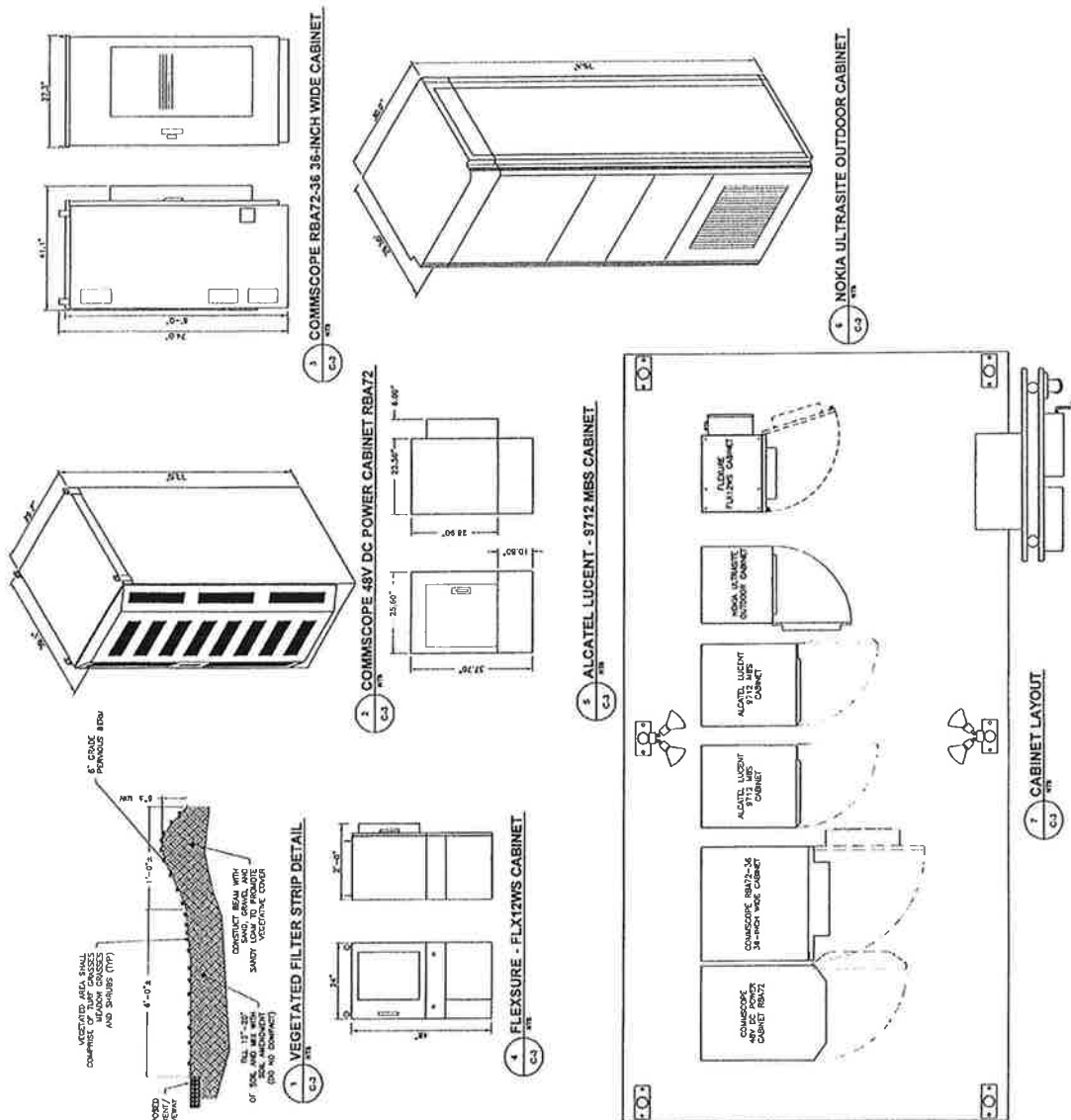
SOIL TEXTURE	WATERBURY BULK DENSITY (g/cm ³)
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SANDY LOAM	1.55
SANDY CLAY	1.50
CLAY LOAM	1.45
CLAY	1.40
CLAY LOAM (CLAY AND SAND)	1.10
CLAY (PURE CLAY)	1.10

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- ### **Synonyms:**

1. COMPOST MATERIALS SHALL MEET THE REQUIREMENTS OF ROMNEY PUBLICATION

- [illegible]



DESIGN RECORD		REVISIONS			
REV	DATE	DESCRIPTION	BY		
1	11/15/02	initial release	DAC		
2	11/22/02	revised per comments	DAC		
3	12/02/02	per customer UAT	DAC		
4	12/02/02	per customer UAT	DAC		
5	12/02/02	per customer UAT	DAC		
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THE INFORMATION

CAPITAL
TELECOM ACQUISITION, LLC
1500 WILSON AVENUE, SUITE 202
MORRISTOWN, NJ 07960
PH (973) 425-0666
FAX (973) 425-1010

NB&C
ENGINEERING
SERVICES, LLC.
1775 16th AVENUE, SUITE 201
BOSTON, MA 02116

ENGINEER

AT&T OUTDOOR
EQUIPMENT
CABINETS
& DETAILS

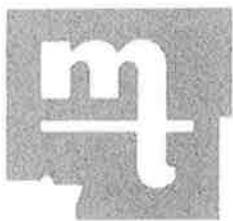
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[illegible]

51. THE CONTRACTOR SHALL INSURE ADEQUATE VERTICAL DRAINAGE IN ALL PLANT BEDS AND PLANTERS.
52. PLANTING SITE SHALL BE MADE TO DRINK WHEREVER POOR DRAINAGE CONDITIONS OCCUR AND IF ANY ARE OBSERVED BY THE LANDSCAPE ARCHITECT, THEY SHALL BE REMOVED BY THE LANDSCAPE ARCHITECT AS REQUIRED BY THE LANDSCAPE ARCHITECT. THE SLOPE OF THE PLANTING SITE SHALL BE MODIFIED BY UP THROUGH THE ADJUNCTION OF LARGE AGGREGATE (GRADE) TO 1.7% DRAINAGE).
53. DURING PLANTING OPERATIONS, EXCESS WASTE MATERIALS, NOT INCLUDING TOPSOIL, SHALL BE PROPERLY DISPOSED OF AT AN APPROPRIATE LOCATION. EXCESS WASTE MATERIALS SHALL BE IN ACCORDANCE WITH PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION REGULATIONS.
54. THE CONTRACTOR SHALL DISPOSE OF STUMPS AND MAJOR ROOTS OF ALL PLANTS TO BE REMOVED. AFTER REMOVAL OF ALL PLANTS, OPERATIONS SHALL BE COMPLETED WITH FERTILE SOIL PLACED OVER THE REMAINING SOIL.
55. ALL SOIL (IF AND WHERE REQUIRED) SHALL BE OBTAINED FROM BEDS HAVING GOODER CONDITIONS FAILURE TO DO SO WILL BE CONSIDERED A VIOLATION. SOIL TO BE USED SHALL BE HANDLED OF STONES AND OTHERS SHALL BE ELIMINATED. ALL SOIL MUST BE PLACED WITH STANDARDIZED COUNTS (NORTH BUILT) WITH APPLICATIONS.
56. SOILS (IF AND WHERE REQUIRED) SHALL BE IN CONFORMANCE WITH SECTION 11 OF THE AMERICAN RAINFEST & LANDSCAPE ASSOCIATION (FORMERLY AMERICAN ASSOCIATION OF HORTICULTURAL ENGINEERS).
57. PLANTER SOILS IF AND WHERE REQUIRED SHALL BE RECOMMENDED AND FERTILE. SOILS SHALL BE MOIST AND NOT SELECTED WELL-DRAINED SOILS FROM THE SITE. BACKFILL SHALL BE A MIXTURE OF TOPSOIL AND SUBSTRATE.
58. UPON COMPLETION OF ALL LANDSCAPING, AN ACCEPTANCE OF THE WORK SHALL BE HELD. THE CONTRACTOR SHALL MEET WITH THE LANDSCAPE ARCHITECT ON OR BEFORE FOR SCHEDULING THE INSPECTION DATE. LATEST SEVEN (7) DAYS PRIOR TO THE ANTICIPATED INSPECTION DATE.

[illegible]

L.2



**MONTGOMERY TOWNSHIP
DEPARTMENT OF PLANNING AND
ZONING**

1001 STUMP ROAD
MONTGOMERYVILLE, PA 18936-9605
Telephone: 215-393-6920 • Fax: 215-855-1498
www.montgomerytwp.org

BRUCE S. SHOUBE
Director of Planning and Zoning

MARIANNE J. McCONNELL
Deputy Zoning Officer

June 24, 2013

RE: Conditional Use Application #C-61 – **Rescheduled Public Hearing**
Capital Telecom Acquisition, LLC
608 Upper State Road

Dear Property Owner:

We had previously advised you that Capital Telecom Acquisition, LLC has applied to the Montgomery Township Board of Supervisors for Conditional Use approval to establish a new telecommunications facility on the property located at 608 Upper State Road. The facility will be principally used by AT&T and will consist of a proposed monopole antenna support structure and the placement of 12 panel style antennas at the top of the tower. Radio equipment cabinets are proposed to be placed at the base of the tower. The facility will be placed within an 8 foot high, fenced compound. An access driveway will be installed to the facility extending from the parking lot located at the rear of the existing building.

This Public Hearing has now been **rescheduled** for Monday, July 22, 2013, after 8:00 p.m., in the Township Building, in order to receive public comment.

This letter is being sent to you because you are either an adjacent or nearby property owner or have previously expressed an interest in the disposition of this application. Copies of the proposed map, conditional use application and deed are available for inspection during normal office hours.

Sincerely,

Bruce S. Shoupe
Director of Planning and Zoning

Proof of Publication of Notice in The Reporter

Under Newspaper Advertising Act No. 587, Approved May 16, 1929

MONTGOMERY TOWNSHIP LEGAL NOTICE

On Monday, July 22, 2013, after 8:00 PM, the Montgomery Township Board of Supervisors, during its regularly scheduled meeting, will conduct a conditional use hearing on Capital Telecom Acquisition, LLC's application seeking conditional use relief to permit the installation of a new telecom communications facility at the rear of the property located at 608 Upper State Road, further identified as Tax Parcel# 46-00-03916-00-7. The property, which is approximately 1.91 acres and improved with a commercial retail building and associated improvements, is split-zoned; the front of the property is zoned C-Commercial and the rear of the property is zoning LI-Limited Industrial. Applicant's proposed installation of the facility will be at the rear portion of the property and located wholly within the LI-Limited Industrial District. The proposal consists of the construction of a 130 foot antenna support structure and the placement of 12 panel-style antennas at the top of the tower. The antennas will extend to an overall height of 134 feet above the ground. Radio equipment cabinets are proposed to be placed at the base of the tower within a fenced of 2,450 square-foot compound. The fence surrounding the compound will be wooden, board-on-board style, 8-feet in height. Proposed access to the facility will be by way of a driveway expansion from the rear parking lot of the existing commercial building on the property. The access drive will be paved and contained within a 20-foot wide right away. Parking spaces for two vehicles will be provided outside the gate leading to the compound. In order to facilitate proposed improvement and use of the property, Applicant seeks conditional use relief pursuant to Section 230-103(A)(5) and Article XXX of the Montgomery Township Zoning Ordinance, as amended, related to use regulations in the LI-Limited Industrial District and wireless telecommunications facilities, respectively. Alternatively, Applicant seeks approval under the Telecommunications Act of 1996, 42 USC §332(7)(B)(9)(I). All interested parties are invited to attend. A copy of the Application may be examined at the Township Building, Monday through Friday during normal business hours 9:00AM to 4:00PM. Persons with disabilities wishing to attend the public meeting/hearing and requiring auxiliary aid or other accommodations to participate should contact the Montgomery Township Human Resources Coordinator 215-393-6900.

LAWRENCE J. GREGAN
Township Manager

State of Pennsylvania,
County of Montgomery

SS.

Leisha Shaffer, designated agent of THE REPORTER being duly sworn, deposes and says that THE REPORTER, a daily newspaper of general circulation as defined in the above-mentioned Act, published at Lansdale, Montgomery County, Pennsylvania, was established in the year 1870, and has been regularly issued and published in Montgomery County continuously thereafter and for a period of more than six months immediately prior hereto, and further says that the printed notice or publication attached hereto is an exact copy of a notice or publication printed and published in the regular edition and issues of THE REPORTER on the following dates, viz:

the 5th, 12th day of July A.D., 2013

and that said advertising was inserted in all respects as ordered.

Affiant further deposes that he/she is the proper person duly authorized by THE REPORTER, a newspaper of general circulation, to verify the foregoing statement under oath and that affiant is not interested in the subject matter of the notice or advertisement, and that all allegations in the foregoing statement as to time, place and character of publication are true.

Leisha Shaffer

Sworn to and subscribed before me this date 7/12/13

Joan M. Dupuis
Notary Public

COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
Joan M. Dupuis, Notary Public
Kennett Square Borough, Chester County
My commission expires September 18, 2013

My Commission Expires: September 18, 2013

Statement of Advertising Costs

MONTGOMERY TOWNSHIP
1001 STUMP ROAD
MONTGOMERYVILLE, PA 18936

For publishing the notice or advertisement attached hereto on

the above stated date.....	\$	957.38
Notary Fee.....	\$	5.00
Total.....	\$	962.38



ZONING NOTICE

NOTICE IS HEREBY GIVEN THAT THE BOARD OF ZONING ADJUSTMENTS has held a public hearing on the application for a ZONING VARIANCE for the property located at [Address] and has received the following comments from the public:

[Name] [Address] [City, State, Zip] [Phone Number] [Email Address]

[Comments]

07/10/2013

No. #C-61

20 1

ZONING NOTICE

CAPITAL Telecom Acquisitions LLC
has appealed to the [REDACTED] Board of Supervisors for con-
sideration of A Conditional Use Application for the
Installation of a Cellular tower of 134 feet in
height. This would be located at 608
Upper State Road in the LI-Limited
Industrial District.

The [REDACTED] Board of Supervisors under authority
of the MONTGOMERY TOWNSHIP ZONING ORDINANCE
invites all interested parties to appear and be heard at a
PUBLIC HEARING to be held in the Montgomery Township
Building located at 1001 Stump Road, on July 24, 2013
at 8:00 p.m.

THIS ZONING NOTICE must be displayed in a conspicuous
place in FRONT of the premises PLAINLY VISIBLE TO
PASSERSBY and kept there for the Seven Days preceding
the PUBLIC HEARING. The applicant is responsible for
the maintenance of this notice and should it be destroyed or
removed, must immediately obtain another copy.

07/10/2013

KENNETH AMEY, AICP
professional land planner

July 17, 2013

(via e-mail)

Lawrence J. Gregan, Township Manager
MONTGOMERY TOWNSHIP
1001 Stump Road
Montgomeryville, PA 18936

Re: Capital Telecom Acquisition, LLC
608 Upper State Road
Conditional Use Application
Township File #C-61

Dear Mr. Gregan:

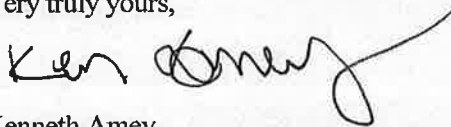
I am in receipt of the following supplemental documents:

1. A letter dated April 16, 2013 from Christopher Schubert, Esq. in response to my April 7, 2013 review.
2. Revised plans for the project with a last revision date of June 14, 2013.
3. An amended 'Addendum A' to the conditional use application dated June 20, 2013.

Based upon this new information, the comments in my April 7, 2013 review have been adequately addressed. The Board of Supervisors will need to consider the requested waiver of buffering requirements, and may want to condition any approval upon a satisfactory review by the Township's Landscape Architect during land development.

Please let me know if there are any questions or comments.

Very truly yours,



Kenneth Amey

1122 Old Bethlehem Pike
Lower Gwynedd, PA 19002



phone: 215.283.9619
fax: 215.646.3458
kenamey@aol.com

cc: Bruce S. Shoupe, Township Director of Planning and Zoning
Marita Stoerrle, Development Coordinator
Marianne McConnell, Deputy Zoning Officer
Russell Dunlevy, PE, Township Engineer
Frank Bartle, Esq., Township Solicitor
Kevin Johnson, PE, Township Traffic Engineer
Christopher Schubert, Esq., Applicant's Attorney

KENNETH AMEY, AICP
professional land planner

April 7, 2013

(via e-mail)

Lawrence J. Grogan, Township Manager
MONTGOMERY TOWNSHIP
1001 Stump Road
Montgomeryville, PA 18936

Re: Capital Telecom Acquisition, LLC
608 Upper State Road
Conditional Use Application
Township File #C-61

Dear Mr. Grogan:

I am in receipt of a conditional use application dated March 13, 2013 for construction of a new telecommunications facility at 608 Upper State Road. The conditional use plan consists of seven sheets prepared by NB&C Engineering Services, dated November 2, 2012, last revised January 22, 2013. The property is zoned C-Commercial and LI-Limited Industrial, with the proposed facility located within the LI portion of the property. My comments follow:

1. The Drawing Index shown on the Title sheet does not correctly reflect the sheets included in the plan set. This must be corrected.
2. Telecommunication equipment buildings are limited to 144 square feet in area; in addition, each property is limited to two telecommunication equipment buildings. The plans show a total of five proposed buildings, each of which exceeds the 144 square foot limitation. Variance relief will be needed.
3. Buffering requirements of §230-223.B have not been shown on the plans.
4. The safety requirements of §230-223.C have not been shown on the plans or in the supporting documents submitted with the application.

1122 Old Bethlehem Pike
Lower Gwynedd, PA 19002

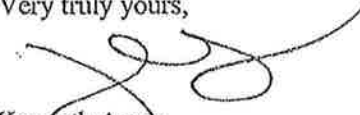


phone: 215.283.9619
fax: 215.646.3458
kenamey@aol.com

5. The application does not indicate compliance with the abandonment provisions of §230-224.E.

Please let me know if there are any questions or comments.

Very truly yours,



Kenneth Amey

cc: Bruce S. Shoupe, Township Director of Planning and Zoning
Marita Stoerrle, Development Coordinator
Marianne McConnell, Deputy Zoning Officer
Russell Dunlevy, PE, Township Engineer
Frank Bartle, Esq., Township Solicitor
Kevin Johnson, PE, Township Traffic Engineer
Christopher Schubert, Esq., Applicants Attorney



MONTGOMERY TOWNSHIP POLICE DEPARTMENT

J. Scott Bendig
Chief of Police

1001 Stump Road • P.O. Box 68 • Montgomeryville, PA 18936
215-362-2301 • Fax 215-362-6383

To: Montgomery Township Board of Supervisors
Marita Stoerrle, Development Coordinator

From: Scott Bendig, Chief of Police

Date: April 9, 2013

Re: Conditional Use Application Review #C-61
Capital Telecom Acquisitions, LLC
608 Upper State Road

A review of the above referenced conditional use application has been conducted on this date. There are no major areas of concern to the police department at this time. It is requested that Montgomery Township be provided with space on this tower/site for antennas/equipment to be utilized for the purpose of emergency management (fire, police and medical services).

Thanks you for the opportunity to review this subdivision/land development. Please contact me if you have any issues or concerns.

**MONTGOMERY COUNTY
BOARD OF COMMISSIONERS**

JOSHUA D. SHAPIRO, CHAIR

LESLIE S. RICHARDS, VICE CHAIR

BRUCE L. CASTOR, JR., COMMISSIONER



**MONTGOMERY COUNTY
PLANNING COMMISSION**

MONTGOMERY COUNTY COURTHOUSE • PO Box 311
MORRISTOWN, PA 19004-0311
610-278-3722

FAX: 610-278-3941 • TDD: 610-631-1211
WWW.MONTCOPA.ORG/PLANNING

April 17, 2013

Mr. Larry Gegan, Manager
Montgomery Township
1001 Stump Road
Montgomeryville, Pennsylvania 18936

Re: MCPC#13-0053-001
Plan Name: Conditional Use Application for
Capital Telecom Acquisitions
Situate: Upper State Road (E)/North of Bethlehem Pike
Montgomery Township

Applicant's Name and Address
Capital Telecom Acquisitions, LLC
1500 Mt. Kemble Avenue – Ste. 203
Morristown, NJ 07960

Contact: Christopher Schubert, Esq.
Phone: 610-458-4400

Dear Mr. Gegan:

We have reviewed the above-referenced Conditional Use application as requested by the township in a letter received in this office on March 21, 2013. We forward this letter as a report of our review and recommendations.

Background

The application is a new proposal seeking "conditional use approval" for the installation and development of a new telecommunications facility in the rear of a 1.91 acre lot located at 608 Upper State Road (Tax Parcel #46-0003916007, N/L). The development site is split-zoned with the front portion of the development parcel zoned C-Commercial and the rear portion zoned LI-Limited Industrial Zoning District. The new facility will be located in the rear of the lot, wholly within the LI-District with a dedicated access roadway connection to the wireless facility's shelter and antennae support. The front portion of the parcel along Upper State Road has an existing commercial building occupied by a business called Adult World.

The proposal comprises the construction of a 130 ft. tall monopole (antennae support structure) and the placement of 12 panel-style antennas at the top of the tower. The antennae will extend to an overall height of 134 ft. above the existing ground elevation. An equipment shelter, enclosed by a board-on-board fence, will be constructed at the base of the monopole structure to house radio equipment. The telecommunications facility will support 4-G operations of New Cingular Wireless, PCS, d/b/a/ AT&T Mobility to provide reliable coverage to customers of AT&T in the area.

The applicant's documentation includes land development site plans prepared by NB&C Engineering Services, LLC; an Addendum with a narrative for the request for variance relief; an Exhibit packet with documents to address various plan submission requirements for telecommunications facilities; and 8x10" images that photo-simulate the height of the pole from a variety of mapped locations in the vicinity of the development.

According to the township's zoning regulations for Wireless Telecommunications Facilities, a conditional use (CU) approval is required. The telecommunications facility regulations establish criteria and standards for CU approval found in Section 230-156.2.C. Standards and Section 230-224 Conditional Use Requirements for wireless communication facilities.

According to application documentation and site plan notes, the applicant is seeking relief from the Township as follows:

- A variance from Section 230-223 A. (5.)(b.) of the code to permit a building floor area larger than the requirements. The proposed building area footprint is 12ft. by 28 ft. = 336 sq. ft. rather than the maximum allowed of 144 sq. ft.
- A waiver from Article VI, Landscaping Requirements.
- A waiver from Article III, Section 205-18, Stormwater Detention/Retention Requirements.

Review Comments

Conditional Use Requirements – §230-224.B. and §230-224.C.

We received an exhibit document packet which addresses various requirements of the township and other relevant regulatory agencies which have oversight of these facilities. It is not clear from the documents presented to our office whether the applicant has presented documentation required by §230-224.B. -- demonstrating that a good faith effort has been made "to mount the antennae or site the structure on an existing building or area within the immediate vicinity" (one-fourth mile of the proposed antenna). In addition, it is uncertain whether the applicant addressed in their submission §230-224.C., the requirement that "the antennae and support structure must be located where proposed" in order to function effectively and properly.

We recommend the township ensure that it receives the required documentation to address the specific criteria of shared use and documentation that supports the location of the facility as arranged where it is on the lot in order to function effectively.

Waiver of Landscape Requirements

The township, in its consideration of this request, may wish to assess whether the applicant could better utilize various landscape strategies which are part of its code to more effectively screen and mitigate the visual impacts of this development from the immediate adjacent neighbors. The applicant's landscape plan does not adequately incorporate various improvements which could create an effective buffer and screen within both the rear and side yard setbacks of the site. We suggest the proposed 8 ft. high board-on-board fence, could be combined with a screen and buffer plantings to mitigate the visual impacts of the pad site. We recommend the applicant incorporate landscape improvements and plan for a well-designed mixed buffer and screen along both the rear and side yard to reduce impacts on neighboring properties and potential occupants of the adjacent hotel, other commercial properties and nearby neighbors.

Recommendation

We cannot recommend at this time the township's approval of Conditional Use for the proposed telecommunications facility. It is not clear from the documents we received whether the applicant's submitted plan has fully addressed the criteria and standards for conditional use approval according to Township Zoning Code -- as referenced in our review comments.

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

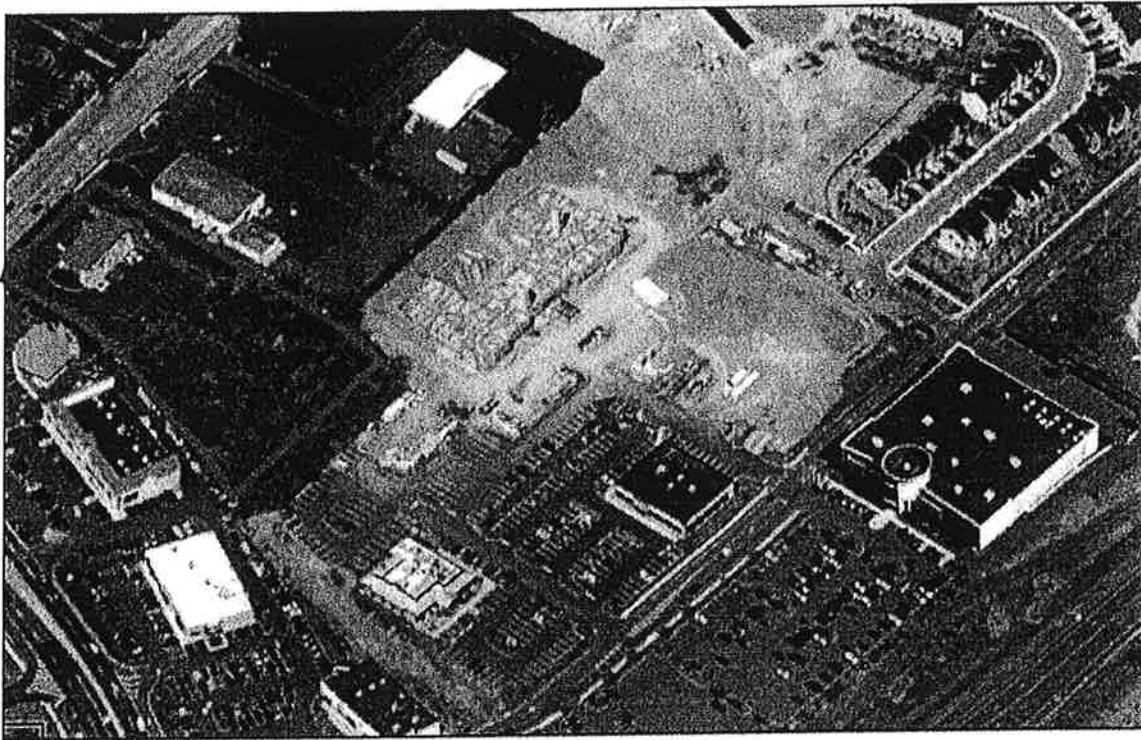
Should the governing body approve a final plat of this proposal, the applicant must present the plan to our office for stamp and signatures prior to recording with the Record of Deeds Office. A paper copy bearing the municipal seal and signature of approvals must be supplied for our files.

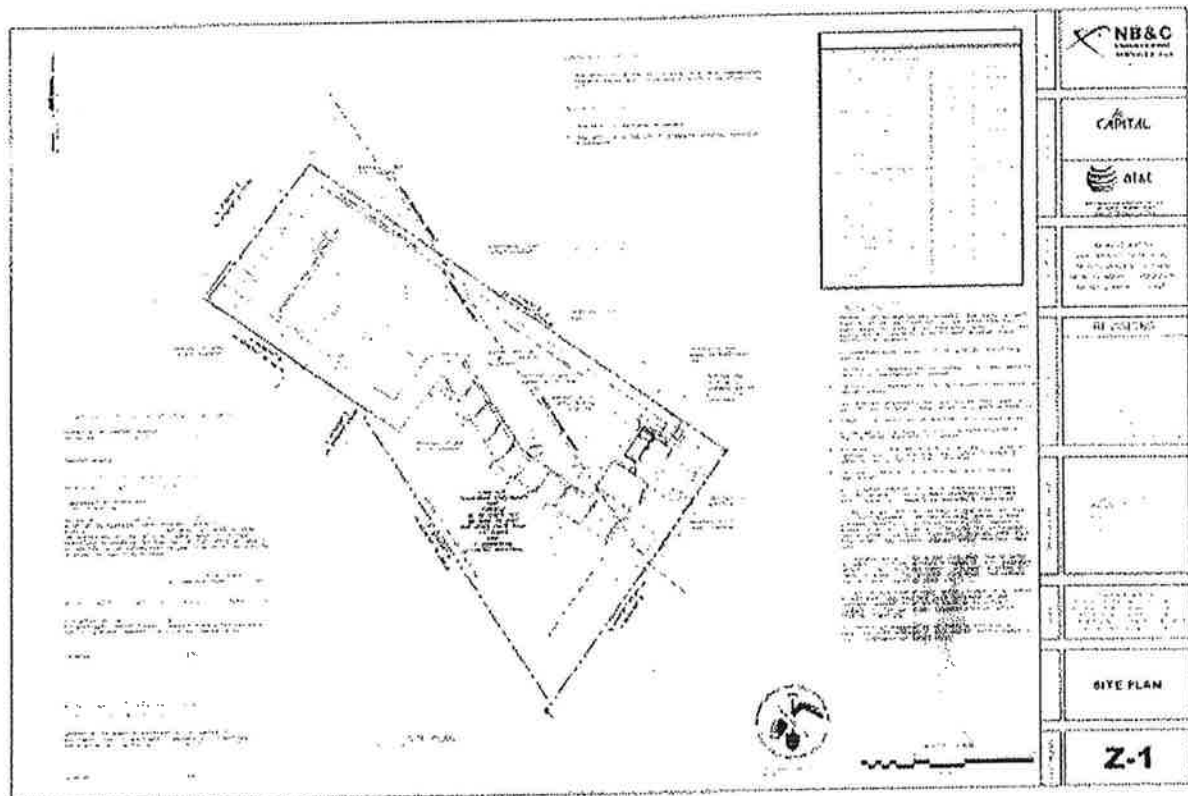
Sincerely,



Barry W. Jeffries, ASLA
Senior Design Planner
610-278-3444, Email: bjeffrie@montcopa.org

- c: Capital Telecom Acquisitions, LLC, Applicant
- NB&C Engineering Services, LLC, Applicant's Engineer
- Jonathan Trump, Chrm., Township Planning Commission
- Mr. Kenneth Amey, Township Planning Consultant
- Russell Dunlevy, Township Engineer
- Frank A. Bartle, Township Solicitor







TRAFFIC PLANNING AND DESIGN, INC.

Est. 1989 2500 EAST HIGH STREET, STE 650
POTTSTOWN, PA 19464

PHONE: 610.326.3100
FAX: 610.326.9410

TPD@TRAFFICPD.COM
WWW.TRAFFICPD.COM

July 15, 2013

Mr. Bruce S. Shoupe
Township Director of Planning and Zoning
Montgomery Township
1001 Stump Road
Montgomeryville, PA 18936-9605

Re: Capital Telecom Acquisition, LLC
Conditional Use Application – C-61
TPD# MOTO-A-00074

Dear Bruce:

In our role as Township Traffic/Street Lighting Engineer, Traffic Planning and Design, Inc. (TPD) has reviewed the sketch plan submission for the above referenced project prepared by NB&C Engineering Services, Inc., revised June 14, 2013, and received in our office via email on July 2, 2013. Additionally, TPD is in receipt of a letter dated July 12, 2013 from the Applicant's attorney, Christopher Schubert, regarding the proposed lighting for the site.

Based on this review, we offer the following comments:

Street Lighting Comments

1. The Applicant proposes one 100-watt light, on a manual timer, for the proposed facility. Based on discussions with the Applicant's attorney, it is anticipated this facility will have only infrequent visits (once every 4 to 6 weeks) and any visits that do occur will typically take place during normal working hours. Therefore, we do not foresee a need for additional lighting along the driveway access or parking area based on infrequent visits to the facility.

We reserve the right to make additional comments as additional information is submitted. Please call if you have any questions.

Sincerely,

Kevin L. Johnson, P.E.
President

cc: Larry Grogan, Township Manager
Marita Stoerle, Township Development Coordinator
Kevin Costello, Township Public Works Director
Russ Dunlevy, P.E., Township Engineer
Christopher Shubert, Esq., Applicant's attorney
Joseph Platt, P.E., TPD



TRAFFIC PLANNING AND DESIGN, INC.

2500 EAST HIGH STREET, STE 650
POTTSTOWN, PA 19464

PHONE: 610.326.3100
FAX: 610.326.9410

TPD@TRAFFICPD.COM
WWW.TRAFFICPD.COM

July 11, 2013

Mr. Bruce S. Shoupe
Township Director of Planning and Zoning
Montgomery Township
1001 Stump Road
Montgomeryville, PA 18936-9605

Re: Capital Telecom Acquisition, LLC
Conditional Use Application – C-61
TPD# MOTO-A-00074

Dear Bruce:

In our role as Township Traffic/Street Lighting Engineer, Traffic Planning and Design, Inc. (TPD) has reviewed the sketch plan submission for the above referenced project prepared by NB&C Engineering Services, Inc., revised June 14, 2013, and received in our office via email on July 2, 2013.

Based on this review, we offer the following comments:

Traffic Engineering Comments

Based on our review, all outstanding comments from TPD's April 15, 2013 review letter have been addressed.

Street Lighting Comments

1. No lighting information was provided. TPD may have comments with respect to lighting as additional information is provided.

We reserve the right to make additional comments as additional information is submitted. Please call if you have any questions.

Sincerely,

Kevin L. Johnson, P.E.
President

cc: Larry Gregan, Township Manager
Marita Stoerrle, Township Development Coordinator
Kevin Costello, Township Public Works Director
Russ Dunlevy, P.E., Township Engineer
Christopher Shubert, Esq., Applicant's attorney
Joseph Platt, P.E., TPD



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WWW.TRAFFICPD.COM

April 15, 2013

Mr. Bruce S. Shoupe
Township Director of Planning and Zoning
Montgomery Township
1001 Stump Road
Montgomeryville, PA 18936-9605

Re: Capital Telecom Acquisition, LLC
Conditional Use Application – C-61
TPD# MOTO-A-00074

Dear Bruce:

In our role as Township Traffic/Street Lighting Engineer, Traffic Planning and Design, Inc. (TPD) has reviewed the sketch plan submission for the above referenced project, prepared by NB&C Engineering Services, Inc. and revised January 22, 2013.

Based on this review, we offer the following comments:

Traffic Engineering Comments

1. Per §230-223.A(5)(d)[1], access to the site is provided via a 20 foot wide access easement that traverses an existing park lot to an existing driveway to Upper State Road.
2. Per §230-223.A(5)(d)[1], the proposed driveway access should be built in accordance with the Montgomery Township standards for a residential driveway. Therefore, the Paved Driveway Detail on Sheet C-2 should be revised to meet those standards or documentation that the structural number of the currently proposed section is equal to or greater than the required standards.

Street Lighting Comments

3. No lighting information was provided. TPD may have comments with respect to lighting as additional information is provided.

We reserve the right to make additional comments as additional information is submitted. Please call if you have any questions.

Sincerely,

Kevin L. Johnson, P.E.
President

cc: Larry Gegan, Township Manager
Marita Stoerrle, Township Development Coordinator
Kevin Costello, Township Public Works Director
Russ Dunlevy, P.E., Township Engineer
Christopher Shubert, Esq., Applicant's attorney
Joseph Platt, P.E., TPD



GILMORE & ASSOCIATES, INC.
ENGINEERING & CONSULTING SERVICES

July 18, 2013

File No. 13-03052

Bruce S. Shoupe,
Director of Planning and Zoning
Montgomery Township
1001 Stump Road
Montgomeryville, PA 18936-9605

Reference: Application for Conditional Use #C-61
Capital Telecom Acquisitions, LLC
608 Upper State Road
Tax Map Parcel No. 46-00-03916-00-7

Dear Bruce:

Pursuant to your request, Gilmore & Associates, Inc. has reviewed the above-referenced Application for Conditional Use and offers the following comments for consideration by the Montgomery Township Planning Commission and Board of Supervisors. Please note this review only addresses the conditional use application. Review of the land development application and plans will be completed separately upon request.

I. SUBMISSION

- A. Preliminary/Final Land Development Plans, as prepared by NB&C Engineering Services, LLC, 10 sheets, dated November 2, 2012 and last revised June 14, 2013.
- B. Amended Addendum "A" to Conditional Use Application.

II. PROJECT DESCRIPTION / APPEAL FOR CONDITIONAL USE

The property is owned by Tradewinds Investment Corporation and the Appellant (Lessee) for the Conditional Use Application is Capital Telecom Acquisition, LLC. The property is located at 608 Upper State Road, Montgomery Township, PA at Tax Parcel Number 46-00-03916-00-7, Block 13, Unit 22. The lot size is 1.91 acres. The property falls within the Commercial (C) and Limited Industrial (LI) Zoning Districts with an Expressway Corridor Preservation Overlay District (EPCOP). The present use is Commercial Retail (Adult Novelties) with a 3,300 square feet commercial retail building and ancillary off-street parking.

This application is based on the section for the use of Wireless Telecommunications Facilities in the Limited Industrial (LI) Zoning District pursuant to Section 230-220 of the Township Zoning Ordinance. The Applicant is applying for Conditional Use for the use of Wireless Telecommunications Facilities in the Limited Industrial (LI) Zoning District pursuant to Section 230-103.A.5 (LI Zoning District Use Regulations) of the Township Zoning Ordinance; which the Montgomery Township Board of Supervisors may grant a conditional use approval pursuant to the provisions of Article XXX (Wireless Telecommunications Facilities) of the Township Zoning Ordinance to allow the establishment of a telecommunications facility, including a new communications tower 130 feet with antennas extending to an overall height of 134 feet, on the property located within a Limited Industrial (LI) Zoning District. This Conditional Use approval will enable this parcel to be developed with a Wireless Telecommunications Facilities in the rear of the property. The Applicant has included with their application Preliminary/Final Land Development Plans of their parcel (46-00-03916-00-7). The Preliminary/Final Land Development Plans show that the proposed development will consist of a proposed Wireless Telecommunications Facilities including a 130-foot antenna support structure. The antennas will extend to an overall height of 134 feet above the ground. The tower will be designed to be able to accommodate four (4) additional telecommunications providers, which is a requirement of the Township Code. Also, this application proposes that an equipment shelter and a 24-foot access driveway will be constructed and two parking spaces will be provided.

III. REVIEW COMMENTS

A. Zoning Ordinance

Zoning Precedent/Effect: The use of the 'Wireless Telecommunications Facility' for an antenna and/or support structure with total height between 20 feet and 150 feet, with optional accessory equipment building that meets the height requirement of the zoning district where the building is located, is permitted by conditional use in the Limited Industrial (LI) Zoning District in accordance with the requirements of Section 230-224.

Based on our review, the following items do not appear to comply with the Zoning Ordinance. Upon further development of the plans additional items may become apparent.

1. §230-155. – The plans do not appear to meet the requirements of this section for landscaping and screening. The applicant should refer to the requirements in this section and Article VI of Chapter 205, the Montgomery Township Subdivision Ordinance, No. 18. We defer this comment to the Montgomery Township Landscape Architect.
2. §230-223.B. – Landscape plantings should be located around the base of antennas, support structures and equipment building facilities. Also, the location of the replacement trees should be shown on the Landscape Plan. We defer this comment to the Montgomery Township Landscape Architect.
3. §230-223.C.(2) – The Applicant should submit certification from a Pennsylvania-registered professional engineer for structural integrity per this section.
4. §230-223.C.(4) – When required by the Township, all communications antenna support structures should be fitted with anti-climbing devices, as approved by the manufacturer. The Applicant should have a discussion with the Township to determine if anti-climbing devices are required.
5. §230-225.A.(4) – A drop zone with a radius of 50 feet is indicated on the plans. The Township should indicate if the indicated radius is adequate.

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

Sincerely,



Russell S. Dunlevy, P.E.
Executive Vice President
Gilmore & Associates, Inc.



James P. Dougherty, P.E.
Project Manager
Gilmore & Associates, Inc.

RSD/JPD/sl

cc: Lawrence J. Grogan, Manager - Montgomery Township
Marita A. Stoerrle, Development Coordinator - Montgomery Township
Kevin Johnson, P.E. - Traffic Planning & Design, Inc.
Judith Stern Goldstein, ASLA, R.L.A. - Boucher & James, Inc.
Ken Amey, AICP
Scott Von Rein - Capital Telecom Acquisition, LLC
Tradewinds Investment Corp.
Christopher Schubert, Esq. - Riley, Riper, Hollin & Colagreco



GILMORE & ASSOCIATES, INC.
ENGINEERING & CONSULTING SERVICES

April 15, 2013

File No. 13-03052

Bruce S. Shoupe,
Director of Planning and Zoning
Montgomery Township
1001 Stump Road
Montgomeryville, PA 18936-9605

Reference: Application for Conditional Use #C-61
Capital Telecom Acquisitions, LLC
608 Upper State Road
Tax Map Parcel No. 46-00-03916-00-7

Dear Bruce:

Pursuant to your request, Gilmore & Associates, Inc. has reviewed the above-referenced Application for Conditional Use and offers the following comments for consideration by the Montgomery Township Planning Commission and Board of Supervisors. Please note this review only addresses the conditional use application. Review of the land development application and plans will be completed separately upon request.

I. SUBMISSION

- A. Application for Conditional Use, submitted March 18, 2013, including the following attachments: 1) Preliminary/Final Land Development Plans, as prepared by NB&C Engineering Services, LLC, seven (7) sheets, dated November 2, 2012, and last revised January 22, 2013, 2) Tax Map, 3) Deed for Tax Map Parcel 46-00-03916-00-7, 4) Telecommunications Facility Lease Agreement and 5) Exhibit Packet.

II. PROJECT DESCRIPTION / APPEAL FOR CONDITIONAL USE

The property is owned by Tradewinds Investment Corporation and the Appellant (Lessee) for the Conditional Use Application is Capital Telecom Acquisition, LLC. The property is located at 608 Upper State Road, Montgomery Township, PA at Tax Parcel Number 46-00-03916-00-7, Block 13, Unit 22. The lot size is 1.91 acres. The property falls within the Commercial (C) and Limited Industrial (LI) Zoning Districts with an Expressway Corridor Preservation Overlay District (EPCOP). The present use is Commercial Retail (Adult Novelties) with a 3,300 square foot commercial retail building and ancillary off-street parking.

This application is based on the section for the use of Wireless Telecommunications Facilities in the Limited Industrial (LI) Zoning District pursuant to Section 230-220 of the Township Zoning Ordinance. The Applicant is applying for Conditional Use for the use of Wireless Telecommunications Facilities in the Limited Industrial (LI) Zoning District pursuant to Section 230-103.A.5 (LI Zoning District Use Regulations) of the Township Zoning Ordinance; which the Montgomery Township Board of Supervisors may grant a conditional use approval pursuant to the provisions of Article XXX (Wireless Telecommunications Facilities) of the Township Zoning Ordinance to allow the establishment of a telecommunications facility, including a new communications tower 130 feet with antennas extending to an overall height of 134 feet, on the property located within a Limited Industrial (LI) Zoning District. This Conditional Use approval will enable this parcel to be developed with a Wireless Telecommunications Facilities in the rear of the property. The Applicant has included with their application Preliminary/Final Land Development Plans of their parcel (46-00-03916-00-7). The Preliminary/Final Land Development Plans show that the proposed development will consist of a proposed Wireless Telecommunications Facilities including a 130-foot antenna support structure. The antennas will extend to an overall height of 134 feet above the ground. The tower will be designed to be able to accommodate four (4) additional telecommunications providers, which is a requirement of the Township Code. Also, this application proposes that an equipment shelter and a 24-foot access driveway will be constructed and two parking spaces will be provided.

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65 E. Butler Avenue | Suite 100 | New Britain, PA 18901 Phone: 215-345-4330 | Fax: 215-345-8606
www.gilmore-assoc.com

III. REVIEW COMMENTS

A. Zoning Ordinance

Zoning Precedent/Effect: The use of the 'Wireless Telecommunications Facility' for an antenna and/or support structure with total height between 20 feet and 150 feet, with optional accessory equipment building that meets the height requirement of the zoning district where the building is located, is permitted by conditional use in the Limited Industrial (LI) Zoning District in accordance with the requirements of Section 230-224.

The Applicant is requesting the following variance from the Zoning Ordinance:

1. §230-223.A.(5)(b) – A variance is requested from the requirement that communications equipment buildings shall not exceed 144 square feet in total building floor area. The Applicant is proposing a communications equipment building with a floor area of 336 square feet.

Based on our review, the following items do not appear to comply with the Zoning Ordinance. Upon further development of the plans additional items may become apparent.

2. §230-115 – The 'Zoning Information' table should be updated to include height regulations for buildings. The plan should note the height requirement of 30 feet in the Limited Industrial (LI) Zoning District and the proposed building height of 10 feet.
3. §230-155 – The plans do not meet the requirements of this section for landscaping and screening. The applicant should refer to the requirements in this section and Article VI of Chapter 205, the Montgomery Township Subdivision Ordinance, No. 18. We defer this comment to the Montgomery Township Landscape Architect.
4. §230-156.2.A.(2) – The Applicant should provide with the application a list of every abutting lot owner on the same street and every abutting lot owner directly across the street from the lot in question. The 'Check Off Sheet for Appeal for Conditional Use' indicates that a list was submitted; however, no such list was found in the Application for Conditional Use.
5. §230-223.A.(5)(b) – No more than two communications equipment buildings may be located on any lot. The 'Addendum "A" to Conditional Use Application' indicates that the tower will be designed to afford collocation capability for up to four (4) additional telecommunications providers. Clarification should be given to explain if the four (4) additional telecommunications providers will each have their own buildings.
6. §230-223.B. – Landscape plantings should be located around the base of antennas, support structures and equipment building facilities. Also, the location of the replacement trees should be shown on the Landscape Plan. We defer this comment to the Montgomery Township Landscape Architect.
7. §230-223.C.(2) – The Applicant should submit certification from a Pennsylvania-registered professional engineer for structural integrity per this section.
8. §230-223.C.(4) – When required by the Township, all communications antenna support structures should be fitted with anticlimbing devices, as approved by the manufacturer. The Applicant should have a discussion with the Township to determine if anticlimbing devices are required.
9. §230-223.D.(3) – A note should be added to the plan that states "No advertising or signs shall be affixed to any wireless telecommunications facilities."
10. §230-225.A.(4) – The Site Plan should show the drop zone for the proposed antenna support structure.

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

Sincerely,



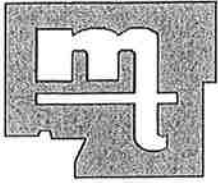
Russell S. Dunlevy, P.E.
Executive Vice President
Gilmore & Associates, Inc.



James P. Dougherty, P.E.
Project Manager
Gilmore & Associates, Inc.

RSD/JPD/slb

cc: Lawrence J. Grogan, Manager - Montgomery Township
Marita A. Stoerle, Development Coordinator - Montgomery Township
Kevin Johnson, P.E. - Traffic Planning & Design, Inc.
Judith Stern Goldstein, ASLA, R.L.A. - Boucher & James, Inc.
Ken Amey, AICP
Scott Von Rein - Capital Telecom Acquisition, LLC
Tradewinds Investment Corp.
Christopher Schubert, Esq. - Riley, Riper, Hollin & Colagreco
Karyn Hyland, P.E., Project Manager - Gilmore & Associates, Inc.



MEMORANDUM

TO: Board of Supervisors

FROM: Planning Commission
Jonathan Trump, Chairman

DATE: April 18, 2013

RE: Conditional Use #C-61
Capital Telecom Acquisitions, LLC
608 Upper State Road

The Planning Commission has reviewed the Conditional Use application for Capital Telecom Acquisitions, LLC, for 608 Upper State Road. A motion was made to recommend to the Board of Supervisors that the conditional use application be approved, subject to satisfactory compliance with all comments of the Township's review agencies.

ZONING ORDINANCE PLAN REVIEW

DATE: May 8, 2013

PLAN REVIEW – Capital Telecom Acquisition, LLC
Conditional Use # C-61

DEVELOPMENT NAME: Capital Telecom Acquisition, LLC

LOCATION: 608 Upper State Road

LOT NUMBER & SUBDIVISION:

ZONING DISTRICT: LI – Limited Industrial/C-Commercial

PROPOSED USE: Installation of a new telecommunication facility, at the rear portion of the above property located within that portion of the LI-Limited Industrial zoning district. The proposal consists of construction of a 130 foot monopole antenna support structure (total height to top of antenna panel 134 feet) to enable the colocation of five users and utilize radio cabinets in lieu of buildings within a fenced in compound area. Access is proposed via a new driveway extension from the rear existing parking lot.

ZONING HEARING BOARD APPROVAL REQUIRED?

CONDITIONAL USE APPROVAL REQUIRED? YES

	APPROVED BY CONDITIONAL USE	NOT APPROVED	NOT APPLICABLE
USE	X		
HEIGHT	X		
LOT SIZE			X
SETBACKS: FRONT	X		
SIDE	X		
BACK	X		
BUILDING COVERAGE		X	
IMPERVIOUS / GREEN SPACE	X		
VARIANCE / SPECIAL EXCEPTION			X
LANDSCAPING: See Comments	Waiver Requested		
OTHER: See comments below	Interpretation Requested		

COMMENTS

The Applicant request that the Board allow the 8 foot tall board-on-board fence be used for the required screen buffer per Section 205-52.C (4) (b) and that the existing vegetation also be allowed to satisfy the buffering requirements in accordance with Section 205-52.J of the Township Code.

The applicant's attorney on May 24, 2013 request for an interpretation Section 230-223.A (5) (b) of the Township Code provides that, "No more than two communication equipment buildings may be located on

any lot." The ordinance defines "Communication Equipment Building" as, "An unmanned building or cabinet containing communication equipment required for the operation of communication antennas."

The definition of "Communication Equipment Buildings" has been interpreted in the past to include either pre-fabricated buildings and/or utility cabinets that can be the size of a refrigerator which house electronic equipment.

A review of the files for various other telecommunication locations, reveal that more than two buildings and/or cabinets have been issued permits in the past. Therefore, please be advised the Township is in the process of revising Article XXX, Wireless Telecommunications Facilities ordinance to limit the buildings or cabinets to a total of 288 square feet vs. limiting the number of units that can be utilized.


ZONING OFFICER

7-8-13
DATE

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS
BOARD ACTION SUMMARY

SUBJECT: Consideration – Amended Preliminary/Final Land Development Plan – Bharatiya Temple – County Line Road – LD/S #665

MEETING DATE: July 22, 2013

ITEM NUMBER: #10

MEETING/AGENDA: WORK SESSION ACTION XX NONE

REASON FOR CONSIDERATION: Operational: Information: Discussion: XX Policy:

INITIATED BY: Bruce Shoupe
Director of Planning and Zoning

BOARD LIAISON: Joseph P. Walsh
Chairman

BACKGROUND:

The applicant, Bharatiya Temple, proposes an amendment to a previously approved land development plan. That plan was approved in 2002; it contemplated construction in two phases. Phase I has been completed. Phase 2 has not been constructed. This proposal amends Phase 1. The proposal includes revisions to the front portion of the main temple building. This will include removal of the existing stairs and structure at the east side and reconstruct the stairs in a new configuration. The proposal also includes removal of the Caretakers Cottage, which has not been constructed, and to replace this structure with an unenclosed pavilion and breezeway attached to the existing temple. The amended plan results in minor increases in building coverage (2.3%) and impervious coverage (1%).

The Township staff and consultant have reviewed this plan for compliance with Township Codes.. The plan has been recommended for approval by the Township and County Planning Commissions.

ZONING, SUBDIVISION OR LAND DEVELOPMENT IMPACT:

The Applicant executed an indefinite extension form, which allows unlimited review time by the Township, unless a notice is received from the Applicant that a decision be rendered within 90 days by the Board of Supervisors.

PREVIOUS BOARD ACTION:

None

ALTERNATIVES/OPTIONS:

The Board could approve this plan or deny this plan with the conditions as outlined in the attached resolution.

BUDGET IMPACT:

None.

RECOMMENDATION:

The resolution be adopted by the Board of Supervisors.

MOTION/RESOLUTION:

The Resolution is attached. (The Chairman needs to read only the highlighted portions of the resolution.)

MOTION _____

SECOND _____

ROLL CALL:

Robert J. Birch	Aye	Opposed	Abstain	Absent
Candyce Fluehr Chimera	Aye	Opposed	Abstain	Absent
Michael J. Fox	Aye	Opposed	Abstain	Absent
Jeffrey W. McDonnell	Aye	Opposed	Abstain	Absent
Joseph P. Walsh	Aye	Opposed	Abstain	Absent

DISTRIBUTION: Board of Supervisors, Frank B. Bartle, Esq.

RESOLUTION #

MONTGOMERY TOWNSHIP

MONTGOMERY COUNTY, PENNSYLVANIA

**A RESOLUTION GRANTING CONDITIONAL AMENDED PRELIMINARY/FINAL
APPROVAL OF THE APPLICATION FOR LAND DEVELOPMENT OF BHARATIYA
TEMPLE, LOCATED AT COUNTY LINE ROAD**

The Board of Supervisors of Montgomery Township, Montgomery County, Pennsylvania, hereby resolves to grant conditional, amended preliminary/final approval of the land development application and plan for **Bharatiya Temple, located at County Line Road**, as more fully detailed on the plans listed on Exhibit "A" attached hereto and made part hereof and further conditioned upon the following being satisfied by the Applicant prior to the recording of the final plan:

1. Fulfilling all obligations and requirements of the Gilmore & Associates, Inc. letter dated May 8, 2013; Montgomery Township Planning Commission comments dated June 20, 2013; Montgomery County Planning Commission comments dated June 14, 2013; 2012; and Montgomery Township Police Chief's comments dated May 10, 2013; Zoning Officers review dated July 8, 2013.
2. The Applicant shall enter into a Land Development Agreement and post financial security for all improvements to the satisfaction of the Township Engineer and Township Solicitor.
3. The Applicant shall satisfy the requirements of all Montgomery Township Codes, the Montgomery Township Municipal Sewer Authority and North Wales Water Authority. A copy of the Authorities' permits and/or agreements from the above must be provided to the Township.
4. The Applicant shall be responsible for payment of all Township Consultant fees related to this project.
5. The Applicant shall be responsible for obtaining all other Regulatory Authority Permits having jurisdiction over this project.

This Resolution shall become effective on the date upon which all of the above stated conditions are accepted by the Applicant in writing. If, for any reason, the Applicant fails to acknowledge the acceptance of the conditions contained in this Resolution within ten (10) days from the date of this Resolution, then the Preliminary/Final Plan approval granted herein shall become null and void, the waivers requested shall be deemed denied, and the plan shall be denied for failure to comply with Sections of the Township Zoning Ordinance and/or Township Subdivision and Land Development Ordinance for the reasons cited herein or as set forth in the letters referenced herein.

DULY PRESENTED AND ADOPTED by the Board of Supervisors of Montgomery Township, Montgomery County, Pennsylvania, at a public meeting held this 22nd day of July, 2013.

MOTION BY:

SECOND BY:

VOTE:

The above conditions are agreed to by Bharatiya Temple this _____
day of _____, 2013.

Applicant

xc: Applicant, F. Bartle, R. Dunlevy, B. Shoupe, M. Stoerrle, MCPC, Minute Book, Resolution File, File

Resolution #
Page 3 of 3

EXHIBIT "A"

PLANS-STUDIES

<u>DESCRIPTION</u>	<u>ORIGINAL DATE</u>	<u>REVISED DATE</u>
1. Land Development Plan	12-19-99	3-5-13



GILMORE & ASSOCIATES, INC.
ENGINEERING & CONSULTING SERVICES

May 8, 2013

File No. 13-04061

Bruce S. Shoupe, Director of Planning and Zoning
Montgomery Township
1001 Stump Road
Montgomeryville, PA 18936-9605

Reference: Bharatiya Temple LD/S #: 665
Tax Parcel #46-00-00565-00-1
Tax Block #016; Tax Unit #005

Dear Bruce:

Pursuant to your request, Gilmore & Associates, Inc. has reviewed the Land Development Plan for the above-referenced project. We offer the following comments for consideration by the Township:

I. SUBMISSION

- A. Land Development Plan for Bharatiya Temple, Sheet 1 of 11, prepared for Shashi Todi & Nand Todi, prepared by Richard C. Mast Associates, P.C., dated December 19, 1999, revision 10 dated March 5, 2013.

II. GENERAL

The subject lot is located within the Residential (R-1) Zoning District at 1612 County Line Road. The religious use within the R-1 district was approved by special exception on November 9, 1999. The land development plan received final approval on April 22, 2002. The original plan contemplated construction in two phases. Phase 1 has been completed. Phase 2 has not been constructed. The proposal amends Phase 1. No changes to Phase 2 are proposed at this time.

The proposal includes revisions to the front portion of the main temple building. This will include removal of the existing steps and structure at the front and reconstruction in a new configuration as shown on the plan. The proposal also includes removal of the Caretakers Cottage, which was not constructed, and the addition of an unenclosed pavilion and breezeway attached to the existing temple. The proposal also includes a shed that was constructed on the property. The amendment to the plan results in relatively minor increases in building coverage and impervious coverage; 2.3% & 1.0%, respectively. It is noted an existing and functioning stormwater collection system existing on site.

III. REVIEW COMMENTS

A. Zoning Ordinance

Based on our review, the proposed building and impervious coverages (9.6% and 40.4%, respectively) are within the allowable as required by the Special Exception for a religious use in the R-1 District (10% and 50%, respectively).

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B. Subdivision and Land Development Ordinance

Based on our review, it appears the plan complies with the Township Subdivision and Land Development Ordinance.

C. General

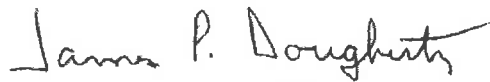
1. The Applicant should obtain all required approvals, permits, declarations of restrictions and covenants, etc. (e.g. Montgomery Township Municipal Sewer Authority, North Wales Water Authority, Montgomery County Conservation District, PennDOT, etc.). Copies of these approvals and permits should be submitted to the Township and our office.
2. It is our opinion the increases in building and impervious coverages are de minimus and will not negatively impact the stormwater management system.

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

Sincerely,



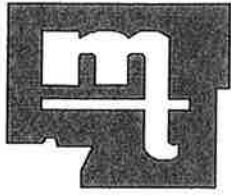
Russell S. Dunlevy, P.E.
Executive Vice President
Gilmore & Associates, Inc.



James P. Dougherty, P.E.
Project Manager
Gilmore & Associates, Inc.

RSD/JPD/slb/si

cc: Lawrence J. Grogan, Manager, Montgomery Township
Marita A. Stoerrle, Development Coordinator, Montgomery Township
Kevin Johnson, P.E., Traffic Planning & Design, Inc.
Judith Stern Goldstein, ASLA, R.L.A., Boucher & James, Inc.
Ken Amey, AICP
Nand Todi, Bharatiya Temple, Inc.
Richard C. Mast, P.E., Richard C. Mast Associates, P.C.



MEMORANDUM

TO: Board of Supervisors

FROM: Planning Commission
Jonathan Trump, Chairman

DATE: June 20, 2013

RE: Bharatiya Temple
LDS #665

The Planning Commission has reviewed the plan for the Bharatiya Temple and would like to recommend to the Board of Supervisors that the plan be approved, subject to satisfactory compliance with all comments of the Township's review agencies.

**MONTGOMERY COUNTY
BOARD OF COMMISSIONERS**

JOSHUA D. SHAPIRO, CHAIR

LESLIE S. RICHARDS, VICE CHAIR

BRUCE L. CASTOR, JR., COMMISSIONER



**MONTGOMERY COUNTY
PLANNING COMMISSION**

MONTGOMERY COUNTY COURTHOUSE • PO Box 311

NORRISTOWN, PA 19404-0311

610-278-3722

FAX: 610-278-3941 • TDD: 610-631-1211

WWW.MONTCOPA.ORG/PLANNING

JODY HOLTON, AICP
EXECUTIVE DIRECTOR

June 14, 2013

Mr. Larry Gregan, Manager
Montgomery Township
1001 Stump Road
Montgomeryville, Pennsylvania 18936

Re: MCPC# 13-0101-001
Plan Name: Bharatiya Temple
(1 lot/ 2,539 sq. ft. comprising 6.24 acres)
Situate: County Line Road (south)/
north/west of Kingston Way
Montgomery Township

Applicant's Name and Address

Nand Todi
P.O. Box 463
Montgomeryville, PA 18936

Phone: 215-206-5297
Email: ntodi@pennmfg.com

Dear Mr. Gregan:

We have reviewed the above referenced subdivision and land development application in accordance with Section 502 of Act 247, "the Pennsylvania Municipalities Planning Code", as requested by the township in a letter received in this office on May 31, 2013. We forward this letter as a report of our review and recommendations.

Background

The application is an amendment to a previously approved land development plan which received final approval by the Township in a resolution dated April 22, 2002. The approved site plan proposed a two phase construction of a 8530 sq. ft. temple (Phase I) – which was built upon approval and a future Phase II development with additional parking areas and a community center building. The development is located on a 6.4 acre site, (Tax Parcel # 46-00-00565-001) and situated along County Line Road in the Township's R-1 Residential District. The subject plan amendment proposes a minor revision to the approved plan which includes: the removal of steps at the front of the main Temple building; the removal of the previously proposed Caretakers Cottage and the construction of a unenclosed pavilion (2,539 sq. ft.) and a breezeway attachment to the main Temple building. The amended plan would increase the building coverage from the previously approved 7.35% to 9.6% and would increase the site's impervious coverage from 39.4% to 40.4%.

The applicant's plan documentation submitted to this office includes only one sheet of a set which appears to include an eleven page plan set. Without the benefit of a complete set of plan submissions we are unable to provide a complete assessment of this proposal to the township.

The planning commission provided review comments to the township at various plan review stages for the subdivision and land development of this parcel including letters (MCPC #99-488-07 thru MCPC #99-488-011), dated August 23, 2001 thru January 31, 2002. In these letters we raised various issues and concerns and recommended the township address with the site plan. One of these previously expressed concerns remains outstanding—we did not receive a complete set of plan documents to support the submitted proposal (landscape, existing conditions, and lighting plans).

Comment

In reviewing the construction of the pavilion and other site improvements we have not identified any significant land use, transportation, design, or other issues that should be addressed in this plan. Therefore we have no substantive comments. Nevertheless, the municipal staff should ensure that the plan meets all appropriate municipal land use regulations and other codes prior to granting approval.

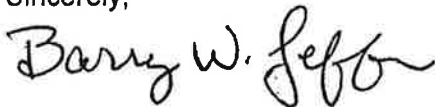
Recommendation

We recommend approval of this proposal provided that the proposed plan complies with your municipal land use regulations and all other appropriate regulations.

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.

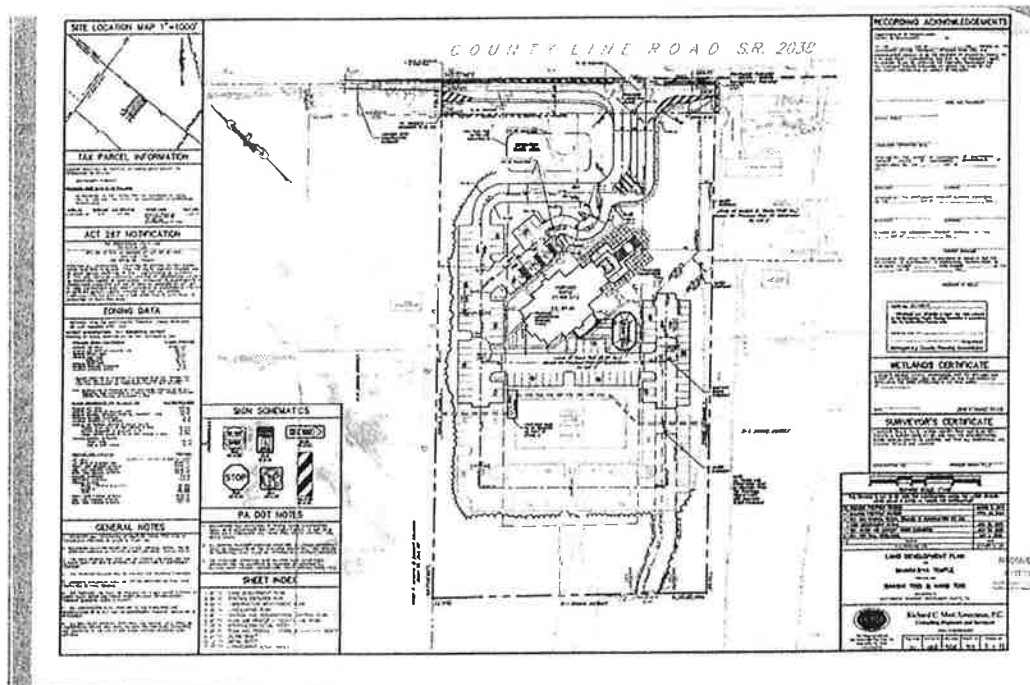
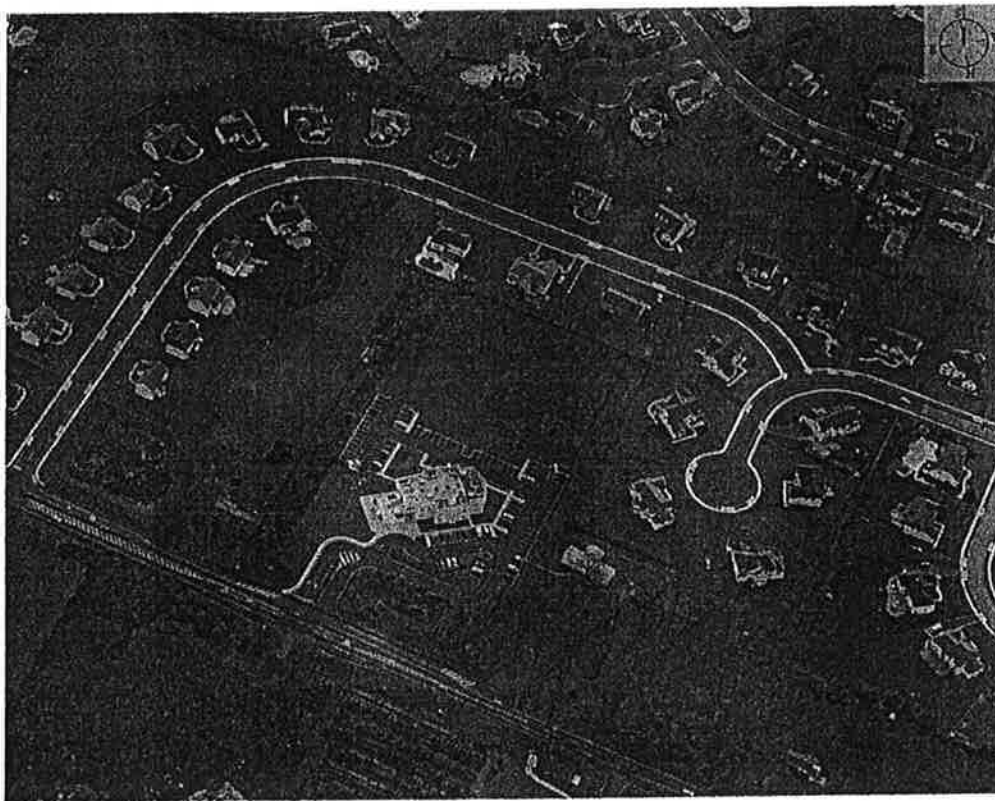
Should the governing body approve a final plat of this proposal, the applicant must present the plan to our office for seal and signature prior to recording with the Recorder of Deeds office. A paper copy bearing the municipal seal and signature of approval must be supplied for our files.

Sincerely,



Barry W. Jeffries, Senior Design Planner
610-278-3444 – bjeffrie@montcopa.org

- c: Nand Todi, Applicant
Richard C. Mast Associates, PC, Applicant's Engineer
Marita Stoerrle, Township Development Coordinator
Jonathan Trump, Chr. Township Planning Commission
Bruce Shoupe, Township Zoning Officer
Frank A. Bartle, Township Solicitor
Kenneth Amey, AICP, Township Planning Consultant

Reduction of Applicant's Proposed Plan**Aerial view of applicant's development tract (2008 view from the north)**



MONTGOMERY TOWNSHIP POLICE DEPARTMENT

J. Scott Bendig
Chief of Police

1001 Stump Road • P.O. Box 68 • Montgomeryville, PA 18936
215-362-2301 • Fax 215-362-6383

To: Montgomery Township Board of Supervisors
Marita Stoerrle, Development Coordinator

From: Scott Bendig, Chief of Police

Date: May 10, 2013

Re: Review of Subdivision/Land Development (Revised)
LD/S: 665
Bharatiya Temple
County Line Road

A review of the above referenced conditional use application has been conducted on this date. There are no major areas of concern to the police department at this time.

Thank you for the opportunity to review this subdivision/land development. Please contact me if you have any issues or concerns.

ZONING ORDINANCE PLAN REVIEW

DATE: May 8, 2013

PLAN REVIEW – Bharatiya Temple – Minor Revision Land Development
LD/S # 665

DEVELOPMENT NAME: Bharatiya Temple

LOCATION: 1612 County Line Road

LOT NUMBER & SUBDIVISION:

ZONING DISTRICT: R1

PROPOSED USE: Removal and replacement of front stairway to eastside of building and remove the caretakers cottage and replace with an open pavilion.

ZONING HEARING BOARD APPROVAL REQUIRED? NO

CONDITIONAL USE APPROVAL REQUIRED? NO

	APPROVED	NOT APPROVED	NOT APPLICABLE
USE	X		
HEIGHT	X		
LOT SIZE	X		
SETBACKS: FRONT	X		
SIDE	X		
BACK	X		
BUILDING COVERAGE	X		
IMPERVIOUS / GREEN SPACE	X		
VARIANCE / SPECIAL EXCEPTION			X
NONCONFORMITY			X
OTHER:			

COMMENTS

The revisions to the approved land development plan are minor in nature with impervious coverage increase of 1% and 2.3% building coverage.


ZONING OFFICER

7-8-13
DATE

Marita A. Stoerrle

From: Rick Lesniak
Sent: Wednesday, June 26, 2013 10:39 AM
To: Marita A. Stoerrle
Subject: RE: Bharatiya Temple - LDS#665

Hi Marita,

Our comments about the proposed construction are specifically related to the structure and not the Land Development process. Therefore, we will not have a land development review letter.

Thanks,

Rick

Richard M. Lesniak
Director of Fire Services/
Emergency Management Coordinator
Montgomery Township
1001 Stump Road
Montgomeryville, PA 18936
215-393-6935 office
215-699-1560 fax

From: Marita A. Stoerrle
Sent: Tuesday, June 25, 2013 11:18 AM
To: Rick Lesniak
Subject: Bharatiya Temple - LDS#665

Hi Rick –

I was wondering if you had reviewed this plan. It was sent out in April. If you have would you please send me a copy of the review. This is tentatively scheduled for the Board meeting on July 8th. However, Thursday is my last day prior to July 8th. So I need to prepare the information for the Board by this Thursday.

It is possible that you may not have anything to comment about. I know that at least one other reviewer did not have any comments and Bruce told him not to write a letter.

Please let me know when you get chance.

Thanks for your help.
Marita

*Marita Stoerrle
Development Coordinator
Montgomery Township
1001 Stump Road
Montgomeryville, PA 18936
215-393-6903 (office)
215-855-1498 (fax)*

Site location map, tax parcel information, zoning data, and various certificates including Wetlands Certificate, Surveyor's Certificate, and Record of Acknowledgements.

APPROVED PLAN WITH "KEEPER RESIDENCE" AND FORMAL GARDEN STAIRWAY



E TRACT MAY BE IDENTIFIED BY MONTGOMERY COUNTY TAX
ATION AS FOLLOWS:

FOR MORE INFORMATION

SEE THE DATA IN THE FOLLOWING

THE UNDERGROUND UTILITY LINE PROTECTION LAW

OBTAINED FROM THE MONTGOMERY TOWNSHIP ZONING ORDINANCE.
AS LAST AMENDED APRIL 1993.
DISTRICT CLASSIFICATION: R-1 RESIDENTIAL DISTRICT
LIMITED BY SPECIAL CREATION #10-88-753 NOVEMBER 9, 1988
STANDARD ZONING REGULATIONS
ALLEGANY COUNTY, PA

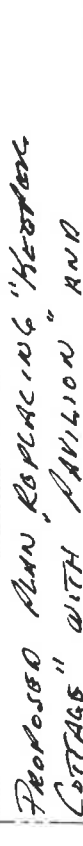
[illegible]

AS PROTECTION OF PUBLIC PEACE CON-
SISTENT WITH APPLICABLE POLICE TRAF-
FIC LAWS. NOW THIS TRAFFIC LAWS

- DEVELOPMENT PLAN
-
- THE FEATURES PLAN

DEVELOPMENT PLAN
C. FEATHERS PLAN

-



COMMISSIONER OF PLANNING, LAND
COUNTY OF MONROE, LA

Along the way, we can

APPROVED BY THE BOARD OF SUPERVISORS OF MONTGOMERY
TOWNSHIP COUNTY OF MONTGOMERY, PENNSYLVANIA ON THE _____ DAY OF _____ 200__

SECRETARY _____ CHAIRMAN _____

REVIEWED BY THE MORTGAGE LENDING ENGINEER ON THIS
DAY OF _____ 200__

RECORDS OF DEEDS

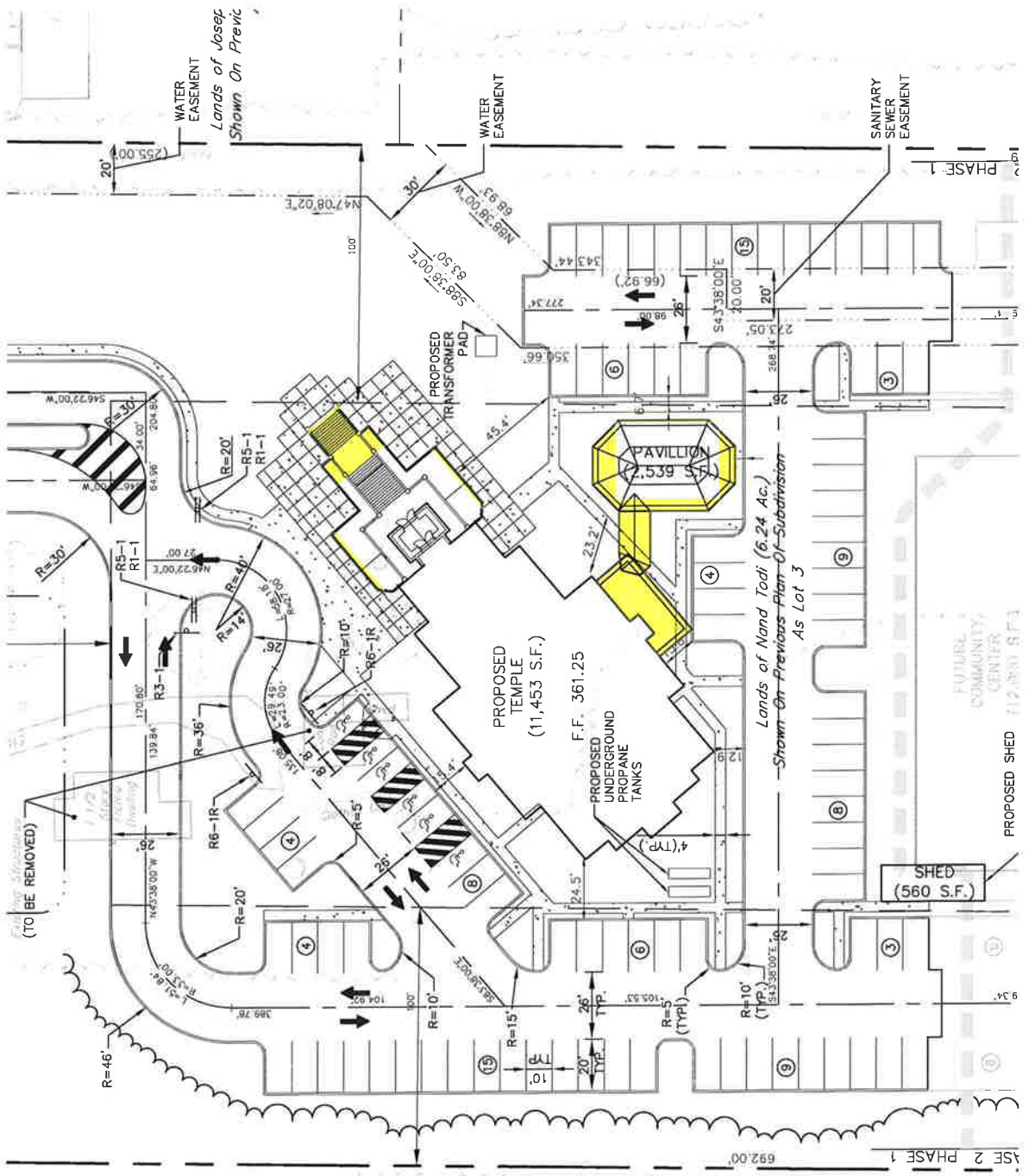
WETLANDS CERTIFICATE

REGISTRATION NO. _____ WINDSOR TRACY 215

INTERNAL REVIEW: BUREAU OF CONSTITUTION, SET AND REVISION REVIEW	JAN 26 2003
AND SANITARY BOMED EMBLEMENTS	JULY 24 2003
FINAL, REEVALUATION	MAY 1, 2003
	FILE
	RECEIVED
	U.S. DEPARTMENT OF JUSTICE
	RECEIVED 01 2003



Richard C. Masi Associates, P.C.
Consulting Engineers and Surveyors



WATER EASEMENT
Lands of Josep
Shown On Previc

PROPOSED
TEMPLE
(11,453 S.F.)

F.F. 361.25

PROPOSED
UNDERGROUND
PROPANE
TANKS

PAVILLION
(2,539 S.F.)

SHED
(560 S.F.)

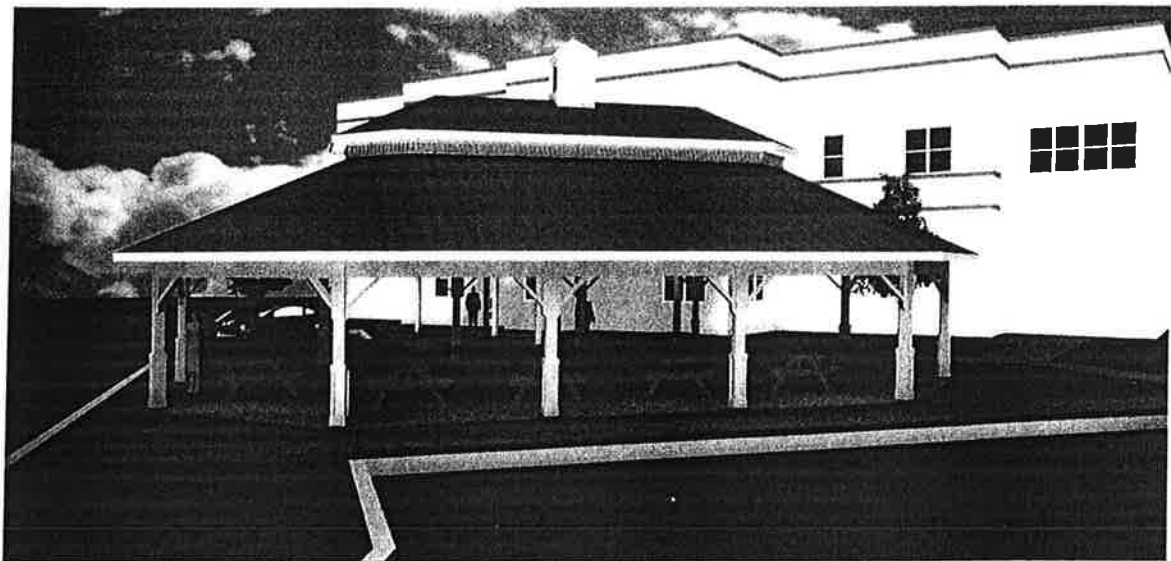
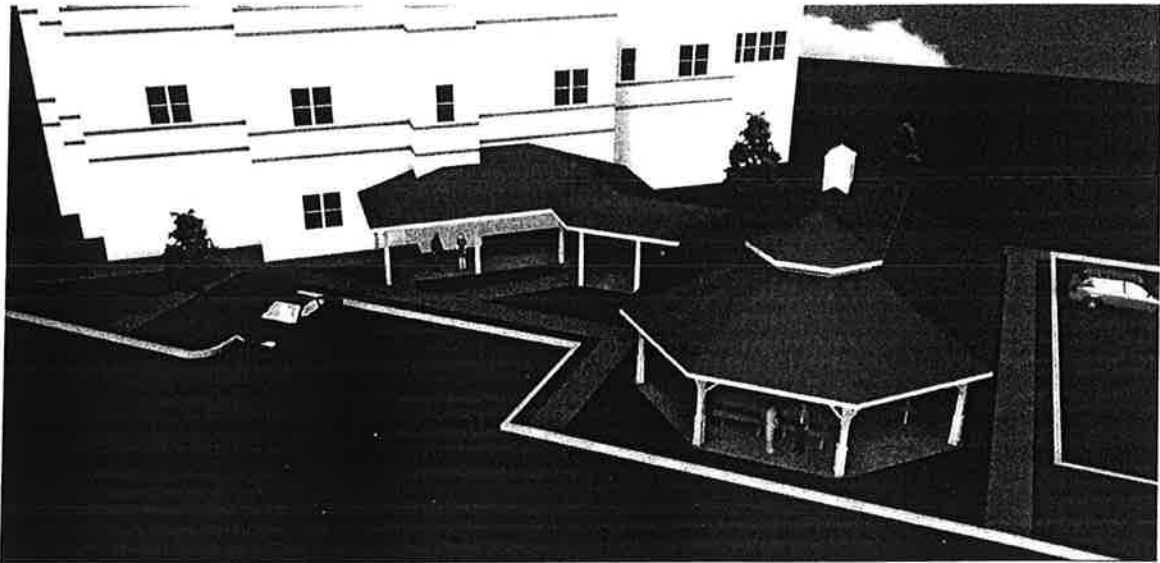
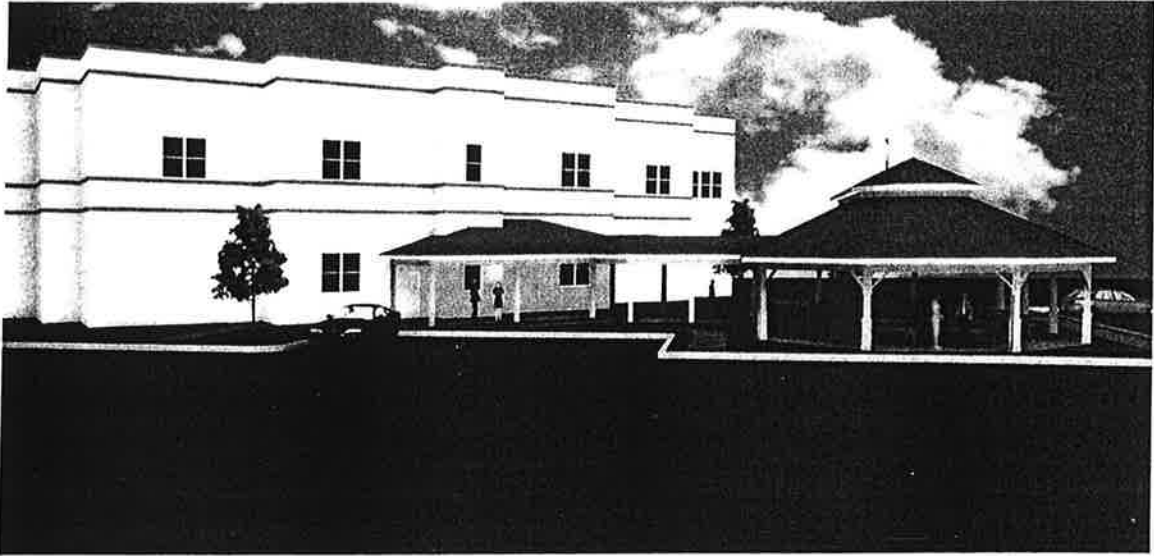
Lands of Nand Todi (6.24 Ac.)
Shown On Previous Plan Of Subdivision
As Lot 3

FUTURE
COMMUNITY
CENTER

PROPOSED SHED

(TO BE REMOVED)

J. H. H. H.



MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS
BOARD ACTION SUMMARY

SUBJECT: Authorize Township Manager to Advertise for Bids for Residential Leaf and Yard Waste Collection

MEETING DATE: July 22, 2013

ITEM NUMBER: # 11

MEETING/AGENDA:

ACTION

NONE

REASON FOR CONSIDERATION: Operational: Policy: Discussion: xx Information:

INITIATED BY: Stacy Crandell
Assistant to the Township Manager

BOARD LIAISON: Joseph P. Walsh, Chairman
Liaison to Environmental Advisory Committee

BACKGROUND:

A condition of eligibility for funding under DEP's 904 Recycling Performance Grant Program is that the Township provide a separate collection of Leaf and Yard Waste, consisting of leaves, shrubbery and tree trimming and other similar materials with disposal at a composting facility. The regulations specifically require that the Township provide for a curbside pick-up of bagged leaf and yard waste at least twice per year in the spring and fall, and provide for a drop-off and disposal of leaf and yard waste at least once per month.

From 2010 – 2013, The Township contracted with Republic Services, Inc. to provide a one day curbside leaf and yard waste collection in April and another in November. In addition Republic Services, Inc. provided a 40 yard dumpster at William F. Maule Park at Windlestrae on the third Saturday of each month for residents to drop off leaf and yard waste. The materials collected are disposed at the Barnside Farm Compost Facility (DEP approved compost facility) via a contract with the Northern Montgomery County Recycling Commission (NMCRC). The current contract with Republic Services, Inc. expires on 10/31/2013. The cost for this service was \$30,551/year. With the contract expiring on October 30th, the Township will need to solicit bids for a new contract to start November 1, 2013.

Attached are draft specifications to solicit bids for the required collections with alternative bids for a one, two or three year contract.

ZONING, SUBDIVISION OR LAND DEVELOPMENT IMPACT: None.

PREVIOUS BOARD ACTION: None.

ALTERNATIVES/OPTIONS: None.

BUDGET IMPACT:

The cost for the annual leaf and yard waste collection program under the expiring contract with Republic Services, Inc. was \$30,551/year based on bids received in 2010.

RECOMMENDATION:

Authorize the Township Manager to Advertise for Bid for Residential Leaf and Yard Waste Collection and Disposal per attached specifications to provide for a twice per year curbside pick-up of bagged leaf and yard waste in the spring and fall, and for a drop-off and disposal of leaf and yard waste once every month.

MOTION/RESOLUTION:

BE IT RESOLVED by the Board of Supervisors of Montgomery Township that we hereby Authorize the Township Manager to Advertise for Bids for Residential Leaf and Yard Waste Collection and Disposal to provide for a twice per year curbside pick-up of bagged leaf and yard waste in the spring and fall, and for a drop-off and disposal of leaf and yard waste once every month per attached specifications.

MOTION: _____ SECOND: _____

ROLL CALL:

Robert J. Birch	Aye	Opposed	Abstain	Absent
Candyce Fluehr Chimera	Aye	Opposed	Abstain	Absent
Michael J. Fox	Aye	Opposed	Abstain	Absent
Jeffrey W. McDonnell	Aye	Opposed	Abstain	Absent
Joseph P. Walsh	Aye	Opposed	Abstain	Absent

DISTRIBUTION: Board of Supervisors, Frank R. Bartle, Esq.

MONTGOMERY TOWNSHIP

NOTICE TO BIDDERS

Sealed bids will be received at the Montgomery Township Building, 1001 Stump Rd., Montgomeryville, PA 18936, until 10:00 AM on September 5, 2013. The bids shall be publicly opened and read aloud at 10:00 AM on the same day, for the following:

RESIDENTIAL LEAF AND YARD WASTE COLLECTION AND DISPOSAL FOR MONTGOMERY TOWNSHIP

Bid Specification, Bid Proposal Response Forms and Instructions to Bidders may be obtained at the Township Building, between 8:30 AM and 4:30 PM, Monday through Friday.

Bid shall be accompanied by a bid deposit in the form of a Certified Check or Bid Bond, in an amount not less than ten percent (10%) of the Bid and made payable to the Montgomery Township Board of Supervisors.

The successful bidder will be required to furnish separate performance bonds with corporate surety and/or binding letter of intent issued by companies authorized to do business in the Commonwealth of Pennsylvania, as identified in the Bid Specification, to secure the faithful performance and maintenance of the Bid Specification.

Bid shall be enclosed in a sealed envelope, marked on the outside "BID SPECIFICATION RESIDENTIAL LEAF AND YARD WASTE COLLECTION AND DISPOSAL"

It shall be the responsibility of the bidder to thoroughly familiarize themselves with the work outlined in the Bid Specification.

The Board of Supervisors reserves the right to reject any or all bids, to waive informalities, or to take such action as it may deem to be in the best interest of the Township and as may be permitted by law.

Prior to awarding the Bid Specification, bids may be held by the Township for a period not to exceed sixty (60) days from the date of the bid opening for the purpose of reviewing the Bid Proposal Responses and investigation of bidder qualifications. During this period, no bid may be withdrawn.

MONTGOMERY TOWNSHIP

Lawrence J. Gregan
Township Manager

MONTGOMERY TOWNSHIP

**Montgomery County
Pennsylvania**

PROPOSAL AND SPECIFICATIONS FOR RESIDENTIAL LEAF AND YARD WASTE COLLECTION AND DISPOSAL

Bidding Instructions

Contract Outline of Specifications

Proposal

**Montgomery Township Municipal Building
1001 Stump Road
Montgomeryville, PA 18936**

MONTGOMERY TOWNSHIP

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MONTGOMERY TOWNSHIP

Lawrence J. Gegan
Township Manager

I. INSTRUCTIONS TO BIDDERS

A. Scope of Work:

The work to be performed shall consist of collection and disposal of municipal residential leaf and yard waste, as defined herein, within the boundaries of Montgomery Township, Montgomery County, Pennsylvania (hereinafter referred to as "Township").

B. Examination of Township:

Bidders shall inspect the Township so that they make their own judgment with respect to all the circumstances affecting the cost of the services in question and the nature of the work to be performed. Bidders shall assume all risks, whether or not patent, latent, known, hidden or foreseeable.

C. Specifications, Documents and Examination of Municipality:

Bidders are advised to examine carefully the Specifications and all Documents describing the proposed work and make their own independent judgment with respect to the circumstances affecting the cost of work and the performance required.

D. Scope and Area of Collection:

The award of the contract will require the successful bidder to supply all of the labor, tools, machinery, plant and equipment, and to perform all the work of collecting, removing, hauling and disposal of municipal residential leaf and yard waste, from each residential dwelling, excepting multi-family dwellings (as hereinafter defined) including such dwellings and residences that become eligible at any time during the term of the contract as herein described:

1. Provide a curbside pick-up of bagged leaf and yard waste one time in each of the following months: November and April. The total number of residential dwellings is estimated at 9,467.
2. Provide a forty (40) foot dumpster to the Township for drop-off of leaf and yard waste on the Friday before the scheduled Saturday drop-off and provide a scheduled pickup for the dumpster on the Monday following the Saturday drop-off. A tarp must be placed over the dumpster when it is being transported to the disposal site.

The successful bidder must:

1. Expressly agree to abide by the rules and regulations of the Township and the Northern Montgomery County Recycling Commission.
2. Provide initial information and periodically updated reports concerning ALL tonnage collected in the Township and truck routes utilized.
3. Dispose all materials at a Pennsylvania Department of Environmental Protection permitted compost facility.

E. Term of Bid Specification:

The Township shall have the option to award the Bid Specification for either one, two or three years commencing November 1, 2013.

F. Conditions of Work:

Bidders must inform themselves fully of all the conditions relating to the work in question. Failure to do so will not relieve the successful bidder of his obligation to furnish and perform the work which forms the basis of this proposal, or to carry out the provisions of the contract with respect to performance of the contemplated work set forth in his bid.

Insofar as possible, the successful bidder in the execution of the work called for in this proposal shall employ such methods or means as will avoid any interruption or interference with the operation of the affairs of the Township, and likewise take the necessary steps to insure that during the course of successful bidder's performance there will be no infringement on the rights of the public.

It is likewise understood and required that the successful bidder shall, in the performance of the Bid Specification, employ such methods as will avoid violation of any applicable statute, ordinance or regulation of the Commonwealth of Pennsylvania or the Township.

G. Preparation of Proposals:

Each bidder shall submit a proposal for the entire amount of the work called for in various specifications in contract documents which form a part of this proposal, and the failure to conform to this requirement may result in the classification of such a bid as "irregular" and may render the same subject to rejection. The attachment of any conditions, limitation or ancillary provisions by a bidder to his proposal may cause a similar classification and have a similar effect.

All proposals shall be submitted on the prescribed form and each bidder shall submit a proposal for all three options. All bids must be submitted in sealed envelopes bearing the name and address of the bidder and Bid Title on the outside. Bid Bond and Consent of Surety must accompany the proposal and shall be contained in the said envelope.

THE TOWNSHIP RESERVES THE RIGHT TO REJECT ANY AND ALL BIDS, OR PARTS THEREOF, OR TO WAIVE ANY INFORMALITIES THEREON.

H. Signature of Bidders:

The firm, corporation, individual name of the bidder must be signed in ink in the space provided for the same on the proposal. In the case of a corporation, the title of the officer signing must be likewise stated, the seal of the corporation must be duly affixed and the corporate officer executing the document on behalf of the corporation shall attach thereto a certified copy of a resolution of the corporate board of directors indicating that officer's authority to make such a proposal and submit such bid on behalf of the corporation. In the case of a partnership, the signature of at least one of the partners must follow the firm name together with an indication that the signature is that of a partner. If some other agent of the partnership submits or executes a bid for the farm, he shall attach thereto a notarized statement signed by each of the partners indicating that he is authorized to act as an agent for the partnership in this endeavor. In the case of any bids submitted by an individual, the designation "individual proprietorship" shall

follow the signature in question, any trade name used by a non-corporate bidder shall be so designated and shall be indicated as having been registered or not registered under the Fictitious Names Registration Act with the Secretary of the Commonwealth of Pennsylvania and the Prothonotary of the County in Pennsylvania where so registered.

I. Bidder's Affidavit:

Each bidder shall complete and execute the affidavit, incorporated with and made part of this bid document (Attachment "A").

J. Withdrawal of Proposal:

No proposal may be withdrawn, altered or otherwise modified after it has been duly deposited with or at the office of the Township Manager.

K. Consent of Surety and/or Binding Letter of Intent:

Each proposal shall be accompanied by a Consent of Surety and/or Binding Letter of Intent from an approved surety company that is licensed to conduct business in the Commonwealth of Pennsylvania; and such letter shall state that the surety therein mentioned agrees to furnish the required surety bond and any bond which is made a condition of the awarding of the Bid and anywhere in this proposal.

L. Bid Bond:

Each proposal shall be accompanied by a Bid Bond or Certified Check, to the order of the Township, in the amount of ten percent (10%) of the total bid price and submitted as a guarantee that the contract will be executed if awarded.

M. Return of Proposal Guarantee:

As soon as the lowest responsible bidder has been selected, the award made, and the successful bidder has executed the contract and furnished the required security for the performance of the contract, all bid bonds and checks submitted with bids shall be returned to all unsuccessful bidders.

Upon the execution and delivery of the contract and the furnishings of the required bonds or security for the performance of said contract, the bid bond submitted by the successful bidder shall be returned. In case the successful bidder shall fail to execute and deliver the contract and the necessary bonds within twenty (20) days after notice from the Township to do so, the award shall be vacated and such bid bond or check shall be forfeited as liquidated damages.

N. Interpretations:

No interpretations of the meaning of the Bid Specifications or other documents will be made to any bidder. Any supplemental instructions will be in the form of written addendum to the specifications which, if issued, will be emailed to all parties of record receiving such Bid Specifications. Failure of any bidder to receive any such addendum shall not relieve the bidder from any obligations under the Bid Response Proposal as submitted, nor from any obligation to conform to the requirements herein set forth.

O. Qualifications and Competency:

The Township may reject any bid received if the qualifications questionnaire fails to satisfy the Township that such is qualified to carry out the obligations of the Bid Specification and to complete the work as specified. Each bidder shall be required to complete and sign the affidavit of qualifications included herewith and made a part of this Bid Specification (Attachment "B"); and the failure to conform to this requirement may result in the classification of such a bid as "unqualified."

P. Affidavit of Non-Collusion:

Each bidder shall be required to submit an affidavit of non-collusion on the form included herewith and made a part of this proposal. (Attachment "C").

Q. Performance, Material and Labor Bonds and Bond Years:

The successful bidder shall be required to furnish a Performance bond and Material and Labor Bond, based upon the total contract amount, for the faithful performance of the contract in the sum as outlined in the following table:

	<u>1 Year Term</u>	<u>2 Year Term</u>	<u>3Year Term</u>
First Year	100%	100%	100%
Second Year		50%	67%
Third Year			33%

Except for the initial bond year, all subsequent bonds shall be filed with the office of the Township Manager no later than sixty (60) days prior to the commencement of the bond year. Said bonds shall be that of an approved surety company authorized to transact business within the Commonwealth of Pennsylvania, and proof of same shall be submitted to the satisfaction of the Board of Supervisors; agents of bonding company shall furnish the necessary power of attorney, bearing the seal of the company and evidencing such agents authorized to execute the particular type of bond to be furnished, as well as the right of the surety company to conduct business in the Commonwealth of Pennsylvania.

R. Execution of Contract and Commencement of Work:

The successful bidder shall execute a contract containing provisions substantially in conformance with the provisions of these bidding documents promptly after the award of the bid and shall commence work in the Township within thirty (30) days of the awarded bid. Said contract shall in all respects be interpreted and construed in accordance with the laws of the Commonwealth of Pennsylvania. The initial bond year shall commence on the date upon which work is to commence, and on each anniversary of such date a new bond year shall commence.

GENERAL SPECIFICATIONS

A. Documents:

All documents included herein, including but not limited to the Notice to Bidders, Instructions to Bidders, Township Map, General Detailed Specifications, Contract, Questionnaire, Letter of Commitment, Affidavit of Non-Collusion and Bid or Proposal, are made part herein, and they shall define the contract obligations of the successful bidder.

B. Obligation of Successful Bidder:

The successful bidder shall, at his own cost and expense, and in conformity with the annexed document as well as the contract, furnish all the material, labor and equipment for the collection of municipal leaf and yard waste as herein defined, from all residential dwellings other than multi-family dwellings, as herein defined, in the Township. Notwithstanding the above, the successful bidder is not responsible for providing the biodegradable paper bags to be used by residents of the Township.

C. Supervision by Successful Bidder:

The successful bidder shall employ a responsible supervisor who shall be available to the residents and Township, and may be contacted, at a local telephone number during each working day between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday, to receive complaints, assist with any problems, answer inquiries, and resolve disputes with respect to the services to be supplied pursuant to the contract.

D. Customer Service:

The successful bidder shall provide for the availability of customer service representatives that Township residents can contact by a toll-free telephone number during each collection day between the hours of 7:00 AM and 5:00 PM or until the route is completed. The customer service representatives shall answer inquiries and resolve complaints with respect to the services to be provided through this contract.

D. Notice to Successful Bidder:

The residence or place of business designated in the bid or proposal is hereby designated as the place to which all notices, letters and other communications shall be served and to which all notices, letters and other communications shall be mailed or delivered. All notices specifically maintained herein, and all other communications of any kind that may be of necessity be hereafter dispatched, shall be sent certified mail/return receipt requested.

E. Inspection:

The Township Manager, or his authorized representative, may inspect the collection being made pursuant to the contract, and may require the correction of any improper performance or any deficient performance herein through the designated supervisor of the successful bidder.

F. Indemnification:

To the fullest extent permitted by law, the successful bidder shall indemnify, defend and hold Montgomery Township (the Township), and their elected and appointed officials, employees, agents and authorized volunteers harmless from and against any and all claims, losses, damages, expenses, causes of action and liabilities (including without limitation, attorneys' fees) arising out of or related to the successful bidder's services performed under this Bid Specification or operations incidental thereto, unless such claims arise from the sole negligence of Township. Such obligation to indemnify, defend and hold Township, and their elected and appointed officials, employees, agents and authorized volunteers harmless shall survive the termination of this Bid Specification

G. Workers' Compensation Insurance:

The successful bidder shall, during the term of the contract, maintain at their own expense, Workers' Compensation Insurance in order to fully protect both their employees and the Township, as may be required by any and all state and federal laws, and provide the Township with an appropriate certificate evidencing the existence of said insurance policy prior to commencing work under the Bid Specification.

H. Liability Insurance:

The successful bidder shall, during the term of the contract, maintain at their own expense, the insurance requirements included herewith and made a part of this proposal (Attachment "D") and provide the Township with an appropriate certificate evidencing the existence of said insurance policy prior to commencing work under the Bid Specification.

I. Payments:

The Township shall pay to the successful bidder the agreed upon contract price for collection and disposal in equal installments after each completed pickup. The successful bidder shall prepare and file with the Township, a standard voucher to cover each payment in sufficient time to permit proper review by Township officials for the maintenance of this payment schedule.

J. Violation and Liquidated Damages:

It is understood that the orderly and proper collection of municipal residential leaf and yard waste, as defined herein, is a matter of serious and vital concern to the Township because of the effect which it has upon the health and welfare of its residents. Likewise, it is anticipated that occasional minor breaches or violations may occur during the course of the performance of the service herein set forth. Since many of these are incapable of prompt and reasonable calculation, the following stipulated liquidated damages may be invoked on behalf of the Township, by the Township Manager, or his authorized representatives, whose determination and certification of the same shall be final.

The Township Manager shall notify the successful bidder's supervisor of such violations where they can be immediately corrected. If a violation remains uncorrected for an unreasonable period, the Township Manager may make an appropriate deduction from the next payment due per the following schedule.

1. Failure of a truck and crew to operate over and finish a regular route as stipulated in the contract — \$500.00 per day/per route.
2. Failure to collect leaf and yard waste properly in place — \$50.00 per location.
3. Using or maintaining truck in a leaking or unsanitary condition — \$500.00 per offense.
4. Failure to clean up any materials, spilled or draining off equipment — \$50.00 per offense.
5. Failure to dispose all materials at a Pennsylvania Department of Environmental Protection permitted compost facility - \$500.00 per offense.
6. Failure to provide signed, written monthly tonnage reports with all totals for all contracted collections regardless of type or location of facility — \$500.00 per offense.

K. Assignment:

Neither this contract, nor any portion hereof, may be assigned; sub-let or transferred to any person, firm or corporation, except upon the written consent and approval of the Municipality, which consent the Township is under no obligation to give.

L. DOT - CDL Compliance:

The successful bidder, if required to use CDL drivers to perform work under this contract, shall, prior to execution of the Bid Specification and at any time during the contract, provide the Township with a notarized affidavit certifying that the contractor's employees covered by the DOT CDL regulations are participating in a valid drug/alcohol testing program and shall submit the most recent DOT reporting form setting forth test results.

III. DETAILED SPECIFICATIONS

A. Definitions:

As used throughout these bidding and contract documents, the following words shall have the meaning as stated below:

LEAF WASTE means leaves, garden residues shrubbery and tree trimmings and similar material, but does not include grass clippings.

MULTI-FAMILY DWELLINGS means a freestanding residential building of three or more dwelling units, with common walls and floors; constructed on one lot or adjacent lots; it may or may not have direct entrance from the outside of each dwelling unit; and yard area or open space may be assigned to each dwelling unit for exclusive use or common use. Further distinguished as a garden apartment.

SINGLE FAMILY DWELLINGS – means a freestanding residential building of one or more dwelling units, which may or may not have common walls for floors; constructed on one lot or adjacent lots; each dwelling unit having direct entrance from the outside and having yard or private open space assigned for the exclusive use of the occupants of the dwelling unit located immediately adjacent to the unit. Further distinguished as a single family detached, single family attached, townhouse, duplex, twin or patio home.

YARD WASTE means twigs, shrub trimmings, small branches, and like vegetative matter.

B. Collections:

Collection shall be subject to the following:

1. Curbside Collection - The successful bidder shall provide a curbside collection of bagged leaf and yard waste, as defined herein, from each road in the Township on routes and schedules as approved by the Township Manager. One pass of all roads shall be done in each of the following months: November and April. Residents must use biodegradable paper bags supplied by the Township or its designees.
2. Routes - Trucks shall follow the same route which shall not be changed except upon approval of the Township Manager so that service to the residents will be at a reasonably uniform time and pursuant to a reasonably uniform pattern. All routes, schedules and traffic of trucks upon streets and highways shall be subject to approval of the Township Manager.
3. Drop Off Collection - The successful bidder shall provide a forty (40) foot dumpster to the Township each month of the contract for drop-off of leaf and yard waste, as herein defined, on the Friday before the scheduled Saturday collection and provide a scheduled pickup of the dumpster on the following Monday. Residents must use biodegradable paper bags supplied by the Township or its designees.
4. Holidays - No pick-ups are required on Thanksgiving or Christmas.

5. Hours - Collections shall be made, commencing no earlier than 6:00 a.m. prevailing time and shall be continuously pursued until the routes are completed, which completion time shall be no later than 8:00 p.m. prevailing time between Monday and Friday. Saturday collections shall be made, commencing no earlier than 7:00 a.m. prevailing time and shall be continuously pursued until the routes are completed, which completion time shall be no later than 5:00 p.m. Any deviations from these hours must be reported to the Township Manager.
6. The weight of the leaf and yard waste collected must be reported quarterly to the Township.
7. As part of the bid submission, the Contractor will provide a list of equipment that shall be used to collect the leaves and a list of estimated manpower requirements.
8. Residents will place their leaf and yard waste at their curbsides, but not in the street, for the Contractor to collect. The method of collection selected by the Contractor will not cause damage to the road, curb or residential property. For properties with curbside conditions which will not allow for leaf and yard waste to be collected, such as but not limited to high embankments, gullies, shrubbery and walls, a site will be selected on the property for the leaf and yard waste to be stored until collection. It shall be the responsibility of the resident in conjunction with the Contractor to examine the property and select a location for leaf and yard waste storage accessible to the homeowner and the hauler.
9. Manner of Collection - Collection shall be made with a minimum of noise and traffic delay.
10. Acts of God and Natural Disasters - The successful bidder shall be excused without penalty from either collection or cleaning the debris resulting from hurricanes, storms of unusually heavy capacity, disasters or other unusual phenomena of nature or acts of God which result in the production of substantial quantities of debris littering the streets and highways of the Township or any private roads or driveways therein.

C. Equipment and Personnel:

1. Types of Vehicles - All trucks shall be specifically designed to prevent leakage of any liquids or fluids. All open type vehicles shall be covered with a suitable cover to prevent the discharge of refuse from the vehicle.
2. Condition and Appearance of Vehicles - All vehicles and equipment shall be maintained in good working and operating condition, both with respect to safety and sanitation. Equipment shall not be overloaded so that refuse may spill or drop onto the highways or maintained as to permit the leakage of fluids. All trucks shall be regularly cleaned and kept in proper condition. Trucks and equipment shall likewise be of a uniform color and shall bear the name and address of the successful bidder plainly visible on both cab doors.
3. Cleanup - Each truck shall have at least one broom and shovel to clean up refuse that may be spilled or otherwise scattered during the process of collection.

4. List of Equipment and Personnel - The successful bidder shall file with the Township Manager a list of all vehicles and equipment with identification information thereon. Changes in equipment shall be promptly reported to the Township Manager so that at all times his records will be correct and accurate.
5. Storage of Equipment - The successful bidder at his expense shall store and park his equipment at a convenient and lawful place. No trucks or equipment may be parked or stored on the Township's streets.
6. Offensive Employees - The Township Manager, or his authorized representative, may request a suspension or discharge of any employee for one or more of the following offenses during working hours, and the successful bidder shall comply with that request as promptly as possible:
 - a. Intoxication;
 - b. Use of loud, profane, vulgar or obscene language;
 - c. Soliciting gratuities or tips from the public for services to be performed hereunder;
 - d. Refusal to collect or handle refuse as herein required and defined;
 - e. Wanton or malicious damage or destruction of containers or receptacles;
 - f. Wanton or malicious scattering or spilling of refuse;
 - g. Other wanton, willful or reckless disregard for safety or sanitary requirements;
 - h. Any act which may constitute a public nuisance or disorderly conduct.

D. Contingencies:

Nonperformance of its obligations by the successful bidder including but not limited to failing to comply with the rules and regulations of the Commission, or such as to endanger the health and welfare of the residents of the Township may, at the option of the Township, be sufficient cause for the Township to terminate the contract and seek damages under the performance bond of the successful bidder, provided, however, that such option shall not be exercised if the nonperformance is caused by: (a) unavoidable casualties to more than a majority of the collection trucks of the successful bidder for a period not exceeding five continuous days because of a strike or strikes or other labor disputes of the employees of the successful bidder which prevent operation of the successful bidder's collection trucks; (b) legal acts of duly constituted public authorities, other than the Township or the Commission, if such acts are not provoked by any act of omission or commission by the successful bidder; (c) any act of God or nature; (d) civil disturbance or war.

Nonperformance by the successful bidder for whatsoever reason, of any nature and regardless of whether it is substantial or a menace to the health and welfare of the residents of the Township, shall be just cause at the option of the Township for a pro rata deduction by the Township of funds which would otherwise be due the successful bidder for performance hereunder, except:

1. The first two consecutive days or parts thereof, including Saturdays, Sundays and/or holidays of a bona fide strike or labor dispute as aforesaid by successful bidder's employees; or
2. The first seven (7) consecutive days or parts thereof including Saturdays, Sundays and/or holidays, of acts of God or nature as a result of which a majority of successful bidder's collection trucks are rendered inoperable; or
3. Any day or days or parts thereof, not including Saturdays, Sundays and/or holidays of acts of omission or commission which are under the control of the Township.

**MONTGOMERY TOWNSHIP
PROPOSAL FOR RESIDENTIAL LEAF AND YARD WASTE
COLLECTION AND DISPOSAL**

Option 1: Leaf and Yard Waste Collection/Disposal - One Year Contract

The undersigned, having carefully inspected the Township, either personally or through its duly authorized representatives, and also having carefully read and examined the 'Instructions to Bidders, General Specifications and Detailed Specifications, Affidavits annexed to Proposal and Specifications,' either personally or through a duly authorized representative, which documents are understood and accepted as sufficient for the purpose herein expressed, hereby proposed to comply with said requirements and furnish all labor, equipment, services and facilities in accordance with said Form of Contract, and Contract Documents mentioned herein and to commence said performance on November 1, 2013.

Provide curbside collection and disposal of Bagged Leaf and Yard Waste from approximately 9,467 households, two times per year: November and April and supply dumpster for leaf and yard waste drop off and schedule monthly pickups per Section III,B of the Bid Specifications .

Disposal at: _____
(name and address of site)

Amount for One Year- \$_____.

Written amount _____
for one year

There is enclosed herewith a bid bond or certified check, drawn to the order of the Township in the amount of ten percent (10%) of the price on the one year contract and a duly executed Consent of Surety from an approved surety company licensed to conduct business in the Commonwealth of Pennsylvania, agreeing to furnish the Township the required performance and completion bond upon the award of the contract.

It is understood that the bid bond and/or certified check is submitted and shall be subject to the terms and conditions stipulated herein.

***On occasion it may be necessary to have a make-up day for leaf and yard waste missed during the scheduled bag collection. Please factor the cost of this into your bid as the Township will not pay additional fees for this service.**

**MONTGOMERY TOWNSHIP
PROPOSAL FOR RESIDENTIAL LEAF AND YARD WASTE
COLLECTION AND DISPOSAL**

Option 2: Leaf and Yard Waste Collection/Disposal - Two Year Contract

The undersigned, having carefully inspected the Township, either personally or through its duly authorized representatives, and also having carefully read and examined the 'Instructions to Bidders, General Specifications and Detailed Specifications, Affidavits annexed to Proposal and Specifications," either personally or through a duly authorized representative, which documents are understood and accepted as sufficient for the purpose herein expressed, hereby proposed to comply with said requirements and furnish all labor, equipment, services and facilities in accordance with said Form of Contract, and Contract Documents mentioned herein and to commence said performance on November 1, 2013.

Provide curbside collection and disposal of Bagged Leaf and Yard Waste from approximately 9,467 households, two times per year: November and April and supply dumpster for leaf and yard waste drop off and schedule monthly pickups per Section III,B of the Bid Specifications .

Disposal at: _____
(name and address of site)

Amount- \$ _____ per year.

Total amount for two years \$ _____.

Written Amount: _____ per year.

Written Total Amount: _____
for two years.

There is enclosed herewith a bid bond or certified check, drawn to the order of the Township in the amount of ten percent (10%) of the price on the one year contract and a duly executed Consent of Surety from an approved surety company licensed to conduct business in the Commonwealth of Pennsylvania, agreeing to furnish the Township the required performance and completion bond upon the award of the contract.

It is understood that the bid bond and/or certified check is submitted and shall be subject to the terms and conditions stipulated herein.

***On occasion it may be necessary to have a make-up day for leaf and yard waste missed during the scheduled bag collection. Please factor the cost of this into your bid as the Township will not pay additional fees for this service.**

**MONTGOMERY TOWNSHIP
PROPOSAL FOR RESIDENTIAL LEAF AND YARD WASTE
COLLECTION AND DISPOSAL**

Option 3: Leaf and Yard Waste Collection/Disposal - Three Year Contract

The undersigned, having carefully inspected the Township, either personally or through its duly authorized representatives, and also having carefully read and examined the 'Instructions to Bidders, General Specifications and Detailed Specifications, Affidavits annexed to Proposal and Specifications," either personally or through a duly authorized representative, which documents are understood and accepted as sufficient for the purpose herein expressed, hereby proposed to comply with said requirements and furnish all labor, equipment, services and facilities in accordance with said Form of Contract, and Contract Documents mentioned herein and to commence said performance on November 1, 2013.

Provide curbside collection and disposal of Bagged Leaf and Yard Waste from approximately 9,467 households, two times per year: November and April and supply dumpster for leaf and yard waste drop off and schedule monthly pickups per Section III,B of the Bid Specifications .

Disposal at: _____
(name and address of site)

Amount- \$ _____ per year.

Total Amount for three years \$ _____.

Written Amount : _____ per year.

Written Total Amount: _____
for three years.

There is enclosed herewith a bid bond or certified check, drawn to the order of the Township in the amount of ten percent (10%) of the price on the one year contract and a duly executed Consent of Surety from an approved surety company licensed to conduct business in the Commonwealth of Pennsylvania, agreeing to furnish the Township the required performance and completion bond upon the award of the contract.

It is understood that the bid bond and/or certified check is submitted and shall be subject to the terms and conditions stipulated herein.

***On occasion it may be necessary to have a make-up day for leaf and yard waste missed during the scheduled bag collection. Please factor the cost of this into your bid as the Township will not pay additional fees for this service.**

The undersigned submitting the proposal certifies that this bid is genuine; that it is in no respect collusive; that it is not a sham; that the undersigned bidder has not directly or indirectly, with any person or bidder, agreed to submit a sham bid or induced such other person to refrain from bidding. The undersigned bidder certifies that it has not in any manner, either directly or indirectly, sought by agreement or collusion, communication or conference, with any person, to fix the bid price of any bidder, or to fix any overhead, profit or cost element of the bid price, or of that of any other bidder, or to secure any advantage over the Township or over any person interested in the proposed contract. Further, the undersigned bidder certifies that it has not divulged information regarding its bid or data relative thereto to any person, partnership or corporation or to any agent or employee thereof, and that no Township official or employee of said Township is interested, either directly or indirectly, in the bid or any portion of the bid, nor in the contract or any part of the contract which may be awarded to the undersigned on the basis of such bid.

Date: _____

Bidder: _____

By: _____

Title: _____

Address: _____

Telephone: _____

Note: If bidder is a corporation, a corporate seal must be affixed and attached hereto, and there shall be a certified copy of a resolution of the Corporate Board of Directors, indicating that the officer signing the above proposal has the authority to make said proposal and submit it for the corporation.

ATTACHMENT "A"
Bidder's Affidavit

(This Affidavit is Part of the Proposal)

COMMONWEALTH OF PENNSYLVANIA:

ss

COUNTY OF _____ :

_____, being first duly sworn, deposes and says that they are the
_____ (title) of _____, who
signed the above Proposal or Bid, that they were duly authorized to sign and that the Bid is the
true offer of the bidder, that the seal attached is the seal of the bidder, and that all declarations
and statements contained in the bid are true to the best of their knowledge and belief.

(SEAL)

Affiant Signature

Sworn to and subscribed
before me this day
of , 2013.

Notary Public
My Commission Expires:

ATTACHMENT"B"

Qualification Questionnaire

In Accordance with the Specifications each Bidder shall provide the following Information. Failure to answer all questions may render such bid as unqualified. Separate sheets may be supplied for this and any additional appropriate information.

1. For each vehicle that you propose to use in providing collection services within the community under this contract, please provide the following information:

Year and Chassis Body and Capacity

1. _____
2. _____
3. _____
4. _____
5. _____

2. List the municipalities, with addresses and telephone numbers, from which you have obtained letters of satisfactory completion of contract, or satisfactory service:

3. From what municipalities, with addresses and telephone numbers, have you had contracts which required the collection and disposal of municipal waste? Name each municipality:

4. List the municipalities, with addresses and telephone numbers, you are currently providing collection services for, under municipal contracts:

5. How many years experience in the collection of refuse under municipal contracts has your organization had?

6. Have you failed at any time to complete a collection contract? If so, indicate which community and under what circumstances?

7. Please indicate the local telephone number for your office which shall be available to receive calls from both the residents of the community and the Township officials:

COMMONWEALTH OF PENNSYLVANIA:

: ss

COUNTY OF _____:

I, _____, of full age, being sworn according to law, upon my oath depose and say:

1. I am the _____ of _____, the bidder herein named, and I am duly authorized to respond to the foregoing questions on behalf of said bidder.
2. I have read the foregoing questions in the "Qualification Questionnaire," and the answers which I have submitted in response thereto are true according to the best of my knowledge, information and belief.

(SEAL)

Affiant Signature _____

Division _____

Company _____

Sworn to and subscribed
before me this _____ day
of _____, 2013.

Notary Public
My Commission Expires:

ATTACHMENT "C"

Affidavit of Non-Collusion

(This Affidavit is Part of the Proposal)

COMMONWEALTH OF PENNSYLVANIA:

: ss

COUNTY OF _____:

_____, being first duly sworn, deposes and says that they are _____ (sole owner, partner, president, secretary, etc.) of _____, the party making the foregoing proposal or bid; that such bid is genuine and not collusive or a sham; that said bidder has not colluded, conspired, connived or agreed, directly or indirectly, with any bidder or person to put in a sham bid, or that such other person shall refrain from bidding, and has not in any manner, directly or indirectly sought by agreement or collusion, or communication or conference with any person, to fix the bid price or affiant or any other bidder, or to fix any overhead, profit or cost element of said bid price, or of that of any other bidder, or to secure any advantage against the Township of Montgomery or any person interested in the proposed contract: and that all statements contained in said proposal or bid are true; and further, that such bidder has not, directly or indirectly, submitted this bid, or the contents hereof, or divulged information or data relative thereto to any association or to any member or agent thereof.

(SEAL)

Affiant Signature

Sworn to and subscribed
before me this day
of , 2013.

Notary Public
My Commission Expires:

ATTACHMENT "D"

Insurance Requirements for

Residential Leaf and Yard Waste Collection and Disposal

1 - General Insurance Requirements

1.1 - The Contractor shall not commence operations until the Contractor has obtained at the Contractor's own expense all of the insurance as required hereunder and such insurance has been approved by the Township; nor shall the Contractor allow any Subcontractor to commence operations on any subcontract until all insurance required of the Subcontractor has been so obtained and approved by the Contractor. Approval of insurance required of the Contractor will be granted only after submission to the Township of original certificates of insurance signed by authorized representatives of the insurers or, at the Township's request, certified copies of the required insurance policies.

1.2 - Insurance as required hereunder shall be in force throughout the term of the Contract. Original certificates signed by authorized representatives of the insurers or, at the Township's request, certified copies of insurance policies, evidencing that the required insurance is in effect, shall be maintained with the Township throughout the term of the Contract.

1.3 - The Contractor shall require all Subcontractors to maintain during the term of the Contract commercial general liability insurance, business auto liability insurance, and workers compensation and employers liability insurance, and umbrella excess or excess liability insurance to the same extent required of the Contractor in 2.1.1, 2.1.2, 2.1.3 and 2.1.4. unless any such requirement is expressly waived or amended by the Township in writing. The Contractor shall furnish Subcontractors' certificates of insurance to the Township immediately upon request.

1.4 - All insurance policies required hereunder shall be endorsed to provide that the policy is not subject to cancellation, non-renewal or material reduction in coverage until sixty (60) days prior written notice has been given to the Township.

Therefore, the phrases "endeavor to" and "... but failure to mail such notice shall impose no obligation or liability of any kind upon the company, its agents or representatives" are to be eliminated from the cancellation provision of standard ACORD certificates of insurance.

1.5 - No acceptance and/or approval of any insurance by the Township shall be construed as relieving or excusing the Contractor or the Contractor's Surety from any liability or obligation imposed upon either or both of them by the provisions of this Contract.

1.6 - If the Contractor does not meet the insurance requirements of this Contract, the Contractor shall forward a written request to the Township for a waiver in writing of the insurance requirement(s) not met or approval in writing of alternate insurance coverage, self-insurance, or group self-insurance arrangements. If the Township denies the request, the Contractor must comply with the insurance requirements as specified in this Contract.

1.7 - All required insurance coverages must be underwritten by insurers allowed to do business in the Commonwealth of Pennsylvania and acceptable to the Township. The insurers must also have a policyholders' rating of "A-" or better, and a financial size of "Class VII" or better in the latest evaluation by A. M. Best Company, unless Township grants specific approval for an exception. The Township hereby grants specific approval for the acquisition of workers compensation and employers liability insurance from the State Workmen's Insurance Fund.

1.8 - Any deductibles or retentions of \$5,000 or greater shall be disclosed by the Contractor, and are subject to Township's written approval. Any deductible or retention amounts elected by the Contractor or imposed by the Contractor's insurer(s) shall be the sole responsibility of the Contractor.

2 - Contractor's Liability Insurance – Occurrence Basis

2.1 - The Contractor shall purchase the following insurance coverages on an occurrence basis (claims made coverage not acceptable) for not less than the limits specified below or required by law, whichever is greater:

2.1.1 - Commercial general liability insurance or its equivalent for bodily injury, personal injury and property damage including loss of use, with minimum limits of:

- \$ 1,000,000 each occurrence;
- \$ 1,000,000 personal and advertising injury;
- \$ 1,000,000 general aggregate; and
- \$ 1,000,000 products/completed operations aggregate.

This insurance shall include coverage for all of the following:

- i. Liability arising from premises and operations;
- ii. Liability arising from the actions of independent contractors;
- iii. Liability arising from products and completed operations; and
- iv. Contractual liability including protection for the Contractor from bodily injury and property damage claims arising out of liability assumed under this Contract.

2.1.2 - Business auto liability insurance or its equivalent with a minimum limit of \$1,000,000 per accident and including coverage for all of the following:

- i. Liability arising out of the ownership, maintenance or use of any auto; and
- ii. Automobile contractual liability.

2.1.3 - Workers compensation insurance or its equivalent with statutory benefits as required by any state or Federal law, including standard "other states" coverage; employers liability insurance or its equivalent with minimum limits of:

- \$ 100,000 each accident for bodily injury by accident;
- \$ 100,000 each employee for bodily injury by disease; and
- \$ 500,000 policy limit for bodily injury by disease.

2.1.4 - Umbrella excess liability or excess liability insurance or its equivalent with minimum limits of:

- \$ 3,000,000 per occurrence;
- \$ 3,000,000 aggregate for other than products/completed operations and auto liability; and
- \$ 3,000,000 products/completed operations aggregate

and including all of the following coverages on the applicable schedule of underlying insurance:

- i. Commercial general liability;
- ii. Business auto liability; and
- iii. Employers liability.

2.1.5 - The Township, and its elected and appointed officials, employees, agents and authorized volunteers shall be named as additional insured on Contractor's commercial general liability insurance with respect to liability arising out of the Contractor's operations and the certificate(s) of insurance, or the certified policy(ies) if requested, must so state this.

2.1.6 -Insurance provided to the Township, and its elected and appointed officials, employees, agents and authorized volunteers under any Contractor's liability insurance required herein, including, but not limited to, umbrella and excess liability or excess liability policies, shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of insurance or self-insurance. (Any cross suits or cross liability exclusion shall be deleted from Contractor's liability insurance policies required herein.)

2.1.7 -Insurance provided to the Township, and its elected and appointed officials, employees, agents and authorized volunteers as specified herein shall be primary, and any other insurance, self-insurance, coverage or indemnity available to the Township, and it's officials, employees, agents and authorized volunteers shall be excess of and non-contributory with insurance provided to the Township, and elected and appointed officials, employees, agents and authorized volunteers as specified herein.