

AGENDA
MONTGOMERY TOWNSHIP
BOARD OF SUPERVISORS
NOVEMBER 13, 2023
7:00 P.M.

www.montgomerytwp.org

Tanya C. Bamford
Candyce Fluehr Chimera
Annette M. Long
Beth A. Staab
Audrey R. Ware

Carolyn McCreary
Township Manager

1. Call Meeting to Order
2. Pledge of Allegiance
3. Public Comment
4. Announcement of Executive Session
5. Consent Agenda:
 - Minutes of October 23, 2023 Meeting
 - Minutes of October 27, 2023 Budget Worksession
 - Payment of the November 13, 2023 Bills
 - Escrow Release No. 3 – Higher Rock (Residential)
 - Real Estate Tax Assessment Appeal – 947 Bethlehem Pike
 - Real Estate Tax Assessment Appeal – 1070 Bethlehem Pike
 - Real Estate Tax Assessment Appeal – 295 DeKalb Pike

Planning and Zoning:

6. Preliminary/Final Land Development - Atlas Broadband - 1011 Lansdale Avenue

Public Works:

7. Authorization to Purchase Park Drinking Fountains

Presentations:

8. 2024 Proposed MTMSA Budget
9. 2024 Proposed Township Budget and Authorization to Advertise the 2024 Budget

Administration and Finance:

10. Authorization for the Sale of Municipal Equipment by Online Auction

Old Business:

New Business:

11. Resident Concern – Street Tree Removal
12. Adjournment

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS
BOARD ACTION SUMMARY
Item #03

SUBJECT:	Public Comment
MEETING DATE:	November 13, 2023
BOARD LIAISON:	
INITIATED BY:	Candyce Fluehr Chimera-Chairwoman

BACKGROUND:

Persons wishing to make public comment during this meeting on any items not listed on the agenda may do so at this time.

Please come forward to the microphone and state your name and address for the record.

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS

BOARD ACTION SUMMARY

Item #04

SUBJECT:	Announcement of Executive Session
MEETING DATE:	November 13, 2023
BOARD LIAISON:	Candyce Fluehr Chimera, Chairwoman
INITIATED BY:	Township Solicitor

BACKGROUND:

The Township Solicitor will announce that the Board of Supervisors met in Executive Session and will summarize the matters discussed.

The Board of Supervisors met in Executive Session earlier this evening at 6:30 PM to discuss two personnel matters.

The topic discussed is a legitimate subject of an Executive Session pursuant to the Commonwealth of Pennsylvania's Sunshine Law.

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS

BOARD ACTION SUMMARY

Item #05

SUBJECT: Consent Agenda
MEETING DATE: November 13, 2023
BOARD LIAISON:
INITIATED BY:

BACKGROUND:

MOTION TO APPROVE THE CONSENT AGENDA AS PRESENTED for the following:

- Minutes of the October 23, 2023 Board meeting
- Minutes of the October 27, 2023 Budget Worksession
- Payment of Bills for November 13, 2023
- Escrow Release #3 – Higher Rock Residential
- Real Estate Tax Assessment Appeal – 947 Bethlehem Pike
- Real Estate Tax Assessment Appeal – 1070 Bethlehem Pike
- Real Estate Tax Assessment Appeal – 295 Dekalb Pike

- 1) Motion by: _____ Second by: _____
- 2) Chairwoman will ask for public comment.
- 3) Chairwoman will call for a vote.

**MINUTES OF MEETING
MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS
OCTOBER 23, 2023**

1. Call to Order: The October 23, 2023 action meeting of the Montgomery Township Board of Supervisors was held at the Montgomery Township Municipal Building, 1001 Stump Road, Montgomeryville, PA. Chairwoman Candyce Fluehr Chimera called the meeting to order at 7:00 p.m.

IN ATTENDANCE:

Chair Candyce Fluehr Chimera
Vice Chair Annette M. Long
Supervisor Tanya C. Bamford
Supervisor Audrey R. Ware
Township Solicitor John Walko, Esq.
Township Manager Carolyn McCreary

ABSENT:

Supervisor Beth A. Staab

ALSO IN ATTENDANCE:

Police Chief J. Scott Bendig
Fire Chief Bill Wiegman
Director of Finance Brian Shapiro
Director of Public Works Greg Reiff
Director of Rec & Community Ctr. Floyd Shaffer
Director of IT Richard Grier
Recording Secretary Deborah Rivas

2. & 3. Pledge of Allegiance and Announcements: Following the Pledge of Allegiance, Ms. Chimera made the following announcements:

- Montgomery County Dept of Health and Human Services Thanksgiving Food Drive is underway! Nonperishable food items may be dropped off at the Township building or the Community & Recreation Center now through November 9th.
- Drug Take Back Day is October 28, 2023, from 10 am to 1 pm at Giant on Knapp Road.
- The Fall Curbside Leaf & Yard Waste collection is scheduled for Saturday, November 25th, 2023.

4. Public Comment: Ms. Chimera asked for public comment from the audience and there was none.

5. Announcement of Executive Session – Township Solicitor John Walko, Esquire, announced that the Board of Supervisors met in Executive Session at 6:30 p.m. in the Township building earlier this evening to discuss two litigation matters and one personnel matter. Mr. Walko stated that the topics discussed are legitimate subjects of an Executive Session under the Commonwealth of Pennsylvania's Sunshine Law.

6. Consent Agenda:

MOTION: Upon motion by Ms. Chimera, seconded by Ms. Bamford, and unanimously carried (4-0), the minutes of the October 9, 2023 Board meeting, and the payment of bills for October 23, 2023 were approved as submitted.

7. Presentation of Donations: Ms. Chimera presented a check in the amount of \$6,000 to the Montgomery Township Historical Society. Lisa Siegel, President, accepted the donation. Ms.

Chimera presented a check in the amount of \$5,000 to the MontCo Anti-Hunger Network. Amanda Musselman, Executive Director, was present to accept the donation. Ms. Chimera presented a check in the amount of \$3,000 to the PEAK Center – North Penn Senior Services. Elizabeth Beil, Executive Director, accepted the donation. Ms. Chimera also presented a check in the amount of \$1,500 to the Visiting Nurse Association Community Services organization. Marcus Primavera, Director of Strategic Partnerships, and Denise Frattara, Director of Development/Administrator of Children's Programs, were present to accept the donation.

Presentation:

8. Mobile Crisis Prevention Initiative – Access Services and the Montgomery Township Police Department – Chief Bendig introduced Moira Tumelty, Director of Montgomery County Mobile Crisis, and Shane Madden, the Assistant Director of Forensic Partnership for Montgomery County Mobile Crisis, who were present to brief the Board of Supervisors on the Mobile Crisis Colocation Team partnership with the police department. Ms. Tumelty stated that the crisis team has served as a resource to support local law enforcement departments with the goal of reducing repeat calls. The unit has worked closely with the Montgomery Township Police Department and is excited to be creating a partnership whereby crisis workers are located onsite at the Police Department on certain days to assist officers immediately and to provide an increase in referrals for positive outcomes. The Montgomery County Mobile Crisis unit provides immediate support for crisis situations, as well as assistance with managing recurring or future crises. Support is available to anyone in Montgomery County, including children, teens, adults, and families. There is no fee and everyone is eligible for assistance.

Planning and Zoning:

9. Update on Zoning Hearing Board Application for ESW America, Inc. – Ms. McCreary reported that at the October 9th public meeting, the Board learned of the Zoning Hearing Board application of ESW America to install a 7,000 gallon above-ground diesel fuel container within the side yard of the property at 200 Progress Drive. The consensus of the Board at that meeting was to send the Solicitor to oppose the application. After the meeting, the Fire Chief and Planning/Zoning Director met with the Operations and Chief Technical Officer of ESW America, Inc. to obtain more details about the proposed tank. John McShea, Esquire, representing the applicant and Michael Streichsbier, Chief Technical Officer of ESW America provided an explanation for the proposed diesel fuel container. Their company tests engines and it requires consistent and quality fuel to properly test the engines. The standards for testing are changing and they are required to test engines more frequently, therefore requiring a larger resource of fuel from the same delivery. The Board members expressed their concerns with a 7,000-gallon external diesel fuel tank and possible fuel leaks, among other safety concerns. Mr. McShea and Mr. Streichsbier reviewed the safety protocols that would be put in place to ensure a safe operation. Mr. Walko reviewed the additional conditions that the Board members would like to see in place such as any additional fire suppression requirements from the Fire Chief and more frequent testing/inspections. The Board consensus was to remove their opposition to the application, but asked the Solicitor to attend the hearing to ensure that the Board's concerns and conditions were addressed.

MOTION: Upon motion by Ms. Chimera, seconded by Ms. Long, and unanimously carried (4-0), the Board agreed to send the Township Solicitor to the Zoning Hearing Board meeting on November 1, 2023, to ensure that their conditions were included in the application of ESW America, LLC.

10. Review Zoning Hearing Board Application: Ms. McCreary identified the additional pending hearing application that was recently received for the November 1, 2023 Zoning Hearing Board. Application 23100003 is for Chick-Fil-A at 794 Bethlehem Pike for variances to reduce the parking below the required 52 spaces to 44 spaces, maximum impervious coverage, minimum green area, minimum side yard setback and rear yard setbacks to make modifications to the existing drive-through to create a second drive-through lane.

Board consensus was not to enter an appearance for the applications, allowing the Zoning Hearing Board to render decisions based on the testimony presented.

11. Preliminary/Final Land Development – Raising Cane’s Restaurant LLC - Attorney Amee Farrell, representing Raising Cane’s Restaurant, LLC, reviewed the proposed plan for the former Bertucci’s Restaurant pad site at 860 Bethlehem Pike. The applicants propose to demolish the existing vacant building and construct a new 2,913 square foot restaurant with a 1,098 square foot covered outdoor seating area, a double lane drive-through, and associated parking. The project site consists of a 59,446 square foot lease area within the 105.60-acre Montgomery Mall property in the RS-Regional Shopping Center District. The proposed development includes the removal of one driveway access from the Mall ring road and the modification of the other two driveways. No access is proposed from Bethlehem Pike. Township staff and consultants have had the opportunity to review the details of the land development plan, and the corresponding review letters and waiver requests. At their October 19, 2023 meeting, the Planning Commission unanimously recommended the Board of Supervisors grant preliminary/final approval for the project. Ms. Farrell concurred that the resolution had been reviewed and the applicant was agreeable to all conditions.

MOTION: Upon motion by Ms. Chimera, seconded by Ms. Bamford, and unanimously carried (4-0), the Board adopted Resolution No. 2023-16, approving the preliminary/final land development application with requested waivers for the Raising Cane’s Restaurant, LLC.

Administration and Finance:

12. Acceptance of Annual Audit Engagement Letter – Mr. Shapiro reported that Maillie has submitted an engagement letter for the 2023 audit. Maillie would audit the financial statements of the governmental activities, the business-type activities, the component units, each major fund, and the aggregate remaining fund information of Montgomery Township as of December 31, 2023, and for the year that ended and the related notes to the financial statements, which collectively comprise the Montgomery Township’s basic financial statements. The estimated cost

is \$31,500.00. Mr. Shapiro indicated that Maillie does an excellent job for the Township, and he would recommend that they be appointed for another year as they are familiar with the Township's financials and will be auditing two different financial software programs as the Township made a change over the summer. Mr. Shapiro recommended that next year a Request for Proposal (RFP) be done for auditing services.

MOTION: Upon motion by Ms. Chimera, seconded by Ms. Bamford, and unanimously carried (4-0), the Board approved the attached engagement letter with Maillie for the 2023 annual audit at the estimated cost of \$31,500.00.

13. Approval of Distribution of 2023 Act 205 General Municipal Pension System State Aid:

MOTION: Upon motion by Ms. Chimera, seconded by Ms. Long, and unanimously carried (4-0), the Board accepted the recommendation to allocate the 2023 Act 205 General Municipal Pension System State Aid to the Police Pension Plan in the amount of \$466,327.91, and to the Non-Uniformed Employee Pension Plan in the amount of \$221,362.90.

14. 2024 Proposed Capital Projects and Purchases – This item was moved to the Budget Worksession scheduled for Friday, October 27, 2023 at 9:00 a.m.

Old Business:

New Business:

15. Department Reports - Monthly reports were submitted by each department for activity in the month of September.

16. Committee Reports – Ms. Chimera reported that the Planning Commission reviewed Raising Cane's Restaurant application at their meeting. Ms. Bamford reported that the Park and Recreation Board had a discussion about additional pickleball courts and a request from a resident to provide lighting for tennis courts. Ms. Ware reported that the Senior Committee did not have a quorum to meet, but did discuss the upcoming Breakfast with Santa event that the committee members participate in. The Senior Committee also hosted a Medicare seminar on October 18th and will be hosting another on October 25th.

17. Adjournment: Upon motion by Ms. Chimera and seconded by Ms. Long, the meeting was adjourned at 8:05 p.m.

Respectfully submitted,

Deborah A. Rivas, Recording Secretary

**MINUTES OF BUDGET WORKSESSION
MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS
OCTOBER 27, 2023**

The Board of Supervisors held a budget worksession on Friday, October 27, 2023, at 9:00 a.m. The meeting was properly advertised in The Reporter.

IN ATTENDANCE:

Chair Candyce Fluehr Chimera
Supervisor Tanya C. Bamford
Supervisor Annette M. Long
Supervisor Beth A. Staab
Supervisor Audrey R. Ware

Township Manager Carolyn McCreary

ALSO IN ATTENDANCE:

Police Chief, J. Scott Bendig
Fire Chief, Bill Wiegman
Director of Finance, Brian Shapiro
Director of Public Works, Greg Reiff
Director of Planning & Zoning, Marianne McConnell
Director of Information Technology, Rich Grier

Mr. Shapiro had circulated an agenda in advance of the meeting. Each Supervisor and Department Head was provided with a draft copy of the proposed 2024 budget and the Capital Investment Plan (CIP) for reference.

Ms. Staab noted she needed to leave at 2:30 p.m. due to another scheduled meeting.

Ms. McCreary opened the meeting, stating it was her hope that by holding this worksession on one day, the Board would get a clearer picture of the individual department operations of the Township and how they intersected with each other. It would also serve as an opportunity to present a complete financial picture of the Township.

Each Department Head spoke about their current operations including staffing, what operations would look like for the following year, and the implications for the proposed budget. They also reviewed their proposed capital purchases and projects with the Board, seeking consensus for their inclusion in the 2024 budget and CIP.

In reviewing the Capital Reserves Fund, Ms. McCreary and Mr. Shapiro pointed to the declining balance with most of the \$15 million General Obligation Note being spent or committed to purchases and projects. Mr. Shapiro stated this was expected as the amount borrowed in 2021 was based on the CIP that has been presented to the Board. Ms. McCreary pointed to the impact the litigation for the Zehr tract acquisition had on the Township's reserves, noting the final cost of the property was about \$7.5 million.

Ms. McCreary advised the Board that the latest cost estimate for the Powerline Trail, which would connect the 202 Parkway to the intersection of Horsham and Stump Roads is \$1.9 million. She reminded them that the Township had received a TAP grant of \$850,000, leaving a \$1.1 million balance that the Township would need to cover. Based on the other needs outlined in the CIP she recommended the Board eliminate this from the CIP and notify DVRPC of the decision so they can make the funds available in the next round of funding. She stated if the Township were to decide

to pursue this in the future there would be better grant programs than TAP, which had proven very cumbersome even before the project was bid.

The Board consensus was to notify DVRPC that the Township is not going to pursue the trail project due to the dramatic increase in cost. This decision will be memorialized in a future Board of Supervisors public meeting.

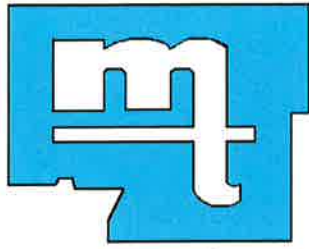
Mr. Shapiro explained the Board could transfer money from the General Fund that would still leave the Township in compliance with the Government Finance Officers Association (GFOA) recommended fund balance. He noted this was something the Board could do before the end of the year. He pointed out that there is no guarantee the General Fund will operate at a surplus each year and even if it does, the amount cannot be known until after the annual audit and can vary greatly.

The Board asked Mr. Shapiro and Ms. McCreary to look at what a real estate tax increase might look like to begin a steady dedicated annual allocation to the Capital Reserves Fund.

The budget worksession concluded at 3:45 p.m.

Respectfully submitted,

Carolyn McCreary, Township Manager



AGENDA
MONTGOMERY TOWNSHIP
BOARD OF SUPERVISORS
OCTOBER 27, 2023
9:00 A.M.

www.montgomerytwp.org

Tanya C. Bamford
Candyce Fluehr Chimera
Annette M. Long
Beth A. Staab
Audrey R. Ware

Carolyn McCreary
Township Manager

1. Call Meeting to Order
2. Budget Workshop
 - a. 9:00 a.m. – 9:30 a.m. – Executive, Financial Administration and Information Technology (pages 5 and 6)
 - b. 9:30 a.m. – 10:00 a.m. – Tax Collection, Legal Services, Engineering, and Buildings and Grounds (pages 5 and 6)
 - c. 10:00 a.m. – 10:30 a.m. – Police Services (page 7)
 - d. 10:30 a.m. – 11:00 a.m. – Planning and Zoning (page 7)
 - e. 11:00 a.m. – 11:30 a.m. – Public Works (page 8)
 - f. 11:30 a.m. – noon – Other General Fund Categories (page 7 and 9)
 - g. Noon – 12:30 p.m. – Break
 - h. 1:00 p.m. – 1:30 p.m. – Fire Protection Fund (pages 14-16)
 - i. 1:30 p.m. – 2:00 p.m. – Park and Recreation Fund (pages 18-19)
 - j. 2:00 p.m. – 2:30 p.m. – Community Recreation Fund (pages 24-26)
 - k. 2:30 p.m. – 3:00 p.m. – Other Budgetary Funds
 - l. 3:00 p.m. – 3:30 p.m. – General Fund Revenues and Fund Balances (pages 3-4)
 - m. 3:30 p.m. – 4:00 p.m. – Wrap up and Discussion
3. Adjournment



Montgomery Township, PA

Check Report

By Check Number

Date Range: 10/24/2023 - 11/13/2023

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: POOL AP-APBNK						
00000967	DVHT Delaware Valley Health Trust	11/02/2023	Regular	0.00	186,471.71	96581
00000900	FDMTRA - Fire Department of	11/02/2023	Regular	0.00	218,550.79	96582
00000496	21st Century Media Newspapers LLC	11/06/2023	Regular	0.00	947.72	96583
00000842	911 Safety Equipment	11/06/2023	Regular	0.00	4,000.50	96584
00000006	Acme Uniforms For Industry	11/06/2023	Regular	0.00	21.74	96585
100002231	Adam J. Morrow	11/06/2023	Regular	0.00	350.00	96586
100000892	Adam Zwislewski	11/06/2023	Regular	0.00	210.00	96587
100001866	Advanced Door Service	11/06/2023	Regular	0.00	1,871.68	96588
00000345	Alphagraphics Lansdale	11/06/2023	Regular	0.00	460.33	96589
100000814	Amazon.com Services, Inc	11/06/2023	Regular	0.00	2,029.55	96590
100000888	Andrew Weiner	11/06/2023	Regular	0.00	200.00	96591
100001890	Angel G. Mejias	11/06/2023	Regular	0.00	450.00	96592
100001978	Anthony Zirpoli	11/06/2023	Regular	0.00	100.00	96593
100001828	Aramco, Inc.	11/06/2023	Regular	0.00	17.66	96594
00000340	B Safe Inc.	11/06/2023	Regular	0.00	577.65	96595
100002093	Bergey's Wholesale Parts	11/06/2023	Regular	0.00	215.10	96596
100001244	Brandi Blusiewicz	11/06/2023	Regular	0.00	150.00	96597
100000979	Brandon Uzdzienski	11/06/2023	Regular	0.00	50.00	96598
100001080	Brian Graber	11/06/2023	Regular	0.00	50.00	96599
100000414	Bucks County Community College	11/06/2023	Regular	0.00	4,000.00	96600
100001879	Carlos A. Gonzalez Jr	11/06/2023	Regular	0.00	200.00	96601
00001601	CDW Government, Inc.	11/06/2023	Regular	0.00	190.07	96602
00000363	Comcast	11/06/2023	Regular	0.00	546.51	96603
100001976	Derrick Perry	11/06/2023	Regular	0.00	80.00	96604
00001460	DJB Specialties, Inc.	11/06/2023	Regular	0.00	1,465.50	96605
100000473	Eagle Power Turf & Tractor, Inc	11/06/2023	Regular	0.00	165.11	96606
00000152	Eckert Seamans Cherin &	11/06/2023	Regular	0.00	7,700.00	96607
100002164	Electronic Security Solutions LLC	11/06/2023	Regular	0.00	1,175.00	96608
00001852	G.L. Sayre, Inc.	11/06/2023	Regular	0.00	171.86	96609
00000193	George Allen Portable Toilets, Inc.	11/06/2023	Regular	0.00	944.00	96610
00001323	Glick Fire Equipment Company Inc	11/06/2023	Regular	0.00	636.64	96611
00000903	Home Depot Credit Services	11/06/2023	Regular	0.00	66.44	96612
100001620	J & J Auto + Truck Repairs	11/06/2023	Regular	0.00	317.76	96613
100000821	Janice Elgedawy	11/06/2023	Regular	0.00	80.00	96614
01184	Jessica Fields	11/06/2023	Regular	0.00	75.00	96615
01183	Jill Sotak	11/06/2023	Regular	0.00	75.00	96616
00902813	Joedy Johnson	11/06/2023	Regular	0.00	160.00	96617
100001994	John Bereschak	11/06/2023	Regular	0.00	100.00	96618
100000881	John H. Mogensen	11/06/2023	Regular	0.00	50.00	96619
100001911	Julius Mack	11/06/2023	Regular	0.00	160.00	96620
100002075	Justin Green	11/06/2023	Regular	0.00	80.00	96621
100001643	Katherine Staudt	11/06/2023	Regular	0.00	75.00	96622
100000554	Keith Grierson	11/06/2023	Regular	0.00	50.00	96623
100002042	Kenco Hydraulics	11/06/2023	Regular	0.00	2,870.13	96624
01185	Kum Chae Kim	11/06/2023	Regular	0.00	80.00	96625
100001661	Kyle W. Stump	11/06/2023	Regular	0.00	50.00	96626
100001932	Larry Nadzan	11/06/2023	Regular	0.00	150.00	96627
100002121	Lauren K Maxwell	11/06/2023	Regular	0.00	150.00	96628
100002221	LB Construction Enterprises, Inc.	11/06/2023	Regular	0.00	3,852.00	96629
00002021	Marriott's Emergency Equipment	11/06/2023	Regular	0.00	7,117.50	96630
100001618	Mary Mother of the Redeemer	11/06/2023	Regular	0.00	100.00	96631
00000201	Mastertech Auto Service, LLC.	11/06/2023	Regular	0.00	46.52	96632
03214579	McCauley, Tom	11/06/2023	Regular	0.00	446.50	96633
100002177	Michael Bean	11/06/2023	Regular	0.00	150.00	96634

Check Report

Date Range: 10/24/2023 - 11/13/2023

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
100001926	Michael J. Kunzig	11/06/2023	Regular	0.00	150.00	96635
100000885	Michael Shearer	11/06/2023	Regular	0.00	100.00	96636
PAYR-IAFF	Montgomery Township Professional	11/06/2023	Regular	0.00	486.07	96637
100002043	Municipal Emergency Services	11/06/2023	Regular	0.00	5,574.84	96638
100002212	Nicholas Plach	11/06/2023	Regular	0.00	160.00	96639
100000117	North Penn School District	11/06/2023	Regular	0.00	315.00	96640
00001813	Occupational Health Centers	11/06/2023	Regular	0.00	190.30	96641
01181	OhioTreasurer of State	11/06/2023	Regular	0.00	5.00	96642
100001567	Omega Systems Consultants, Inc.	11/06/2023	Regular	0.00	4,235.00	96643
01182	Otto A. Gaylord	11/06/2023	Regular	0.00	160.00	96644
100000039	PA Turnpike Toll By Plate	11/06/2023	Regular	0.00	86.10	96645
100002199	Patrick Kerr	11/06/2023	Regular	0.00	300.00	96646
00000399	PECO Energy	11/06/2023	Regular	0.00	292.13	96647
00000397	PECO Energy	11/06/2023	Regular	0.00	1,116.35	96648
00000397	PECO Energy	11/06/2023	Regular	0.00	1,498.49	96649
00000397	PECO Energy	11/06/2023	Regular	0.00	10.58	96650
00000397	PECO Energy	11/06/2023	Regular	0.00	3,885.89	96651
00000397	PECO Energy	11/06/2023	Regular	0.00	451.80	96652
00000399	PECO Energy	11/06/2023	Regular	0.00	6,461.74	96653
00000726	Penn-Holo Sales & Services	11/06/2023	Regular	0.00	141.00	96654
100000754	Petroleum Traders Corp.	11/06/2023	Regular	0.00	3,695.07	96655
100000755	Petroleum Traders Corp.	11/06/2023	Regular	0.00	4,374.38	96656
100000886	Rachel Brick	11/06/2023	Regular	0.00	100.00	96657
100001010	Rachel Gibson	11/06/2023	Regular	0.00	300.00	96658
00002033	Republic Services No. 320	11/06/2023	Regular	0.00	1,964.10	96659
100000780	Rhythm Engineering	11/06/2023	Regular	0.00	9,765.00	96660
100002096	Rock Solid, Inc.	11/06/2023	Regular	0.00	5,270.00	96661
100001960	Ryan W. Irvin	11/06/2023	Regular	0.00	100.00	96662
00000653	Scatton's Heating & Cooling, Inc.	11/06/2023	Regular	0.00	2,091.19	96663
00001030	Signal Control Products, LLC	11/06/2023	Regular	0.00	210.00	96664
100000411	Spencer D. Borine	11/06/2023	Regular	0.00	80.00	96665
00001847	Staples Contract & Commercial, Inc.	11/06/2023	Regular	0.00	87.28	96666
00661122	Tees With a Purpose	11/06/2023	Regular	0.00	960.00	96667
01188	The Commonwealth of Pennsylvania	11/06/2023	Regular	0.00	35.00	96668
01187	Tolls by Mail	11/06/2023	Regular	0.00	28.19	96669
00000543	Tractor Supply Credit Plan	11/06/2023	Regular	0.00	69.99	96670
100000210	Unifirst	11/06/2023	Regular	0.00	83.55	96671
00000040	Verizon	11/06/2023	Regular	0.00	269.00	96672
00000040	Verizon	11/06/2023	Regular	0.00	42.05	96673
00000040	Verizon	11/06/2023	Regular	0.00	72.27	96674
00000040	Verizon	11/06/2023	Regular	0.00	605.78	96675
00000040	Verizon	11/06/2023	Regular	0.00	370.06	96676
00000040	Verizon	11/06/2023	Regular	0.00	191.68	96677
00000038	Verizon Wireless Services, LLC	11/06/2023	Regular	0.00	2,537.42	96678
100000854	Vinay P. Setty	11/06/2023	Regular	0.00	490.00	96679
100000891	Vincent Zirpoli	11/06/2023	Regular	0.00	280.00	96680
00001329	Weldon Auto Parts	11/06/2023	Regular	0.00	331.42	96681
00000632	West Generator Services Inc.	11/06/2023	Regular	0.00	428.45	96682
100001888	William Tuttle	11/06/2023	Regular	0.00	100.00	96683
00001084	Witmer Associates, Inc.	11/06/2023	Regular	0.00	57.40	96684
00000496	21st Century Media Newspapers LLC	11/13/2023	Regular	0.00	685.02	96685
00000842	911 Safety Equipment	11/13/2023	Regular	0.00	9,001.00	96686
100000814	Amazon.com Services, Inc	11/13/2023	Regular	0.00	945.20	96687
01186	Amy Padden	11/13/2023	Regular	0.00	1,200.00	96688
00000031	AT&T	11/13/2023	Regular	0.00	121.30	96689
00902568	B.H. Holdings Corporation	11/13/2023	Regular	0.00	300.00	96690
01191	Cathy Braun	11/13/2023	Regular	0.00	60.00	96691
00001601	CDW Government, Inc.	11/13/2023	Regular	0.00	765.56	96692
01197	D.A.R.E. Advocacy for Drug Education In New Je	11/13/2023	Regular	0.00	950.00	96693
00000208	Dell Marketing L.P.	11/13/2023	Regular	0.00	2,164.05	96694
00001460	DJB Specialties, Inc.	11/13/2023	Regular	0.00	78.00	96695

Check Report

Date Range: 10/24/2023 - 11/13/2023

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
100000213	Dog Town	11/13/2023	Regular	0.00	272.97	96696
100002144	Eric Joshua Hernandez	11/13/2023	Regular	0.00	1,134.84	96697
100001832	Funellas Funnel Cake	11/13/2023	Regular	0.00	150.00	96698
00001504	Galeton Gloves	11/13/2023	Regular	0.00	98.04	96699
00000188	Galls, an Aramark Co., LLC	11/13/2023	Regular	0.00	208.51	96700
00000817	Gilmore & Associates, Inc.	11/13/2023	Regular	0.00	19,742.96	96701
00001323	Glick Fire Equipment Company Inc	11/13/2023	Regular	0.00	300.00	96702
00000903	Home Depot Credit Services	11/13/2023	Regular	0.00	94.24	96703
00902672	Horizon Signs LLC	11/13/2023	Regular	0.00	50.00	96704
100001647	Hoys Landscaping Inc	11/13/2023	Regular	0.00	4,400.00	96705
00001345	International Association of	11/13/2023	Regular	0.00	103.00	96706
00000102	Interstate Battery Systems	11/13/2023	Regular	0.00	148.95	96707
01169	Jennifer Choi Pure Cleaners	11/13/2023	Regular	0.00	860.50	96708
100002081	Kara Boodhansingh	11/13/2023	Regular	0.00	615.00	96709
100001811	Keystone Municipal Services, Inc.	11/13/2023	Regular	0.00	16,200.00	96710
100001254	Kilcoyne & Kelm, LLC	11/13/2023	Regular	0.00	1,917.50	96711
00000055	Mark Manjardi	11/13/2023	Regular	0.00	1,147.50	96712
00000201	Mastertech Auto Service, LLC.	11/13/2023	Regular	0.00	1,277.14	96713
00000324	Moyer Indoor / Outdoor	11/13/2023	Regular	0.00	163.12	96714
100001858	Nick Eufrazio	11/13/2023	Regular	0.00	700.70	96715
00001813	Occupational Health Centers	11/13/2023	Regular	0.00	25.00	96716
100001969	ODP Business Solutions, LLC	11/13/2023	Regular	0.00	432.89	96717
00000399	PECO Energy	11/13/2023	Regular	0.00	28.70	96718
100000923	Peter Byrne	11/13/2023	Regular	0.00	103.51	96719
00000447	Petty Cash - Police	11/13/2023	Regular	0.00	185.79	96720
01193	Shelley Emiling	11/13/2023	Regular	0.00	65.00	96721
01190	Sonia Hasan	11/13/2023	Regular	0.00	102.26	96722
01189	Star Buick GMC Cadillac	11/13/2023	Regular	0.00	69,350.47	96723
01192	Susan Albert	11/13/2023	Regular	0.00	65.00	96724
100002050	Thomas Morgan	11/13/2023	Regular	0.00	60.00	96725
01194	Tiffany Grant	11/13/2023	Regular	0.00	30.00	96726
00001273	Tim Kurek	11/13/2023	Regular	0.00	245.00	96727
00000506	Trans Union LLC	11/13/2023	Regular	0.00	90.00	96728
100002174	Unwined & Paint	11/13/2023	Regular	0.00	100.00	96729
100000209	Veritiv	11/13/2023	Regular	0.00	732.13	96730
00000040	Verizon	11/13/2023	Regular	0.00	289.00	96731
00000038	Verizon Wireless Services, LLC	11/13/2023	Regular	0.00	600.19	96732
00001084	Witmer Associates, Inc.	11/13/2023	Regular	0.00	955.33	96733
PAYR-PBA	Police Benevolent Association	10/26/2023	Bank Draft	0.00	1,439.00	DFT0000099
PAYR-POL PEN	U.S. Bank	10/26/2023	Bank Draft	0.00	8,017.01	DFT0000100
PAYR-PA SCDU	PA SCDU	10/26/2023	Bank Draft	0.00	530.77	DFT0000101
PAYR-401	Empower Retirement	10/26/2023	Bank Draft	0.00	17,329.54	DFT0000102
PAYR-457	Empower Retirement	10/26/2023	Bank Draft	0.00	17,759.27	DFT0000103
PAYR-PHILA	City of Philadelphia	10/26/2023	Bank Draft	0.00	302.27	DFT0000104
PAYR-SITW	State of Pennsylvania	10/25/2023	Bank Draft	0.00	10,543.15	DFT0000105
PAYR-FITW	United States Treasury	10/26/2023	Bank Draft	0.00	94,702.06	DFT0000106
PAYR-SITW	State of Pennsylvania	11/09/2023	Bank Draft	0.00	10,268.29	DFT0000113

Bank Code POOL AP Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	230	153	0.00	650,225.91
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	9	9	0.00	160,891.36
EFT's	0	0	0.00	0.00
	239	162	0.00	811,117.27

All Bank Codes Check Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	230	153	0.00	650,225.91
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	9	9	0.00	160,891.36
EFT's	0	0	0.00	0.00
	239	162	0.00	811,117.27

Fund Summary

Fund	Name	Period	Amount
99	Claim on Pooled Cash	10/2023	150,623.07
99	Claim on Pooled Cash	11/2023	660,494.20
			811,117.27

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS

BOARD ACTION SUMMARY

Item #05c

SUBJECT:	Escrow Release 3 – Higher Rock Residential Development – LDS#721
MEETING DATE:	November 13, 2023
BOARD LIAISON:	Candyce Fluehr Chimera, Chairwoman
INITIATED BY:	Marianne McConnell, Director of Planning and Zoning

BACKGROUND:

Attached is a construction escrow release requested by WB Homes for the Higher Rock Residential Development as recommended by the Township Engineer.

The original amount of the escrow was \$1,089,079.09, held as a Letter of Credit with the Township. This is the third release and is in the amount of \$127,514.20. The new balance would be \$510,572.04.

MOTION/RESOLUTION:

Motion to authorize as part of the consent agenda



GILMORE & ASSOCIATES, INC.
ENGINEERING & CONSULTING SERVICES

November 7, 2023

File No. 1607014.03

Carolyn McCreary, Manager
Montgomery Township
1001 Stump Road
Montgomeryville, PA 18936-9605

Reference: Higher Rock Residential Development – LDS#721
Escrow Release 3

Dear Carolyn:

We have received and reviewed the Request for Escrow Release for the above-referenced project. This letter is to certify that the improvements noted on the enclosed escrow summary in the amount of \$127,514.20 have been completed. Please find enclosed a copy of our escrow calculations and the application for release of funds for your use.

Please be advised that these improvements will be subject to a final inspection prior to dedication and again at the end of the maintenance period. Any deficiencies will be required to be corrected by the developer.

Should you have any further questions or require any additional information, please do not hesitate to contact our office.

Sincerely,

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

JPD/sl

Enclosure: Release of Escrow Form (11/7/23), Summary of Improvement Escrow Account (11/7/23), Developer's Request (10/26/23)

cc: Marianne McConnell, Assistant Director of Planning and Zoning
Mary Gambino, Project Coordinator – Montgomery Township
John Walko, Esq., Solicitor – Kilkenny Law
Steve Shaffer, WB Homes, Inc.
Judith Stern Goldstein, ASLA, R.L.A. – Gilmore & Associates, Inc.
Damon Drummond, P.E., PTOE – Gilmore & Associates, Inc.

RELEASE OF ESCROW FORM

James P. Dougherty, P.E.
Senior Project Manager
Gilmore & Associates, Inc.
65 East Butler Avenue, Suite 100
New Britain, PA 18901
215-345-4330

Date: 10/26/2023

Development: Higher Rock Residential Development - LDS-721

G&A Project #: 1607014.03

Release #: 3

Dear Mr. Dougherty:

This is an escrow release request in the amount of \$115,922.00. Enclosed is a copy of our escrow spreadsheet with the quantities noted.

ESCROW RELEASE REQUESTS ARE LIMITED TO ONE PER MONTH.

Ms. Carolyn McCreary
Township Manager
Montgomery Township
1001 Stump Road
Montgomeryville, PA 18936

Date: 11/07/2023

Dear Ms. McCreary

We have reviewed the developer's request for an escrow release. We therefore, recommend that \$127,514.20 be released. These improvements will be subject to a final observation prior to dedication and again at the end of the maintenance period. Any deficiencies will be required to be corrected by the developer.

James P. Dougherty 11/7/2023
James P. Dougherty, P.E., Senior Project Manager, Gilmore & Associates, Inc.

Resolution # _____

WHEREAS, a request for release of escrow was received from Cavendish Acquisitions, LP by Riley Development GP., Corp., its sole GP for Higher Rock Residential Development - LDS-721, in the amount of \$115,922.00, on the representation that work set forth in the Land Development Agreement to the extent has been completed and;

WHEREAS, said request has been reviewed by the Township Engineer who recommends release of \$127,514.20;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Montgomery Township that we do hereby authorize release of \$127,514.20; in accordance with the developer's request, and the officers of the Township are authorized to take the necessary action to obtain release of said sum.

BE IT FURTHER RESOLVED that Township records indicate that escrow has been deposited via Letter of Credit with Montgomery Township in total sum of \$1,089,079.09 pursuant to a signed Land Development Agreement and that \$450,992.85 has previously been released from escrow. Therefore, the action of the Board releasing said sum leaves a new balance of \$510,572.04 in escrow.

MOTION BY: _____

VOTE: _____

SECOND BY: _____

DATED: _____

RELEASED BY: _____

Department Director

**ESCROW RELEASE NO.: 3**

DATE PREPARED: 7-Nov-2023

PROJECT NAME:	Higher Rock Residential Development	TOTAL ENGINEERING (CASH ESCROW):	\$ 45,000.00	MONTGOMERY TOWNSHIP
DEVELOPER:	Cavendish Acquisitions, LP by Riley Development GP., Corp., its sole GP	TOTAL ADMINISTRATION (CASH ESCROW):	\$ 5,000.00	TOWNSHIP NO.: LDS-721
ESCROW AGENT:	M & T Bank			G&A PROJECT NO.: 1607014.03
TYPE OF SECURITY:	Letter of Credit	MAINTENANCE BOND AMOUNT (15%):	\$ 148,510.79	AGREEMENT DATE: 27-Apr-2023
SUMMARY OF IMPROVEMENT ESCROW ACCOUNT				
		TOTAL COST	RELEASE REQUESTS	BALANCE
			CURRENT	
			PRIOR	
			TOTAL	
CONSTRUCTION:	\$ 990,071.90	\$ 115,922.00	\$ 409,993.50	\$ 525,915.50
ANNUAL 10% CONSTRUCTION COST INCREASE (Balance as of mm/dd/yy = \$0.00)	\$ -	\$ -	\$ -	\$ -
CONTINGENCY (10%)	\$ 99,007.19	\$ 11,592.20	\$ 40,999.35	\$ 52,591.55
TOTAL	\$ 1,089,079.09	\$ 127,514.20	\$ 450,992.85	\$ 578,507.05

CONSTRUCTION ITEMS				UNIT	QUANTITY	UNIT COST	TOTAL COST	CURRENT REQUEST		PRIOR REQUESTS		TOTAL REQUESTS (Incl. current release)		AVAILABLE FOR RELEASE (Incl. current release)				
								QTY	COST	QTY	COST	QTY	COST	QTY	COST			
A. <u>EROSION CONTROL</u>																		
1.	12" Filter Sock	LF	512	\$	4.50	\$	2,304.00	\$	-	512.00	\$	2,304.00	512.00	\$	2,304.00	\$	-	
2.	12" Diversion Sock	LF	136	\$	5.00	\$	680.00	\$	-	136.00	\$	680.00	136.00	\$	680.00	\$	-	
3.	18" Diversion Sock	LF	121	\$	9.50	\$	1,149.50	\$	-	121.00	\$	1,149.50	121.00	\$	1,149.50	\$	-	
4.	Construction Entrance	LS	1	\$	3,500.00	\$	3,500.00	\$	-	1.00	\$	3,500.00	1.00	\$	3,500.00	\$	-	
5.	Inlet Protection	EA	19	\$	150.00	\$	2,850.00	\$	-		\$	-		\$	-	19.00	\$	2,850.00
6.	Safety / Tree Fence	LF	1368	\$	2.50	\$	3,420.00	\$	-	1,368.00	\$	3,420.00	1,368.00	\$	3,420.00	\$	-	
7.	Concrete Washout	EA	1	\$	750.00	\$	750.00	\$	-		\$	-		\$	-	1.00	\$	750.00
8.	Swale 1 - with Matting NAG SC150	LF	321	\$	6.50	\$	2,086.50	\$	-	150.00	\$	975.00	150.00	\$	975.00	171.00	\$	1,111.50
9.	Swale 2 - with Matting NAG SC150	LF	96	\$	6.50	\$	624.00	\$	-	96.00	\$	624.00	96.00	\$	624.00		\$	-
10.	Swale 3 - with Matting NAG SC150	LF	160	\$	6.50	\$	1,040.00	\$	-		\$	-		\$	-	160.00	\$	1,040.00
11.	Slope Protection Matting	SF	8988	\$	0.30	\$	2,696.40	\$	-	1,000.00	\$	300.00	1,000.00	\$	300.00	7,988.00	\$	2,396.40
12.	Temp Seed Stockpile	EA	1	\$	750.00	\$	750.00	\$	-	1.00	\$	750.00	1.00	\$	750.00		\$	-
13.	Sed Trap 1 Excavation and Grading	LS	1	\$	4,500.00	\$	4,500.00	\$	-	1.00	\$	4,500.00	1.00	\$	4,500.00		\$	-
14.	Sed Trap 1 Baffle Wall	LF	140	\$	27.50	\$	3,850.00	\$	-	140.00	\$	3,850.00	140.00	\$	3,850.00		\$	-
15.	Sed Trap 1 Temp 18" CMP Pipe	LF	30	\$	60.00	\$	1,800.00	\$	-	30.00	\$	1,800.00	30.00	\$	1,800.00		\$	-
16.	Sed Trap 1 Anti Seep Collars	EA	2	\$	650.00	\$	1,300.00	\$	-	2.00	\$	1,300.00	2.00	\$	1,300.00		\$	-
17.	Sed Trap 1 Temp Riser	EA	1	\$	3,000.00	\$	3,000.00	\$	-	1.00	\$	3,000.00	1.00	\$	3,000.00		\$	-
18.	Sed Trap 1 Temp Seeding	SF	6400	\$	0.10	\$	640.00	\$	-	6,400.00	\$	640.00	6,400.00	\$	640.00		\$	-
19.	E&S Maintenance and Removal	LS	1	\$	3,700.00	\$	3,700.00	0.50	\$	1,850.00	\$	-	0.50	\$	1,850.00	0.50	\$	1,850.00
B. <u>EARTHWORK</u>																		
1.	Earthwork-Strip Topsoil 8"	CY	2244	\$	3.50	\$	7,854.00	\$	-	2,244.00	\$	7,854.00	2,244.00	\$	7,854.00		\$	-
2.	Earthwork-Cut to Fill	CY	3986	\$	3.00	\$	11,958.00	\$	-	3,986.00	\$	11,958.00	3,986.00	\$	11,958.00		\$	-
3.	Earthwork-Return Topsoil 6"	CY	1248	\$	4.00	\$	4,992.00	1,248.00	\$	4,992.00	\$	-	1,248.00	\$	4,992.00		\$	-
4.	Sed Trap Removal-Desilt	LS	1	\$	1,500.00	\$	1,500.00		\$	-	\$	-		\$	-	1.00	\$	1,500.00
5.	Sed Trap Removal-Remove Temp Pipe and Riser	LS	1	\$	2,500.00	\$	2,500.00		\$	-	\$	-		\$	-	1.00	\$	2,500.00
6.	Sed Trap Removal-Remove Baffle	LS	1	\$	300.00	\$	300.00		\$	-	\$	-		\$	-	1.00	\$	300.00
7.	Sed Trap Removal-Excavation	LS	1	\$	3,500.00	\$	3,500.00		\$	-	\$	-		\$	-	1.00	\$	3,500.00
C. <u>STORM SEWER</u>																		
1.	15 HDPE	LF	936	\$	55.00	\$	51,480.00	\$	-	834.00	\$	45,870.00	834.00	\$	45,870.00	102.00	\$	5,610.00
2.	18 HDPE	LF	84	\$	60.00	\$	5,040.00	\$	-	84.00	\$	5,040.00	84.00	\$	5,040.00		\$	-
3.	24 HDPE	LF	245	\$	75.00	\$	18,375.00	\$	-	245.00	\$	18,375.00	245.00	\$	18,375.00		\$	-
4.	8 PVC Roof Drain Header	LF	870	\$	35.00	\$	30,450.00	\$	-		\$	-		\$	-	670.00	\$	30,450.00
5.	Roof Drain Cleanout	EA	8	\$	100.00	\$	800.00	\$	-		\$	-		\$	-	8.00	\$	800.00
6.	4 ft C Inlet	EA	2	\$	2,500.00	\$	5,000.00	\$	-	2.00	\$	5,000.00	2.00	\$	5,000.00		\$	-
7.	4 ft M Double Inlet	EA	3	\$	3,850.00	\$	11,550.00	\$	-	3.00	\$	11,550.00	3.00	\$	11,550.00		\$	-
8.	4 ft M Inlet	EA	5	\$	2,350.00	\$	11,750.00	\$	-	4.00	\$	9,400.00	4.00	\$	9,400.00	1.00	\$	2,350.00
9.	Storm Manholes	EA	6	\$	3,000.00	\$	18,000.00	\$	-	6.00	\$	18,000.00	6.00	\$	18,000.00		\$	-
10.	Tie Into Existing Inlet	EA	1	\$	1,500.00	\$	1,500.00	\$	-	1.00	\$	1,500.00	1.00	\$	1,500.00		\$	-
11.	Rip Rap Aprons at Curb Breaks	EA	2	\$	850.00	\$	1,700.00	\$	-		\$	-		\$	-	2.00	\$	1,700.00

**ESCROW RELEASE NO.: 3**

DATE PREPARED: 7-Nov-2023

PROJECT NAME:	Higher Rock Residential Development	TOTAL ENGINEERING/LEGAL (CASH ESCROW):	\$ 45,000.00	MONTGOMERY TOWNSHIP
DEVELOPER:	Cavendish Acquisitions, LP by Riley Development GP, Corp., its sole GP	TOTAL ADMINISTRATION (CASH ESCROW):	\$ 5,000.00	TOWNSHIP NO.: LDS-721
ESCROW AGENT:	M & T Bank			G&A PROJECT NO.: 1607014 03
TYPE OF SECURITY:	Letter of Credit	MAINTENANCE BOND AMOUNT (15%):	\$ 148,510.79	AGREEMENT DATE: 27-Apr-2023

SUMMARY OF IMPROVEMENT ESCROW ACCOUNT	TOTAL COST	RELEASE REQUESTS			BALANCE
		CURRENT	PRIOR	TOTAL	
CONSTRUCTION	\$ 990,071.90	\$ 115,922.00	\$ 409,993.50	\$ 525,915.50	\$ 464,156.40
ANNUAL 10% CONSTRUCTION COST INCREASE (Balance as of mm/dd/yy = \$0.00)	\$ -	\$ -	\$ -	\$ -	\$ -
CONTINGENCY (10%)	\$ 99,007.19	\$ 11,592.20	\$ 40,999.35	\$ 52,591.55	\$ 46,415.64
TOTAL	\$ 1,089,079.09	\$ 127,514.20	\$ 450,992.85	\$ 578,507.05	\$ 510,572.04

CONSTRUCTION ITEMS		UNIT	QUANTITY	UNIT COST	TOTAL COST	CURRENT REQUEST		PRIOR REQUESTS		TOTAL REQUESTS (incl. current release)		AVAILABLE FOR RELEASE (incl. current release)	
						QTY	COST	QTY	COST	QTY	COST	QTY	COST
C. <u>STORM SEWER</u>													
10.	UG Basin - 60" Perf. HDPE	LF	811	\$ 150.00	\$ 91,650.00	\$ -	-	611.00	\$ 91,650.00	611.00	\$ 91,650.00	\$ -	-
11.	UG Basin - 60" HDPE Fittings	EA	4	\$ 3,000.00	\$ 12,000.00	\$ -	-	4.00	\$ 12,000.00	4.00	\$ 12,000.00	\$ -	-
12.	UG Basin - 6" Perf. Underdrain	LF	103	\$ 25.00	\$ 2,575.00	\$ -	-	103.00	\$ 2,575.00	103.00	\$ 2,575.00	\$ -	-
13.	UG Basin - PADOT Type 2B Stone	CF	58000	\$ 0.50	\$ 29,000.00	\$ -	-	58,000.00	\$ 29,000.00	58,000.00	\$ 29,000.00	\$ -	-
14.	UG Basin - 40mil Liner (top, bottom, and sides) 103 5x46 5x14	SF	13826	\$ 2.00	\$ 27,652.00	\$ -	-	13,826.00	\$ 27,652.00	13,826.00	\$ 27,652.00	\$ -	-
15.	UG Basin - AASHTO Class 3 Non-Woven GT	SF	27652	\$ 1.00	\$ 27,652.00	\$ -	-	27,652.00	\$ 27,652.00	27,652.00	\$ 27,652.00	\$ -	-
16.	UG Basin - Outlet Structure	EA	1	\$ 15,000.00	\$ 15,000.00	\$ -	-	1.00	\$ 15,000.00	1.00	\$ 15,000.00	\$ -	-
17.	UG Basin - Storm Inlets	EA	4	\$ 5,250.00	\$ 21,000.00	\$ -	-	4.00	\$ 21,000.00	4.00	\$ 21,000.00	\$ -	-
18.	UG Basin - Storm Manholes	EA	3	\$ 5,000.00	\$ 15,000.00	\$ -	-	3.00	\$ 15,000.00	3.00	\$ 15,000.00	\$ -	-
18.	Flexstorm Inlet Filters	EA	13	\$ 1,250.00	\$ 16,250.00	\$ -	-	\$ -	-	\$ -	-	13.00	\$ 16,250.00
D. <u>CONCRETE</u>													
<u>SITE</u>													
1.	18" Concrete Curb	LF	2078	\$ 18.50	\$ 38,443.00	1,400.00	\$ 25,900.00	\$ -	-	1,400.00	\$ 25,900.00	678.00	\$ 12,543.00
2.	Mountable Islands	LF	250	\$ 25.00	\$ 6,250.00	\$ -	-	\$ -	-	\$ -	-	250.00	\$ 6,250.00
3.	Sidewalks 4" th on 4" 2b Stone	SF	2404	\$ 6.00	\$ 14,424.00	\$ -	-	\$ -	-	\$ -	-	2,404.00	\$ 14,424.00
4.	Handicap Ramps inc. DWS	EA	2	\$ 2,500.00	\$ 5,000.00	\$ -	-	\$ -	-	\$ -	-	2.00	\$ 5,000.00
5.	ADA Turn Pads	EA	7	\$ 200.00	\$ 1,400.00	\$ -	-	\$ -	-	\$ -	-	7.00	\$ 1,400.00
6.	Driveway Aprons 6" th on 6" 2A	SF	4543	\$ 7.00	\$ 31,801.00	\$ -	-	\$ -	-	\$ -	-	4,543.00	\$ 31,801.00
<u>FIREHOUSE</u>													
7.	Firehouse-Cut/Strip Topsoil/rough grade	LS	1	\$ 1,500.00	\$ 1,500.00	\$ -	-	\$ -	-	\$ -	-	1.00	\$ 1,500.00
8.	Firehouse-5' Wide Sidewalk 4" th on 4" 2b Stone	SF	1830	\$ 15.00	\$ 27,450.00	\$ -	-	\$ -	-	\$ -	-	1,830.00	\$ 27,450.00
9.	Firehouse-Handicap Ramps inc DWS	EA	5	\$ 2,500.00	\$ 12,500.00	\$ -	-	\$ -	-	\$ -	-	5.00	\$ 12,500.00
10.	Firehouse-Curb Remove and Replace	LF	80	\$ 50.00	\$ 4,000.00	\$ -	-	\$ -	-	\$ -	-	80.00	\$ 4,000.00
11.	Firehouse-Blacktop Restoration	SF	145	\$ 25.00	\$ 3,625.00	\$ -	-	\$ -	-	\$ -	-	145.00	\$ 3,625.00
12.	Firehouse-Topsoil Rake & Seed	SF	1464	\$ 1.00	\$ 1,464.00	\$ -	-	\$ -	-	\$ -	-	1,464.00	\$ 1,464.00
13.	Firehouse-Crosswalks	EA	2	\$ 1,200.00	\$ 2,400.00	\$ -	-	\$ -	-	\$ -	-	2.00	\$ 2,400.00
14.	Firehouse-Stop Bar	EA	1	\$ 850.00	\$ 850.00	\$ -	-	\$ -	-	\$ -	-	1.00	\$ 850.00
15.	Firehouse-Traffic Control	LS	1	\$ 5,000.00	\$ 5,000.00	\$ -	-	\$ -	-	\$ -	-	1.00	\$ 5,000.00
E. <u>PAVING & SIGNS</u>													
1.	Roadway-Fine Grade	SY	2746	\$ 1.50	\$ 4,119.00	2,652.00	\$ 3,978.00	\$ -	-	2,652.00	\$ 3,978.00	94.00	\$ 141.00
2.	Roadway-3" 2A Modified	SY	2746	\$ 6.50	\$ 17,849.00	2,652.00	\$ 17,238.00	\$ -	-	2,652.00	\$ 17,238.00	94.00	\$ 611.00
3.	Roadway-5" 25mm Binder PG 64-22	SY	2746	\$ 19.50	\$ 53,547.00	2,652.00	\$ 51,714.00	\$ -	-	2,652.00	\$ 51,714.00	94.00	\$ 1,833.00
4.	Parking-Fine Grade	SY	1445	\$ 1.50	\$ 2,167.50	\$ -	-	\$ -	-	\$ -	-	1,445.00	\$ 2,167.50
5.	Parking-3" 2A Modified	SY	1445	\$ 6.50	\$ 9,392.50	\$ -	-	\$ -	-	\$ -	-	1,445.00	\$ 9,392.50
6.	Parking-5" 25mm Binder PG 64-22	SY	1445	\$ 19.50	\$ 28,177.50	\$ -	-	\$ -	-	\$ -	-	1,445.00	\$ 28,177.50
7.	Roadway-1.5" 9.5mm Wearing PG 64-22	SY	2746	\$ 12.00	\$ 32,952.00	\$ -	-	\$ -	-	\$ -	-	2,746.00	\$ 32,952.00
8.	Parking-1.5" 9.5mm Wearing PG 64-22	SY	1445	\$ 12.00	\$ 17,340.00	\$ -	-	\$ -	-	\$ -	-	1,445.00	\$ 17,340.00
9.	Traffic Signs	EA	23	\$ 200.00	\$ 4,600.00	\$ -	-	\$ -	-	\$ -	-	23.00	\$ 4,600.00
10.	Stop Bar	EA	1	\$ 150.00	\$ 150.00	\$ -	-	\$ -	-	\$ -	-	1.00	\$ 150.00
11.	Crosswalks	EA	1	\$ 850.00	\$ 850.00	\$ -	-	\$ -	-	\$ -	-	1.00	\$ 850.00
12.	Parking Stalls	EA	45	\$ 10.00	\$ 450.00	\$ -	-	\$ -	-	\$ -	-	45.00	\$ 450.00



ESCROW RELEASE NO.: 3

DATE PREPARED: 7-Nov-2023

PROJECT NAME: Higher Rock Residential Development TOTAL ENGINEERING/LEGAL (CASH ESCROW): \$ 45,000.00 MONTGOMERY TOWNSHIP
DEVELOPER: Cavendish Acquisitions, LP by Riley Development GP., Corp., its sole GP TOTAL ADMINISTRATION (CASH ESCROW): \$ 5,000.00 TOWNSHIP NO.: LDS-721
ESCROW AGENT: M & T Bank G&A PROJECT NO.: 1607014.03
TYPE OF SECURITY: Letter of Credit MAINTENANCE BOND AMOUNT (15%): \$ 148,510.79 AGREEMENT DATE: 27-Apr-2023

SUMMARY OF IMPROVEMENT ESCROW ACCOUNT	TOTAL COST	RELEASE REQUESTS			BALANCE
		CURRENT	PRIOR	TOTAL	
CONSTRUCTION	\$ 990,071.90	\$ 115,922.00	\$ 409,999.50	\$ 525,915.50	\$ 464,156.40
ANNUAL 10% CONSTRUCTION COST INCREASE (Balance as of mm/dd/yy = \$0.00)	\$ -	\$ -	\$ -	\$ -	\$ -
CONTINGENCY (10%)	\$ 99,007.19	\$ 11,592.20	\$ 40,999.35	\$ 52,591.55	\$ 46,415.64
TOTAL	\$ 1,089,079.09	\$ 127,514.20	\$ 450,998.85	\$ 578,507.05	\$ 510,572.04

CONSTRUCTION ITEMS	UNIT	QUANTITY	UNIT COST	TOTAL COST	CURRENT REQUEST		PRIOR REQUESTS		TOTAL REQUESTS (incl. current release)		AVAILABLE FOR RELEASE (incl. current release)	
					QTY	COST	QTY	COST	QTY	COST	QTY	COST
F. LIGHTS												
1. Street Lights	EA	10	\$ 4,500.00	\$ 45,000.00		\$ -		\$ -		\$ -	10.00	\$ 45,000.00
2. Relocate Light at entrance	EA	1	\$ 1,850.00	\$ 1,850.00		\$ -		\$ -		\$ -	1.00	\$ 1,850.00
G. LANDSCAPING												
1. Rake and Seed Grass Areas	SF	38675	\$ 0.10	\$ 3,867.50		\$ -		\$ -		\$ -	38,675.00	\$ 3,867.50
2. Meadow Seeding Ernest Mix 153	SF	22830	\$ 0.15	\$ 3,424.50		\$ -		\$ -		\$ -	22,830.00	\$ 3,424.50
3. Canopy Trees (3" Cal.)	EA	46	\$ 600.00	\$ 27,600.00		\$ -		\$ -		\$ -	46.00	\$ 27,600.00
4. Canopy Trees (2.5" Cal.)	EA	52	\$ 500.00	\$ 26,000.00		\$ -		\$ -		\$ -	52.00	\$ 26,000.00
5. Evergreen Trees	EA	16	\$ 550.00	\$ 8,800.00		\$ -		\$ -		\$ -	16.00	\$ 8,800.00
6. Ornamental Trees	EA	16	\$ 400.00	\$ 6,400.00		\$ -		\$ -		\$ -	16.00	\$ 6,400.00
7. Shrubs	EA	114	\$ 80.00	\$ 9,120.00		\$ -		\$ -		\$ -	114.00	\$ 9,120.00
H. OTHER												
1. Survey and Stakeout	LS	1	\$ 20,500.00	\$ 20,500.00	0.50	\$ 10,250.00	0.25	\$ 5,125.00	0.75	\$ 15,375.00	0.25	\$ 5,125.00
2. Trash Pad & Enclosure	LS	1	\$ 15,000.00	\$ 15,000.00		\$ -		\$ -		\$ -	1.00	\$ 15,000.00
3. Fence Panels on Wall	EA	2	\$ 250.00	\$ 500.00		\$ -		\$ -		\$ -	2.00	\$ 500.00
4. As Built	LS	1	\$ 5,000.00	\$ 5,000.00		\$ -		\$ -		\$ -	1.00	\$ 5,000.00
5. Pins and Monuments	LS	1	\$ 1,500.00	\$ 1,500.00		\$ -		\$ -		\$ -	1.00	\$ 1,500.00
I. ANNUAL CONSTRUCTION COST INCREASE PER PA MPC \$509(h)												
1. 10% Annual Construction Cost Increase (Balance as of mm/dd/yy - \$0.00)	LS	1	\$ -	\$ -		\$ -		\$ -		\$ -	1.00	\$ -
J. CONTINGENCY												
1. 10% Contingency (Released in accordance with the terms of the Land Development Agreement)	LS	1	\$ 99,007.19	\$ 99,007.19	0.12	\$ 11,592.20	0.41	\$ 40,999.35	0.53	\$ 52,591.55	0.47	\$ 46,415.64

NOTES:

2023-04-17 Initial Improvement cost issued for Land Development Agreement

W.B. HOMES, INC.

Your Trusted Hometown Builder

October 26, 2023

Montgomery Township
1001 Stump Road
Montgomeryville, PA 18936

**ATTN: Marianne McConnell
Jim Dougherty-Gilmore Associates**

RE: Higher Rock – Township Escrow Request #03

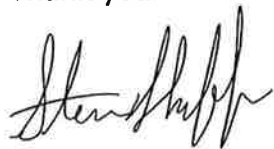
To All:

Enclosed please find the Township Escrow Request for the Higher Rock project in the amount of \$115,922.00.

Upon your receipt and review of this request, your timely processing and releasing of these funds would be appreciated.

Please feel free to contact us with any questions or comments.

Thank you.



Steve Shaffer
Director of Land Development

Distribution:

Marianne McConnell – Montgomery Township (mmcconnell@montgomerytwp.org)
Jim Dougherty – Gilmore Assoc (jdougherty@gilmore-assoc.com)
Brian Dusault – Gilmore Assoc (bdusault@gilmore-assoc.com)
Kyle Parkins – WB Homes Inc. (kylep@wbhomesinc.com)
Karen Winters – WB Homes Inc. (karenw@wbhomesinc.com)

WBHomesInc.com

HIGHER ROCK

Montgomery Township Escrow Release Tracking

PAGE 1 OF 3

Release No.: 1					2		3		Total Requests			Remaining Balance				
Date: 08/28/23					9/29/2023		10/26/2023		To Date Including Current			Remaining Balance				
	Description	Unit	Quant.	Unit Price	Total	QUANT	TOTAL	QUANT	TOTAL	QUANT	TOTAL	Quant	%	Total	Quant.	Total
A. EROSION CONTROL																
1	12" Filter Sock	LF	512	\$4.50	\$2,304.00	512	\$2,304.00					512	100%	\$2,304.00		
2	12" Diversion Sock	LF	136	\$5.00	\$680.00	136	\$680.00					136	100%	\$680.00		
3	18" Diversion Sock	LF	121	\$9.50	\$1,149.50	121	\$1,149.50					121	100%	\$1,149.50		
4	Construction Entrance	LS	1	\$3,500.00	\$3,500.00	1	\$3,500.00					1	100%	\$3,500.00		
5	Inlet Protection	EA	19	150	\$2,850.00										19	\$2,850.00
6	Safety / Tree Fence	LF	1368	\$2.50	\$3,420.00	1368	\$3,420.00					1368	100%	\$3,420.00		
7	Concrete Washout	EA	1	\$750.00	\$750.00										1	\$750.00
8	Swale 1 - with Matting NAG SC150	LF	321	\$6.50	\$2,086.50			150	\$975.00			150	47%	\$975.00	171	\$1,111.50
9	Swale 2 - with Matting NAG SC150	LF	96	\$6.50	\$624.00			96	\$624.00			96	100%	\$624.00		
10	Swale 3 - with Matting NAG SC150	LF	160	\$6.50	\$1,040.00										160	\$1,040.00
11	Slope Protection Matting	SF	8988	\$0.30	\$2,696.40			1000	\$300.00			1000	11%	\$300.00	7988	\$2,396.40
12	Temp Seed Stockpile	EA	1	\$750.00	\$750.00	1	\$750.00					1	100%	\$750.00		
13	Sed Trap 1 Excavation and Grading	LS	1	\$4,500.00	\$4,500.00	1	\$4,500.00					1	100%	\$4,500.00		
14	Sed Trap 1 Baffle Wall	LF	140	\$27.50	\$3,850.00			140	\$3,850.00			140	100%	\$3,850.00		
15	Sed Trap 1 Temp 18" CMP Pipe	LF	30	\$60.00	\$1,800.00	30	\$1,800.00					30	100%	\$1,800.00		
16	Sed Trap 1 Anti Seep Collars	EA	2	\$650.00	\$1,300.00	2	\$1,300.00					2	100%	\$1,300.00		
17	Sod Trap 1 Temp Riser	EA	1	\$3,000.00	\$3,000.00	1	\$3,000.00					1	100%	\$3,000.00		
18	Sed Trap 1 Temp Seeding	SF	6400	\$0.10	\$640.00	6400	\$640.00					6400	100%	\$640.00		
19	E&S Maintenance and Removal	LS	1	\$3,700.00	\$3,700.00					0.5	\$1,850.00	0.5	50%	\$1,850.00	0.5	\$1,850.00
B. EARTHWORK																
1	Earthwork-Strip Topsoil 8"	CY	2,244	\$3.50	\$7,854.00	2244	\$7,854.00					2244	100%	\$7,854.00		
2	Earthwork-Cut to Fill	CY	3986	\$3.00	\$11,958.00	1993	\$5,979.00	1993	\$5,979.00			3986	100%	\$11,958.00		
3	Earthwork-Return Topsoil 5"	CY	1248	\$4.00	\$4,992.00					1248	\$4,992.00	1248	100%	\$4,992.00		
4	Sed Trap Removal-Desilt	LS	1	\$1,500.00	\$1,500.00										1	\$1,500.00
5	Sed Trap Removal-Remove Temp Pipe and Riser	LS	1	2500	\$2,500.00										1	\$2,500.00
6	Sed Trap Removal-Remove Baffle	LS	1	\$300.00	\$300.00										1	\$300.00
7	Sed Trap Removal-Excavation	LS	1	\$3,500.00	\$3,500.00										1	\$3,500.00
C. STORM SEWER																
1	15 HDPE	LF	936	\$55.00	\$51,480.00			834	\$45,870.00			834	89%	\$45,870.00	102	\$5,610.00
2	18 HDPE	LF	84	\$60.00	\$5,040.00			84	\$5,040.00			84	100%	\$5,040.00		
3	24 HDPE	LF	245	\$75.00	\$18,375.00	245	\$18,375.00					245	100%	\$18,375.00		
4	8 PVC Roof Drain Header	LF	870	35	\$30,450.00										870	\$30,450.00
5	Roof Drain Cleanout	EA	8	\$100.00	\$800.00										8	\$800.00
6	4 ft C Inlet	EA	2	\$2,500.00	\$5,000.00			2	\$5,000.00			2	100%	\$5,000.00		
5	4 ft M Double Inlet	EA	3	\$3,850.00	\$11,550.00			3	\$11,550.00			3	100%	\$11,550.00		
6	4 ft M Inlet	EA	5	\$2,350.00	\$11,750.00			4	\$9,400.00			4	80%	\$9,400.00	1	\$2,350.00
7	Storm Manholes	EA	6	\$3,000.00	\$18,000.00	2	\$6,000.00	4	\$12,000.00			6	100%	\$18,000.00		
8	Tie Into Existing Inlet	EA	1	\$1,500.00	\$1,500.00	1	\$1,500.00					1	100%	\$1,500.00		
9	Rip/Rap Aprons at Curb Breaks	EA	2	\$850.00	\$1,700.00										2	\$1,700.00
10	UG Basin - 60" Perf. HDPE	LF	611	\$150.00	\$91,650.00	611	\$91,650.00					611	100%	\$91,650.00		
11	UG Basin - 60" HDPE Fittings	EA	4	\$3,000.00	\$12,000.00	4	\$12,000.00					4	100%	\$12,000.00		
12	UG Basin - 6" Perf. Underdrain	LF	103	\$25.00	\$2,575.00	103	\$2,575.00					103	100%	\$2,575.00		
13	UG Basin - PADOT Type 2B Stone	CF	58,000	\$0.50	\$29,000.00	58000	\$29,000.00					58000	100%	\$29,000.00		
14	UG Basin - 40mil Liner (top, bottom, and sides)	SF	13,826	\$2.00	\$27,652.00	13826	\$27,652.00					13826	100%	\$27,652.00		
15	UG Basin - AASHTO Class 3 Non-Woven GT	SF	27,652	\$1.00	\$27,652.00	27652	\$27,652.00					27652	100%	\$27,652.00		
16	UG Basin - Outlet Structure	EA	1	\$15,000.00	\$15,000.00	1	\$15,000.00					1	100%	\$15,000.00		
16	UG Basin - Storm Inlets	EA	4	\$5,250.00	\$21,000.00	4	\$21,000.00					4	100%	\$21,000.00		
17	UG Basin - Storm Manholes	EA	3	\$5,000.00	\$15,000.00	3	\$15,000.00					3	100%	\$15,000.00		
18	Flexstorm Inlet Filters	EA	13	\$1,250.00	\$16,250.00										13	\$16,250.00
D. CONCRETE																
SITE																
1	18" Concrete Curb	LF	2,078	\$18.50	\$38,443.00					1400	\$25,900.00	1400	67%	\$25,900.00	678	\$12,543.00
2	Mountable Islands	LF	250	\$25.00	\$6,250.00										250	\$6,250.00
3	Sidewalks 4" th on 4" 2b Stone	SF	2,404	\$6.00	\$14,424.00										2404	\$14,424.00

HIGHER ROCK

PAGE 2 OF 3

Montgomery Township Escrow Release Tracking

Release No.:					1		2		3		Total Requests			Remaining Balance	
Date:					08/28/23		9/29/2023		10/26/2023		To Date Including Current			Remaining Balance	
Description	Unit	Quant.	Unit Price	Total	QUANT	TOTAL	QUANT	TOTAL	QUANT	TOTAL	Quant	%	Total	Quant.	Total
4 Handicap Ramps inc. DWS	EA	2	\$2,500.00	\$5,000.00										2	\$5,000.00
5 ADA Turn Pads	EA	7	\$200.00	\$1,400.00										7	\$1,400.00
6 Driveway Aprons 6" th on 6" 2A	SF	4,543	\$7.00	\$31,801.00										4543	\$31,801.00
FIREHOUSE															
7 Firehouse-Cut/Strip Topsoil/rough grade	LS	1	\$1,500.00	\$1,500.00										1	\$1,500.00
8 Firehouse-5' Wide Sidewalk 4" th on 4" 2b Stone	SF	1,830	\$15.00	\$27,450.00										1830	\$27,450.00
9 Firehouse-Handicap Ramps inc DWS	EA	5	\$2,500.00	\$12,500.00										5	\$12,500.00
10 Firehouse-Curb Remove and Replace	LF	80	\$50.00	\$4,000.00										80	\$4,000.00
11 Firehouse-Blacktop Restoration	SF	145	\$25.00	\$3,625.00										145	\$3,625.00
12 Firehouse-Topsoil Rake & Seed	SF	1,464	\$1.00	\$1,464.00										1464	\$1,464.00
13 Firehouse-Crosswalks	EA	2	\$1,200.00	\$2,400.00										2	\$2,400.00
14 Firehouse-Stop Bar	EA	1	\$850.00	\$850.00										1	\$850.00
15 Firehouse-Traffic Control	LS	1	\$5,000.00	\$5,000.00										1	\$5,000.00
E. PAVING & SIGNS															
1 Roadway-Fine Grade	SY	2,746	\$1.50	\$4,119.00					2652	\$3,978.00	2652	97%	\$3,978.00	94	\$141.00
2 Roadway-3" 2A Modified	SY	2,746	\$6.50	\$17,849.00					2652	\$17,238.00	2652	97%	\$17,238.00	94	\$611.00
3 Roadway-5" 25mm Binder PG 64-22	SY	2,746	\$19.50	\$53,547.00					2652	\$51,714.00	2652	97%	\$51,714.00	94	\$1,833.00
4 Parking-Fine Grade	SY	1,445	\$1.50	\$2,167.50										1445	\$2,167.50
5 Parking-3" 2A Modified	SY	1,445	\$6.50	\$9,392.50										1445	\$9,392.50
6 Parking-5" 25mm Binder PG 64-22	SY	1,445	\$19.50	\$28,177.50										1445	\$28,177.50
7 Roadway-1.5" 9.5mm Wearing PG 64-22	SY	2,746	\$12.00	\$32,952.00										2746	\$32,952.00
8 Parking-1.5" 9.5mm Wearing PG 64-22	SY	1,445	\$12.00	\$17,340.00										1445	\$17,340.00
9 Traffic Signs	EA	23	\$200.00	\$4,600.00										23	\$4,600.00
10 Stop Bar	EA	1	\$150.00	\$150.00										1	\$150.00
11 Crosswalks	EA	1	\$850.00	\$850.00										1	\$850.00
12 Parking Stalls	EA	45	\$10.00	\$450.00										45	\$450.00
F. LIGHTS															
1 Street Lights	EA	10	\$4,500.00	\$45,000.00										10	\$45,000.00
2 Relocate Light at entrance	EA	1	\$1,850.00	\$1,850.00										1	\$1,850.00
G. LANDSCAPING															
1 Rake and Seed Grass Areas	SF	38,675	\$0.10	\$3,867.50										38675	\$3,867.50
2 Meadow Seeding Ernst Mix 153	SF	22,830	\$0.15	\$3,424.50										22830	\$3,424.50
3 Canopy Trees (3" Cal.)	EA	46	\$600.00	\$27,600.00										46	\$27,600.00
4 Canopy Trees (2.5" Cal.)	EA	52	\$500.00	\$26,000.00										52	\$26,000.00
5 Evergreen Trees	EA	16	\$550.00	\$8,800.00										16	\$8,800.00
6 Ornamental Trees	EA	16	\$400.00	\$6,400.00										16	\$6,400.00
7 Shrubs	EA	114	\$90.00	\$10,260.00										114	\$10,260.00
H. OTHER															
1 Survey and Stakeout	LS	1	\$20,500.00	\$20,500.00	0.25	\$5,125.00			0.5	\$10,250.00	0.75	75%	\$15,375.00	0.25	\$5,125.00
2 Trash Pad & Enclosure	LS	1	\$15,000.00	\$15,000.00										1	\$15,000.00
3 Fence Panels on Wall	EA	2	\$250.00	\$500.00										2	\$500.00
4 As Built	LS	1	\$5,000.00	\$5,000.00										1	\$5,000.00
5 Pins and Monuments	LS	1	\$1,500.00	\$1,500.00										1	\$1,500.00
I. ANNUAL CONSTRUCTION COST INCREASE PER PA MPC \$509(h)															
1 10% Annual Construction Cost Increase (Balance as of mm/dd/yy - \$0.00)	LS	1												1	
J. CONTINGENCY															
1 10% Contingency (Released in accordance with the terms of the Land Development Agreement)	LS	1	\$99,007.19	\$99,007.19			1	\$40,999.35			1	41%	\$40,999.35		\$58,007.84

HIGHER ROCK

PAGE 3 OF 3

Montgomery Township Escrow Release Tracking

				Release No.:	1	2	3	Total Requests							
				Date:	08/28/23	9/29/2023	10/26/2023	To Date Including Current				Remaining Balance			
Description	Unit	Quant.	Unit Price	Total	QUANT	TOTAL	QUANT	TOTAL	QUANT	TOTAL	Quant	%	Total	Quant.	Total
CONSTRUCTION SUBTOTAL				\$1,089,079.09		\$309,405.50		\$141,587.35		\$115,922.00			\$566,914.85		\$522,164.24
Engineering & Inspection			10% \$	45,000.00											\$45,000.00
Administration Fee (% of Eng. & Insp.)			2% \$	5,000.00											\$5,000.00
TOTALS				\$1,139,079.09		\$309,405.50		\$141,587.35		\$115,922.00			\$666,914.85		\$672,164.24

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS
BOARD ACTION SUMMARY
Item #05d

SUBJECT:	Ratification of Real Estate Tax Appeal Settlement – 947 Bethlehem Pike
MEETING DATE:	November 13, 2023
BOARD LIAISON:	Audrey R. Ware
INITIATED BY:	Brian Shapiro, Director of Finance

BACKGROUND:

The School District filed an appeal for the property tax related to 947 Bethlehem Pike (TMP 46-00-00130-00-4) for the 2022 tax year. On October 25, 2021, after the School District presented information to the Board of Assessment Appeals (“BOAA”) the BOAA issued a “Notice of No Change in Assessment” determination. The Taxpayer thereafter filed an appeal to the Court of Common Pleas. The proposed settlement negotiated between the School District and the Taxpayer is a fair market value of \$4,480,000.00 for Tax Year 2022. Applying the applicable Common Level Ratio, the assessed value would become \$2,002,560.00, resulting in an increase of the assessed value of \$621,360.00 for 2022.

BUDGET IMPACT:

Based on the proposed settlement, the Taxpayer will owe an additional \$2,526.46 for the 2022-2023 Tax Years. Additionally, the assessed value of the Property will increase by \$209,200.00 for the 2024 Tax Year.

RECOMMENDATION:

The Solicitor’s office has reviewed the proposed settlement and recommends the Board of Supervisors approve the settlement.

MOTION/RESOLUTION:

Motion to approve as part of the consent agenda.

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS

BOARD ACTION SUMMARY

Item #5e

SUBJECT:	Ratification of Real Estate Tax Appeal Settlement – 1070 Bethlehem Pike
MEETING DATE:	November 13, 2023
BOARD LIAISON:	Audrey R. Ware
INITIATED BY:	Brian Shapiro, Director of Finance

BACKGROUND:

The School District filed an appeal for the property tax related to 1070 Bethlehem Pike (TMP 46-00-00269-00-9) for the 2022 tax year. On October 25, 2021, after the School District presented information to the Board of Assessment Appeals ("BOAA") the BOAA issued a "Notice of No Change in Assessment" determination. The Taxpayer thereafter filed an appeal to the Court of Common Pleas. The proposed settlement negotiated between the School District and the Taxpayer is a fair market value of \$2,520,000.00 for Tax Year 2022. Applying the applicable Common Level Ratio, the assessed value would become \$1,126,440.00, resulting in an increase of the assessed value of \$369,040.00 for 2022.

BUDGET IMPACT:

Based on the proposed settlement, the Taxpayer will owe an additional \$1,517.80 for the 2022-2023 Tax Years. Additionally, the assessed value of the Property will increase by \$137,200.00 for the 2024 Tax Year.

RECOMMENDATION:

The Solicitor's office has reviewed the proposed settlement and recommends the Board of Supervisors approve the settlement.

MOTION/RESOLUTION:

Motion to approve as part of the consent agenda.

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS

BOARD ACTION SUMMARY

Item #05f

SUBJECT:	Ratification of Real Estate Tax Appeal Settlement – 295 DeKalb Pike
MEETING DATE:	November 13, 2023
BOARD LIAISON:	Audrey R. Ware
INITIATED BY:	Brian Shapiro, Director of Finance

BACKGROUND:

The School District filed an appeal for the property tax related to 295 DeKalb Pike (TMP 46-00-00715-00-4) for the 2022 tax year. On October 25, 2021, after the School District presented information to the Board of Assessment Appeals (“BOAA”) the BOAA issued a “Notice of No Change in Assessment” determination. The School District thereafter filed an appeal to the Court of Common Pleas. The proposed settlement negotiated between the School District and the Taxpayer is a fair market value of \$4,100,000.00 for Tax Year 2022. Applying the applicable Common Level Ratio, the assessed value would become \$1,832,700.00, resulting in an increase of the assessed value of \$145,180.00 for 2022.

BUDGET IMPACT:

Based on the proposed settlement, the Taxpayer will owe an additional \$361.50 for the 2022 Tax Year. The assessed value of the Property will remain at the current value for the 2024 Tax Year.

RECOMMENDATION:

The Solicitor’s office has reviewed the proposed settlement and recommends the Board of Supervisors approve the settlement.

MOTION/RESOLUTION:

Motion to approve as part of the consent agenda.

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS
BOARD ACTION SUMMARY
Item #06

SUBJECT: Atlas Broadband Solutions, Inc. – Preliminary/Final Land Development Application LDS#23-006
MEETING DATE: November 13, 2023
BOARD LIAISON: Candyce Fluehr Chimera, Chairwoman
INITIATED BY: Carolyn McCreary, Township Manager

BACKGROUND:

The applicant is proposing to subdivide an existing 1.61 acre parcel located at 1011 Lansdale Avenue into two lots. Proposed Lot 1 will retain the existing single-family detached home, detached garage, and associated driveway. Proposed Lot 2, creates a flag lot, for a new single-family detached home and new driveway with access off of Lansdale Avenue. In the R-2 zoning district, flag-lots are permitted when approved by Conditional Use. The Conditional Use was granted by the Board of Supervisors during the September 26, 2023 public hearing.

Township staff and consultants have had the opportunity to review the details of the land development plan, and the corresponding review letters and waiver requests are in your packet.

This application was presented and reviewed by the Planning Commission at their October 19, 2023 public meeting. The minutes from that meeting are included in your packet.

If the Board chooses to grant preliminary/final approval, they will need to do so by adopting a resolution which has been drafted by the Township Solicitor's office.

MOTION/RESOLUTION:

Motion to adopt Resolution No. 2023-17 approving the preliminary/final land development application with requested waivers for Atlas Broadband Solutions, Inc.

- 1) Motion by: _____ Second by: _____
- 2) Chairwoman will ask for public comment.
- 3) Chairwoman will call for vote.

RESOLUTION 2023-17

**MONTGOMERY TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

**RESOLUTION FOR MINOR SUBDIVISION PLAN APPROVAL FOR
ATLAS BROADBAND SOLUTIONS, INC. FOR A TWO LOT SUBDIVISION
OF 1011 LANSDALE AVENUE RESULTING IN A FLAG LOT**

WHEREAS, Act 247 of 1968, the Pennsylvania Municipalities Planning Code, empowers the Montgomery Township Board of Supervisors to regulate subdivisions and land developments within the Township;

WHEREAS, Montgomery Township desires orderly and appropriate land use and development to protect the health, safety, and welfare of residents;

WHEREAS, Broadband Solutions, Inc. ("Applicant") is the legal owner of a certain 1.61+/- acre property with an address of 1011 Lansdale Avenue, Montgomery Township, Pennsylvania, being Montgomery County Parcel Number 46-00-03541-00-4, in the Township's R-2 Residential Zoning District ("Property");

WHEREAS, the Applicant is proposing to subdivide the Property into two lots, with proposed Lot 1 (28,017 sq.ft.) retaining the existing single-family dwelling, detached garage and associated driveway, and proposed Lot 2 (37,842 sq.ft. flag lot) to contain a future single-family detached dwelling, new driveway, associated trees/landscaping, and stormwater management improvements ("Project");

WHEREAS, the Applicant has filed with the Township a certain minor subdivision plan for the Project prepared by STA Engineering, Inc., dated April 17, 2023 and last revised on July 14, 2023 ("Plan");

WHEREAS, the Applicant received conditional use approval from the Montgomery Township Board of Supervisors on September 26, 2023 to permit the creation of a flag lot, subject to certain conditions;

WHEREAS, the Montgomery Township Planning Commission and Montgomery County Planning Commission have reviewed the Plan and approve of the Project;

WHEREAS, the Applicant now desires the Township approve the Plan pursuant to Section 508 of the Pennsylvania Municipalities Planning Code;

NOW, THEREFORE, BE IT RESOLVED by the Montgomery Township Board of Supervisors, that the Plan is **APPROVED** subject to the following conditions:

A. Conditions of Plan Approval.

1. The Applicant must ensure that the Plan, and all other associated plans submitted for the Project, address any outstanding comments and conditions in the August 30, 2023 Gilmore & Associates, Inc. Plan Review Letter (including Planning, Landscaping, Traffic, Engineering comments/conditions). Further, the Applicant shall comply with future review letters related to the Plan revisions made in response to prior comments to the reasonable satisfaction of the Township Engineer.
2. The Applicant must comply with and address any outstanding comments and conditions in the August 15, 2023 CKS Engineers review letter of the Montgomery Township Municipal Sewer Authority related to the current Plan submission and future Plan revisions made in response to prior comments to the reasonable satisfaction of the Authority's Engineer.
3. The Applicant must comply with and address any outstanding comments in the August 31, 2023 Zoning Review Letter to the reasonable satisfaction of the Township Zoning Officer.
4. The Applicant must comply with and address any outstanding comments and conditions in the August 9, 2023 Montgomery Township Department of Fire Services review letter to the reasonable satisfaction of the Township Fire Chief.
5. The Applicant must comply with and address any outstanding comments and conditions in the August 4, 2023 Montgomery Township Police Department review letter to the reasonable satisfaction of the Township Police Chief.
6. The Applicant shall comply with September 26, 2023 Montgomery Township Board of Supervisors Opinion and Order for the Property and Project, including the conditions imposed therein.
7. A subsequent recordable final plan shall be submitted for internal Township review that addresses all Township review letter requests for further Plan details and clarifications.
8. Applicant must comply with any applicable requirements of the Montgomery County Conservation District, Pennsylvania Department of Environmental Protection ("PaDEP"), Pennsylvania Department of Transportation (including, but not limited to, obtaining any necessary Highway Occupancy Permits and Signal Permits required by PennDOT), United States Environmental Protection Agency, the Montgomery Township Municipal Sewer Authority ("MTMSA"), the North Wales Water Authority, or any other necessary outside agency, and obtain any necessary planning modules, approvals, or permits from such agencies, or enter into any required agreements such agencies require, before the Plan is recorded.
9. The conditions of this Resolution must be satisfied before the issuance of a building permit for the Project, unless otherwise specified herein. Further, the Applicant understands that building permits will not be issued until a PaDEP Sewage Planning Module has been issued, the MTMSA has issued a connection permit, and operable fire hydrant(s), if shown on the

Plan, have been installed and approved by the Township, and all fees required to be paid under this Resolution have been paid.

10. Prior to commencing any development of the Project, including any permits to be issued for any construction related to the single-family house to be constructed on Lot 2 or the house's associated improvements and/or grading, Applicant (or the successor or assign of the Applicant) must complete and record all required easements and/or maintenance agreements or declarations, including, but not limited to: 1) a stormwater management facilities operation and maintenance agreement (requiring, in part, perpetual maintenance of all stormwater management facilities installed according to the Plan by the landowner of the Property or, if applicable and approved by the Township, the landowner(s) of the separate, subdivided lot(s) where new facilities are installed; and 2) a landscaping declaration of covenants and restrictions (requiring, in part, perpetual maintenance of all trees and plantings installed according to the Plan by the Applicant and/or, if approved by the Township, by the landowner(s) of the separate, subdivided lots where such trees/plantings are to be installed pursuant to the Plan). Both documents shall be in forms reasonably satisfactory to the Township Engineer and Township Solicitor. The Applicant will provide all necessary legal descriptions for any necessary easements.
11. Prior to commencing any development of the Project, including any permits to be issued for any construction related to the single-family house to be constructed on Lot 2 or the house's associated improvements and/or grading, the Applicant (or the successor or assign of the Applicant) shall execute a Land Development and Financial Security Agreement to guarantee the installation of all public improvements associated with the Project, including the future development of Lot 2, ("Improvements") on a form drafted by the Township Solicitor. Financial Security shall take the form of a cash escrow held by the Township, an irrevocable standby letter of credit in a form acceptable to the Township Solicitor, or a tri-party agreement in a form acceptable to the Township Solicitor. If Applicant were to post financial security in the form of a bond, the Township Solicitor shall have the unconditional right to review the bond and must approve the conditions and language of the bond. Further, the bond shall be issued by a "AAA" rate surety, or its equivalent, qualified to do business in Pennsylvania, and shall contain language stating that the bond is to be payable upon demand, absolutely, and unconditionally, and if payment is not made, that the bonding company shall be responsible for reasonable attorneys' fees and costs that are incurred to collect on the bond, plus interest at the annual rate of twelve (12%) percent, for so long as the bond remains unpaid. A bond or letter of credit is required to automatically renew annually until the Improvements detailed on the Plans are completed, any maintenance periods have passed, and the final release is issued by the Township, subject to partial releases being permitted in accordance with Pennsylvania Municipalities Planning Code. To ensure automatic renewal, a bond or letter of credit shall include a 90-day Evergreen Clause in a form acceptable to the Township Solicitor.
12. Financial security shall be posted in the amount of 110% of the total cost of the Improvements. The Applicant agrees that the Improvements shall include, but shall not be limited to, streets, parking areas, striping, drive aisles, curbs, water mains, sanitary sewer pipes, manholes and appurtenances thereto, stormwater facilities, rain gardens and

appurtenances, grading, erosion and sediment controls, public lighting, required trees, shrubs, plantings and landscape buffering, monuments, pins, sidewalks, or other public improvements installed for the Project, including for Lot 2 at a later date, as designated by the Township Engineer. For a period not less than 18 months after Township Engineer approval of the installed Improvements, financial security shall remain posted in the amount of 15% of the total cost of the Improvements for trees/plantings and any Improvements that are to be dedicated to the Township. If the end of maintenance period for trees and other plantings is delayed due to planting schedules and, as a result, ends outside the period specified under Section 205-49 of the Township Code, the maintenance period shall be extended to comply with this requirement and the appropriate financial security shall remain with the Township for such plantings.

13. All outstanding Township fees, including review and recording costs and fees, Township Engineering fees, and Township legal fees, and any other professional fees associated with the review and approval of the application and Plan shall be paid in full before the Plan is recorded, in accordance with the Pennsylvania Municipalities Planning Code.
14. New deeds for the newly created lots must be approved by the Township Solicitor and thereafter recorded contemporaneously with the recording of the Plans. The deed for Lot 2 shall include language specifically excluding a future subdivision per the requirements of the Township Code and Conditional Use Order.
15. Except for the conditions and requirements placed upon the future development as specified herein, this Resolution shall not apply in any way to any future construction or land development on the new lot. Upon any applicable construction or commencement of land development on the new lot, the Applicant will obtain any necessary Township approvals, relief, and/or permits, and pay all applicable fees, unless additional relief is obtained.
16. Prior to commencing any development of the Project, including any permits to be issued for any construction related to the single-family house to be constructed on Lot 2 or the house's associated improvements and/or grading, and in addition to the financial security posted for the Project, Applicant (or the successor or assign of the Applicant) shall deposit with the Township or otherwise establish a reasonable sum of monies with the Township, in an amount to be reasonably determined by the Township Engineer, as to be further described in the Land Development and Financial Security Agreement, for the reimbursement of the Township's reasonable engineering, inspection, legal, and related administrative costs and expenses related to the further reviews, inspections, and development of the Project, in accordance with the Pennsylvania Municipalities Planning Code. A seven and one-half (7.5%) charge will be applied to each monthly invoice to cover Township administration charges and costs, with such charges being deducted from the Applicant's escrow. Such fees shall not exceed those charged to the Township by such professionals rendering the applicable services related to the Plan and Project.
17. A note shall be included on the Plan prior to recording that lists any waivers granted by the Board of Supervisors and any conditions of Conditional Use approval.

18. A note shall be included on the Plan prior to recording that provides for the requirements of the landowners of each lots to maintain the stormwater management facilities and trees/landscaping installed on their respective lots pursuant to the Project, pursuant the agreements and covenants required under this Resolution and the Township Code.
19. All stormwater inlets and outfall structures shall be identified in accordance with the PaDEP Municipal Separate Storm Sewer Systems requirements, if required.
20. Pursuant to Section 205-116.A(2), prior to the issuance of any building permit for the Project, Applicant shall pay a fee in lieu of dedicated parkland in the amount of \$2,000 per new dwelling unit to be constructed.
21. The terms and conditions of this Resolution shall run with the land and shall apply to any assignee, transferee, or other successor in interest in the Property, including each newly subdivided lot, or the development of the Project. This Resolution or a memorandum of this Resolution may be recorded against the Property by the Township, or a subdivided portion of the Property, at the Township's sole discretion, to which the then-current landowner of the Property shall be deemed to have consented to such recording. Regardless of whether this Resolution is recorded, the Township shall have the right to enforce any violations of the conditions of this Resolution as a violation of the Township's Subdivision of Land Chapter and/or pursuant to Section 616.1 of the Pennsylvania Municipalities Planning Code.

B. Waivers. The Applicant has requested the following waivers from the Township's Subdivision of Land and/or Stormwater Management Chapters pursuant to a written waiver request. An indication that a waiver was granted reflects that the Township has determined that the Applicant has sufficiently established that the literal enforcement of the provision waived will exact undue hardship because of peculiar conditions pertaining to the land in question, and that the waiver is not contrary to the public interest or otherwise contrary to the purpose and intent of the Township Code, as demonstrated and explained by appearances of the Applicant before the Board at public meetings and through the waiver request letter(s) submitted. A lack of indication of the decision on the waiver after the Township has executed this Resolution shall be interpreted to mean that the waiver was granted, unless the minutes of the associated Township meeting reflect otherwise:

1. From Section 205-75, which requires the filing of a preliminary plan, due to the Plan being a minor subdivision plan. The waiver is hereby:

Granted _____ Denied _____

2. From Section 205-18.A(3)(a) to allow the storm sewer collection/conveyance pipes to be 10 inches in diameter when 15 inches is required. The waiver is hereby:

Granted _____ Denied _____

3. From Section 205-18.D(4)(d) to not provide the required minimum 4 foot high fence around the top of the surface stormwater facility, as the proposed facility is 6 inches deep to the spillway and 1 foot deep to the berm. The waiver is hereby:

Granted _____ Denied _____

4. From Section 205-52.E(6)(e), which requires a minimum of 50% of the circumference of any stormwater management facility to be planted with a mix of trees and shrubs, to instead plant the required shrubs but allow the existing trees adjacent to the stormwater facility to be preserved to fulfill this requirement. The waiver is hereby:

Granted _____ Denied _____

5. From Section 205-787.B.1, which requires all features within 400 feet of the site to be included in the plans, to instead allow an aerial plan sheet to show features within 400 feet. The waiver is hereby:

Granted _____ Denied _____

6. From Sections 205-10.D(1)(a) & 205-17.D(1), which requires an additional 10 feet of widening with curb along the frontages of Lots 1 and 2 on Lansdale Avenue. The waivers are hereby:

Granted _____ Denied _____

7. From Section 205-22.A, which requires sidewalks at any location where the Board of Supervisors determine that sidewalks are necessary for public safety and convenience, to instead not install sidewalks. The waiver is hereby:

Granted _____ Denied _____

In the event that a signed, Applicant acknowledged/accepted Resolution is not delivered to the Township within ten (10) days from receipt, it shall be deemed that the Applicant does not accept these conditions, and approvals conditioned upon this acceptance are revoked, and the application shall be considered to be denied for the comments and reasons of incompleteness set forth in the review letters listed above.

RESOLVED AND APPROVED this 13th day of November, 2023.

ATTEST:

**MONTGOMERY TOWNSHIP
BOARD OF SUPERVISORS**

By: _____
Carolyn McCreary, Township Secretary

By: _____
Candyce Chimera, Chair of the
Montgomery Township Board of Supervisors

ACCEPTANCE OF CONDITIONS:

I/We, _____, being the authorized representative for the Applicant, Atlas Broadband Solutions, Inc. do hereby acknowledge and accept the approval for the Plan issued by the Montgomery Township Board of Supervisors and accept the conditions contained therein, as recited above. By assigning this Resolution, the Applicant is signifying acceptance of the conditions contained herein.

APPLICANT: Atlas Broadband Solutions, Inc.

By: _____

Print: _____

Date: _____

WITNESS:

Name: _____ Date: _____



July 14, 2023

Amended October 10, 2023

Amended October 24, 2023

Montgomery Township
1001 Stump Road
Montgomeryville, PA 18936-9605

Attn: Carolyn McCearry, Township Manager

Subj: 1011 Lansdale Avenue - WAIVER REQUEST LETTER
Parcel No. 46-00-03541-00-4
Montgomery Township, Montgomery County, PA
STA Project #6186

Dear Carolyn:

With regard to the above-captioned project, and on behalf of our client, I respectfully request waivers from the Subdivision and Land Development Ordinance and Stormwater Management Ordinance as follows:

1. From §205-18.A(3)(a): Which requires storm pipes to have a minimum internal diameter of 15-inches. ***(A waiver is requested to allow the storm sewer collection/conveyance pipes to be 10-inches in diameter. 10-inch diameter pipes have the capacity to convey the stormwater flows and 15-inch pipes are not needed. The pipes are in yard areas and will be maintained by the property owner.)***
2. From §205-18.D.(4)(d): Which requires a minimum 4-feet high fence around the top of the surface stormwater facility. ***(A waiver is requested to not provide the required fence. The surface stormwater facility is shallow – 6-inches deep to the spillway and 1 foot deep to the berm. The maximum calculated 100-year water surface elevation is just 2-inches deep. At all times, the ponding depth will be less than 2 feet.)***
3. From §205-52.E.(6)(e): Which requires a minimum of 50% of the circumference of any stormwater management facility be planted with a mix of trees and shrubs. ***(A partial waiver is requested to plant the required shrubs, but to allow the existing, to be preserved, trees adjacent to the stormwater management facility to meet the tree requirement.)***
4. From §205-78.B.1: Which requires all features within 400 feet of the site to be included on the plans. ***(A waiver is requested to allow the provided aerial plan sheet to show features within 400 feet of the site. All existing features needed for design and review of the plans is provided and any additional needed information will be provided upon request.)***

Carolyn McCeary, Township Manager

July 14, 2023

Amended October 10, 2023

Amended October 24, 2023

Page 2

In response to the Gilmore & Associates, Inc. letter dated August 30, 2023, the following additional waivers are requested:

5. From §205-10.D(1)(a) & §205-17.D(1): Which requires an additional 10 ft. of widening with curb along the frontages of Lots 1 and 2 on Lansdale Avenue, S.R. 2006. *(A waiver is requested to not provide the curb or widening along the property frontage. Lansdale Avenue is a state road and is a consistent width on the south side for more than 500 ft. in either direction. The installation of curb would not allow for drainage to leave the cartway as it does now. Currently, most of the drainage from the road sheet flows onto the project site. The property is at a high point and the altered and increased drainage, due to the additional impervious surface, would be directed to both properties adjacent to the project site if curb was installed.)*
6. From §205-22.A: Which requires sidewalks at any location where the Supervisors shall determine that sidewalks are necessary for public safety or convenience. *(A waiver is requested to not provide sidewalk along the property frontage on Lansdale Avenue. The installation of sidewalks along this property frontage would not continue or connect to any existing pedestrian path on the south side of Lansdale Avenue. All sidewalks on Lansdale Avenue exist on the north side.)*

Based on the planning commission meeting discussion on October 19, 2023, the following additional waiver is requested:

7. From §205-75: Which requires a preliminary plan. *(A waiver is requested to provide a preliminary and final plan concurrently rather than separately given the minor nature of the subdivision.)*

To the best of my knowledge this is a complete list of all relief being sought by the applicant in connection with this project.

Respectfully submitted,



Susan A. Rice, P.E.

S.T.A. Engineering, Inc.

cc: Marianne McConnell, Montgomery Township Assistant Director of Planning and Zoning
Judith Stern Goldstein, R.L.A., ASLA, Gilmore & Associates, Inc.
Valerie L. Liggett, R.L.A., ASLA, ISA Cert. Arborist, Gilmore & Associates, Inc.
James P. Dougherty, P.E., Gilmore & Associates, Inc.
Atlas Broadband Solutions, Inc., applicant



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

DATE: August 31, 2023

APPLICANT: Atlas Broadband Solutions, Inc.
Mr. Anthony Rossi
800 Tristan Way
Schwenksville, PA 19473

PROJECT NAME: Lansdale Avenue / Minor Subdivision
Proposed Subdivision – 2 lots with flag lot

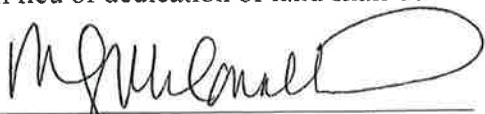
TWP PROJECT #: LD-23-006 *revised plans dated 7/14/2023*

The Township Planning & Zoning Department has conducted a preliminary review of the proposed project noted above.

The subject parcel is an existing 65,859 square foot lot on Lansdale Avenue. The applicant proposes to subdivide the property into two lots creating create a flag lot in the rear. Lot 1 will consist of the existing home and future detached garage. Lot 2 will is the proposed flag lot to be improved with a single family detached dwelling and associated improvements.

Comments:

1. Section 230-156.5B, Special Regulations for Flag Lots. Flag lots, subject to the above regulations, shall be permitted when approved as a conditional use by the Board of Supervisors. The applicant must submit a Conditional Use application to the Board of Supervisors for approval prior to moving forward with the Land Development process. Application has been submitted and scheduled for the Board of Supervisors during their September 26, 2023 meeting.
2. Both lots comply with the dimensional requirements of the the R-2 regulations and special provisions for flag lots (230-156.5)
3. Section 230-156.5A(3) requires the driveway serving the flag lot shall be paved and provide a minimum of 12 feet width and shall provide a vertical clearance of not less than 13 feet six inches. The driveway serving lot 2 is not depicted on the plan, however, note 21 indicates compliance.
4. Sections 205-113 thru 205-116. Dedication of land / Alternatives to dedication of land. A fee in lieu of dedication of land shall be calculated at \$2,000 per dwelling unit.



Zoning Officer

8/31/23

date



GILMORE & ASSOCIATES, INC.
ENGINEERING & CONSULTING SERVICES

August 30, 2023

File No. 2023-05031

Marianne McConnell, Assistant Director of Planning and Zoning
Montgomery Township
1001 Stump Road
Montgomeryville, PA 18936-9605

Reference: Atlas Broadband Minor Subdivision LDS-23-006
1011 Lansdale Avenue
Tax Parcel #46-00-03541-00-4

Dear Marianne:

As requested, Gilmore & Associates, Inc. has reviewed the subdivision plan for the above-referenced project and offers the following comments for consideration by the Montgomery Township Board of Supervisors:

- A. Minor Subdivision Plan for Atlas Broadband Solutions, Inc., 1011 Lansdale Avenue, prepared by STA Engineering, Inc., dated April 17, 2023, last revised July 14, 2023.
- B. Stormwater Management Report for Atlas Broadband Solutions, Inc., 1011 Lansdale Avenue, prepared by STA Engineering, Inc., dated April 17, 2023, last revised July 14, 2023.
- C. Response letter from STA Engineering, Inc., dated July 27, 2023.
- D. Waiver Request letter from STA Engineering, Inc., dated July 14, 2023.
- E. Legal Descriptions prepared by STA Engineering, Inc., dated July 17, 2023.

The subject property is a 1.61-acre parcel with an existing single-family detached dwelling, detached garage, and associated driveway. The site is within the R-2 Residential Zoning District. The applicant, Atlas Broadband, proposes to subdivide the existing lot into 2 lots. Proposed Lot 1 will be 28,017 square feet in area and retain the existing single-family detached dwelling, detached garage, and associated driveway. Proposed Lot 2, a flag lot, is to be 37,842 square feet for a proposed single-family detached dwelling. Lot 1 will continue to be accessed via the private drive and Lot 2 will be accessed via a new driveway to Lansdale Avenue (SR2006). Lot 2 will contain a seepage bed/rain garden in the southernmost corner of the lot. The newly created Lot 1, existing home, is serviced by public water and sewer. The proposed Lot 2 will also be served by public water and sewer.

The applicant has obtained a permit from PennDOT to install a new minimum use driveway (Permit No. 06115774).

PLANNING REVIEW

- 1. Use – As per ZO Section 230-31, the proposed single-family detached dwelling is permitted within the R-2 Zoning District. Lot 2 is a proposed flag lot. As per ZO Section 230-156.5.B, flag lots shall be permitted when approved as a conditional use by the Board of Supervisors.
- 2. Existing Conditions and Surrounding Land Uses
 - a. The site is currently residential and contains one single-family detached dwelling with an accessory structure (garage).
 - b. The site is located in the R-2 Residential District and has frontage along Lansdale Avenue.

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

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

3. Consistency with the Comprehensive Plan

As per the 2022 Comprehensive Plan Update the property is identified as single-family residential. The Future Land Use Plan identifies the property as lower density residential. The proposed subdivision is generally consistent with the Montgomery Township Comprehensive Plan.

4. Traffic and Pedestrian Circulation Patterns

- a. The existing residential dwelling has a private access driveway off Lansdale Avenue. The plans propose to subdivide the property into two lots. The second lot will be a flag lot with an access driveway also off Lansdale Avenue.
- b. There are no existing pedestrian walkways along the frontage of the site on Lansdale Avenue. The plans do not propose any pedestrian improvements.

LANDSCAPE REVIEW

Subdivision and Land Development Ordinance (Chapter 205)

5. §205-48.C requires that all landscape plans be prepared by a landscape architect registered by the Commonwealth of Pennsylvania. The plans shall be revised to provide the registration information for the landscape architect responsible for preparation of the landscape plan, or a waiver would be required.
6. §205-51.A(9) requires the landscape plan to provide the common name of existing naturalized individual trees with trunks 8" in diameter or more. The landscape plan shall be revised to provide the required information.
7. §205-1.A(19) requires the provision of a detailed cost estimate along with the final landscape plan submission. The required information shall be provided at the time of final plan submission.
8. §205-52.E(5) and (6) outline the requirements for the seeding of stormwater management facilities. The stone bed detail on Sheet 7 of 9 indicates that the rain garden is to be seeded with ERNMX-180 or approved equal. However, seed mix composition, seeding rates, and rates of seeding for the proposed annual ryegrass nurse crop have not been provided. The plans shall be revised to provide additional information regarding the seed mix proposed to be used in this location.
9. §205-52.E(7)(d) requires that a minimum of 50% of the circumference of stormwater management facilities be planted with a mix of trees and shrubs. The plans propose the required shrubs and propose that existing trees be used to meet the tree planting portion of this requirement. A waiver has been requested.
10. The tree protection fencing detail shall be revised to specify that tree protection fencing shall be installed 15' from the trunks of trees, at the dripline, or as depicted on the plan, whichever is greater.
11. On a site visit conducted by Susan Rice of STA and Valerie Liggett of Gilmore & Associates on 6/13/23 it was determined that one (1) 20" tree on the site would not be required to be included in the tree replacement calculations due to its hazardous condition. The tree in question should be called out on the plans to document why it has not been included in the tree replacement calculations.
12. The replacement tree schedule indicates that Picea abies trees are keyed as AR. However, they are shown on the plan as PA. The plans shall be revised to correct this discrepancy.

TRAFFIC REVIEW

Subdivision and Land Development Ordinance (Chapter 205)

13. §92-2.H - Clear site triangles. Clear sight triangles shall be provided where driveways intersect streets. The dimensional standards shall be determined by the classification of street which the driveway intersects. A 10-foot clear triangle measured from the edge of paving is appropriate for a single-family residential driveway. The clear site triangles are shown on the plans but shall be located at the edge of driveway paving.
 - a. Vegetation to the south of the driveway has previously been denser based on historic images. Some of the remaining vegetation appears to have the potential to regrow and may impact the sight distance to the left when exiting the driveway. Periodic trimming and or clearing of the vegetation along the 1009

Lansdale Avenue frontage may be required to maintain the safe minimum sight distance. It is recommended the applicant work with the adjacent property to ensure this area can be trimmed and maintained as needed.

- b. A sight distance easement may be required.
- 14. §205-10.D(1)(a) & §205-17.D(1) – All streets, public and private, shall have curbs. The Board shall determine if curbing is to be required along the frontages of Lots 1 and 2 on Lansdale Avenue (S.R. 2006). We note that if curbs are considered, they should be located with the ultimate right-of-way in mind. Utility relocations as well as storm water management facilities would most likely be required. Also noted is that there is no existing curb on the site's side of Lansdale Avenue. The addition of curbs would require approval from PennDOT.
- 15. §205-22.A – Sidewalks shall be required at any location where the Supervisors shall determine that sidewalks are necessary for public safety or convenience.
- 16. The proposed Lot 2 driveway radii extends onto the adjacent 1009 Lansdale Avenue site frontage but within the PennDOT legal right-of-way. The applicant will need to obtain consent for this radii construction from the adjacent property or the driveway modified to eliminate the encroachment.

General Comments

- 17. Label the profiles on sheets 7 & 8, i.e., stormwater profile, roadway profile etc.
- 18. Label all radii along the proposed driveway.

ENGINEERING REVIEW

Zoning Ordinance (Chapter 230)

- 19. §205-156.5.B - Flag lots shall be permitted when approved as a conditional use by the Board of Supervisors. The applicant has applied for conditions use that is currently under review by the Township.

Subdivision and Land Development Ordinance (Chapter 205)

- 20. §205-18.A(3)(a) - For storm pipes, the minimum internal diameter shall be 15 inches and the minimum grade shall be 1/2 of 1%. The applicant has requested a waiver from this requirement.
- 21. §205-18.D(4)(d) - A minimum four-foot-high fence, to the satisfaction of the Township Engineer, must be installed around the top of all surface stormwater facilities, public or private. It is noted that the maximum water surface elevation expected in the proposed stormwater facility is about 2 inches. Typically, a fence is required when the water depth is 2 feet or greater. The applicant has requested a waiver from this requirement.
- 22. §205-29 - The Montgomery County Conservation District shall issue a letter of adequacy for the site Erosion and Sedimentation Controls prior to construction. The applicant has submitted the project to MCCD for review.
- 23. §205-78.B.1 - All features within 400 feet of the site are to be included on the plans. It is noted That the applicant is utilizing an aerial to show 400 feet beyond the project site. The applicant has requested a waiver from this requirement.

Stormwater Management (Chapter 206)

Based on our review, the Board of Supervisors should consider the following comments regarding the Township Stormwater Management Ordinance.

- 24. §206-40 – The applicant shall enter into an O&M agreement for the private stormwater facilities and BMPs. The agreement shall be to the satisfaction of the Township Solicitor.

General Comments

- 25. The applicant shall provide confirmation from the water and sewer authorities that capacity is available and will be provided. The applicant is in the process of obtaining the required services.

26. The Applicant shall obtain all required approvals, permits, declarations of restrictions and covenants, etc. (e.g. PADEP, PennDOT, MCPC, MCCD, water and sewer authorities, Fire Marshal, etc.). Copies of these approvals and permits should be submitted to the Township and our office.

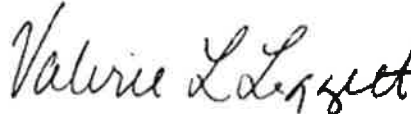
In order to help expedite review of the plan resubmission, we request that the Applicant submit a response letter which addresses each of the above comments. Changes that have been made to the application that are unrelated to the review comments should also be identified in the response letter. Please note that revision and/or modification of the plans may require review and additional comments.

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

Sincerely,



Judith Stern Goldstein, R.L.A., ASLA
Senior Project Manager
Gilmore & Associates, Inc.



Valerie L. Liggett, R.L.A., ASLA, ISA Certified Arborist
Senior Landscape Architect
Gilmore & Associates, Inc.



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



Damon A. Drummond, P.E., PTOE
Senior Transportation Engineer
Gilmore & Associates, Inc.

JSG/VLL/DA/JPD/si

cc: Carolyn McCreary, Township Manager – Montgomery Township
Mary Gambino, Project Coordinator - Montgomery Township
Bill Wiegman, Director of Fire Services – Montgomery Township
Sean Kilkenny, Esq., Solicitor Kilkenny Law
Anthony Rossi - Atlas Broadband Solutions, Inc. – Applicant
Susan Rice, P.E. – STA Engineering, Inc.

**MONTGOMERY COUNTY
BOARD OF COMMISSIONERS**

KENNETH E. LAWRENCE, JR., CHAIR
JAMILA H. WINDER, VICE CHAIR
JOSEPH C. GALE, COMMISSIONER



**MONTGOMERY COUNTY
PLANNING COMMISSION**

MONTGOMERY COUNTY COURTHOUSE • PO Box 311
NORRISTOWN, PA 19404-0311
610-278-3722
FAX: 610-278-3941 • TDD: 610-631-1211
www.MONTGOMERYCOUNTYPA.GOV
SCOTT FRANCE, AICP
EXECUTIVE DIRECTOR

August 15, 2023

Ms. Marianne McConnell, Assistant Director of Planning & Zoning
Montgomery Township
1001 Stump Road
Montgomeryville, Pennsylvania 18936-9605

Re: MCPC #23-0093-002
Plan Name: Atlas Broadband Solutions Conditional Use
(1 lot, approximately 1.51 acres)
Situate: 1011 Lansdale Avenue, near Manor Drive
Montgomery Township

Dear Ms. McConnell:

We have reviewed the above-referenced conditional use application in accordance with Section 502 of Act 247, "The Pennsylvania Municipalities Planning Code," as you requested on August 1, 2023. We forward this letter as a report of our review.

BACKGROUND

Atlas Broadband Solutions, Inc. has submitted a conditional use application for a subdivided 65,859 square foot lot along Lansdale Avenue between Beechwood Drive and Manor Drive into a 28,017 square foot lot containing the existing dwelling and a to-be-rebuilt garage, and a second flag lot measuring 37,842 square feet in gross area to the rear of the original lot. A single-family detached dwelling is proposed to be built on the new flag lot, with the limit of construction disturbance contained to the new lot. Both lots would comply with the zoning criteria in the R-2 Residential district, including the special provisions for flag lots, such as requiring 150% of the minimum lot size, not including the access strip. A stone bed is proposed in the rear of Lot 2 to manage stormwater, and a waiver is requested for the required installation of street trees for the flag lot. A previous letter dated May 26, 2023 reviewed the subdivision and land development plan for this property; this letter is a review of the conditional use application to establish a new flag lot, per Section 230-156.5.B of the township zoning code. The alignment of the newly constructed house has changed on the current provided plan set, but it remains within the established building envelope of the new flag lot, and no other details of the flag lot itself have changed with this submission.



COMPREHENSIVE PLAN COMPLIANCE

Comments are reprinted from the previous letter.

Montgomery County's 2015 Comprehensive Plan, *Montco 2040: A Shared Vision*, identifies this parcel as part of a suburban residential area, and encourages the siting of new development in proposed growth areas where infrastructure already exists, such as public water and sewer which will serve this new lot and house. We believe that the land development application is compliant with *Montco 2040*.

Montgomery Township's 2022 Comprehensive Plan denotes this area as Lower Density Residential on its Future Land Use Map, and encourages "a variety of housing types at appropriate densities and scale through land use and adaptive re-use provisions". As this proposal is likely the only outcome for the original parcel outside of remaining as an oversized R-2 Residential lot, we believe that it is generally compatible with the 2022 Comprehensive Plan.

RECOMMENDATION/CONCLUSION

The Montgomery County Planning Commission (MCPC) supports the applicant's proposal for conditional use approval of the flag lot without additional comment.

Please note that the review comments and recommendations contained in this report are advisory to the municipality and final disposition for the approval of any proposal will be made by the municipality. Should the governing body approve a final plat of this proposal, the applicant must present the plan to our office for seal and signature prior to recording with the Recorder of Deeds office. A paper copy bearing the municipal seal and signature of approval must be supplied for our files. Please print the assigned MCPC number (#23-0093-002) on any plans submitted for final recording.

Sincerely,



Matthew Popek, AICP
Transportation Planning Assistant Manager
Matthew.Popek@montgomerycountypa.gov - 610-278-3730

c: Susan A. Rice, P.E., S.T.A. Engineering, Inc., Applicant's Representative
Carolyn McCreary, Twp. Manager
Jim Rall, Chrm., Twp. Planning Commission

Attachments: (1) Site Plan
(2) Aerial

August 15, 2023

[illegible]

Aerial – 1011 Lansdale Avenue, Montgomery Township



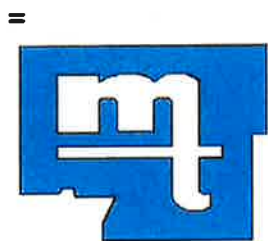
Atlas Broadband Solutions
Conditional Use
MCPC#230093002

Montgomery
County
Planning
Commission

Montgomery County, Pennsylvania
Planning and Zoning Commission
1000 Walnut Street, Suite 200
P.O. Box 1000
Pittsburgh, PA 15224
www.montgomerycountypa.gov
Phone: 412.326.2000 ext. 2000

0 50 100 200 Feet





MONTGOMERY TOWNSHIP
DEPARTMENT OF FIRE SERVICES
1001 STUMP ROAD
MONTGOMERYVILLE, PA 1 18936-9605
Telephone: 215-393-6935 • Fax: 215-699-1560
email: wwiegman@montgomerytp.org
www.montgomerytp.org

William Wiegman
DIRECTOR OF FIRE SERVICES
FIRE MARSHAL
EMERGENCY MANAGEMENT
COORDINATOR

FIRE MARSHALS OFFICE:
215-393-6936

August 9, 2023

Marianne J. McConnell
Director of Planning and Zoning
Montgomery Township
1001 Stump Road
Montgomeryville, PA 18936

Re: Atlas Broadband Solutions Inc.

Dear Marianne:

Thank you for allowing the Fire Marshal's Office to comment on the proposed construction of the: Atlas Broadband Solutions Inc.

Using the 2018 edition of the International Fire Code for guidance, the Fire Marshal's Office offers the following comments:

1. **503.1.1 Buildings and facilities.** *Approved* fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall extend to within 150 feet (45720 mm) of all portions of the facility and all portions of the exterior walls of the building as measured by an *approved* route around the exterior of the building or facility.

Exception: The *fire code official* is authorized to increase the dimensions of 150 feet (45720 mm) where:

1. The building is equipped throughout with an *approved* automatic sprinkler system installed in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3.
2. Fire apparatus access roads cannot be installed because of location on property, topography, waterways, nonnegotiable grades or other similar conditions, and an *approved* alternative means of fire protection is provided.
3. There are not more than two Group R-3 or Group-U occupancies.

COMMENT: The applicant has chosen to go with exception 1 under this section. This does comply with the code and is acceptable as of revision 7-14-23

2. **503.2.1 Dimensions.** Fire apparatus access roads shall have an unobstructed width of not less than 26 feet (6096 mm) exclusive of shoulders, except for *approved* security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm).

COMMENT: The applicant has chosen to go with exception 1 under section 503.1.1 exception 1. This does comply with the code and is acceptable as of revision 7-14-23

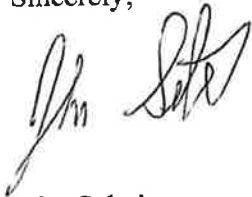
3. **D105.2 Width.** Aerial fire apparatus access roads shall have a minimum unobstructed width of 26 feet (7925 mm), exclusive of shoulders, in the immediate vicinity of any building or portion of building more than 30 feet (9144 m) in height.

COMMENT: The applicant has chosen to go with exception 1 under section 503.1.1 exception 1. This does comply with the code and is acceptable as of revision 7-14-23

The Fire Marshal's Office recommends that the proposed development be approved as submitted subject to the developer complying with the above referenced items.

Should you have any questions or need additional information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'John Scheiter', written in a cursive style.

John Scheiter
Assistant Chief / Deputy Fire Marshal




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: Marianne J. McConnell
Director of Planning and Zoning

From: J. Scott Bendig 
Chief of Police

Date: August 4, 2023

Re: LD7-23-006
1011 Lansdale Avenue

A review of the above-referenced land development application was conducted on this date. There are no 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.

Montgomery Township
Planning Commission Meeting Minutes
October 19, 2023

The regular meeting of the Montgomery Township Planning Commission was held at the Township Building at 7:30 p.m. Thursday, October 19, 2023. The members of the Planning Commission in attendance included: Jay Glickman, Leon McGuire, Tom Borghetti, Frank Davey, and Jim Rall. Also present: Candyce Fluehr Chimera, Board Liaison; Kailie Melchior, Township Solicitor; Marianne McConnell, Director of Planning & Zoning/Zoning Officer and Mary Gambino, Land Development & Project Coordinator.

The regular meeting was called to order at 7:30 p.m. by Chairman Tom Borghetti.

After roll call and The Pledge of Allegiance, a motion was made by Jay Glickman, and seconded by Frank Davey, to approve the minutes of the September 21, 2023, meeting, as submitted.

Atlas Broadband Solutions – 1011 Lansdale Avenue – LD-23-006

Susan A. Rice, P.E., of STA Engineering, Inc., addressed the Planning Commission, stating that the applicant had completed a Conditional Use Application, which had been approved by the Board of Supervisors, and this Land Development application is the next step in the process. The proposed 2-lot subdivision is located at 1011 Lansdale Avenue. The applicant proposes to subdivide the property into two lots creating a flag lot in the rear, to be improved with a single-family detached dwelling and associated improvements. The Land Development Application has been reviewed by various township consultants and there remain only a few items to be addressed. Ms. Rice also discussed the six items listed in the waiver request letter, those being: pipe diameter, fencing the stormwater facility, landscaping requirements, features shown within 400 feet of the site, road widening with curbs, and installation of sidewalks along Lansdale Avenue. Ms. Rice stated that Lansdale Avenue is a state-owned road and is a consistent width on the south side for more than 500 feet in either direction. Ms. Rice further stated that PennDOT typically is not in favor of curbing, which would affect the flow of stormwater. She stated that currently, water flows across the property and will be handled by the proposed stone bed on lot 2. Ms. Rice stated that there are currently no sidewalks along Lansdale Avenue near this location. Frank Davey and Candyce Fluehr Chimera both stated that the Board of Supervisors is advocating for sidewalk installation wherever possible, to improve the walkability of the township, and the Board hopes that future sidewalk installations will provide connective walkability. Jay Glickman stated that the Board of Supervisors will ultimately decide on the waiver requests. Tom Borghetti stated that the Board of Supervisors will probably not take issue with the standard waiver requests, but they may take issue with the request for a waiver of the sidewalk installation. Upon motion by Jay Glickman, and second by Tom Borghetti, the Planning Commission recommended that the Board of Supervisor approve the land development application of Atlas Broadband Solutions, subject to the comments contained in the consultant review letters, and the requested waivers to be determined upon the discretion of the Board. All in favor.

Raising Cane's Restaurant – 860 Bethlehem Pike

Amee Farrell, Esq., counsel for the applicant, addressed the Planning Commission regarding the Land Development Application of Raising Cane's Restaurant, to be located at 860 Bethlehem Pike, within the Montgomery Mall property. She was accompanied by Michelle Robertson, Property Development Manager for Raising Cane's Restaurant. Ms. Farrell explained that Raising Cane's intends to demolish the former Bertucci's restaurant at this location and build a 4,000 square foot fast food restaurant with

indoor and outdoor seating. She further stated that the Zoning Hearing Board had approved the drive thru service and canopy setback relief during the hearing held July 19, 2023, and the applicant intends to comply with the recommendations of the various review agencies regarding this land development application. There was an on-site meeting with the Township Engineer to discuss landscaping. The applicant intends to request only a partial waiver of landscaping requirements, due to the significant landscaping that is existing and proposed for the site. The proposed landscaping plan will initially meet the intent and the spirit of the ordinance and, after time for growth, will ultimately meet the requirements of the ordinance. Jim Rall questioned whether the applicant could forfeit one parking space to provide for additional landscaping. Ms. Farrell agreed that the applicant will consider this request, as there is plenty of parking provided. Jim Rall stated that other Raising Cane's locations are fully landscaped and attractive. Ms. Farrell stated that she will provide a revised waiver letter to incorporate a waiver of the requirement to provide shade to every parking area within five years of planting. Tom Borghetti questioned the traffic flow involving two drive thru lanes. Marianne McConnell requested clarification on the safety precautions provided for employees crossing the first lane of cars to deliver food to cars in the second lane. Ms. Robertson explained that all employees wear reflective vests, there is additional illumination at the order and pickup windows, the lanes move very slowly, and employees rotate outdoor shifts. Upon motion by Jay Glickman, and second by Jim Rall, the Planning Commission recommended that the Board of Supervisors approve the proposed plan, subject to the recommendations of the various review agencies. All in favor.

Adjournment: There being no further business to come before the Planning Commission, the meeting was adjourned at 8:00 p.m. The next meeting will be held at 7:30 p.m. on November 16, 2023.



MONTGOMERY COUNTY CONSERVATION DISTRICT

143 Level Road • Collegeville, PA 19426-3313 • 610-489-4506 • Fax: 610-489-9795
www.montgomeryconservation.org

August 29th, 2023

Atlas Broadband Solutions, Inc
Attn: Anthony Rossi
800 Tristen Way
Schwenksville, PA 19473

RE: Review for Adequacy
1011 Lansdale Avenue
Montgomery Township
Montgomery County, PA

Project Acres: 1.51
Disturbed Acres: 0.70

Dear Mr. Rossi:

The Montgomery County Conservation District has reviewed the Erosion & Sediment Control Plan for the above-referenced project. The plan is considered adequate as submitted on July 28, 2023 to meet State requirements on erosion and sediment control. The Conservation District reviews this plan solely to determine whether it is adequate to satisfy the requirements of (25 Pa. Code §§ 102.1 et seq.), the erosion control regulations of the Pennsylvania Department of Environmental Protection, and The Clean Streams Law (35 Pa. Code §§ 691.1 et seq.). By a determination that the plan is adequate to meet those requirements, neither the Conservation District nor Montgomery County assumes any responsibility for the implementation of the plan, or the proper construction and operation of the facilities contained in the plan.

It is the responsibility of the owner/developer to correct or modify any practices, which prove inadequate to control erosion and sedimentation during and after construction. A copy of this plan including the narrative must be available at all times at the site of the earth disturbance in accordance with erosion and sediment control regulations.

This plan as determined to be adequate by the Montgomery County Conservation District is valid for three years from the date of this letter. Should any party require revisions or alterations which affect the Erosion & Sediment Control Best Management Practices of this Plan as of this date, this letter is nullified. Resubmission of revisions will be charged a fee based on the review fee schedule in effect at the time of the re-submission. The District reserves the right to assess a full review fee if preliminary examination indicates substantial alterations to the plan have occurred. If earth disturbance does not occur within the three-year limit of this review, a resubmission to the District will be viewed as an original application and the full review fee will be charged based on the fee schedule in effect at the time of application.

Sincerely,

Andrew Fenstermacher
Resource Conservationist

cc: Susan A. Rice, PE - S.T.A.
Montgomery Township



4259 W. Swamp Road
Suite 410
Doylestown, PA 18902

www.cksengineers.com
215.340.0600

August 15, 2023

Ref: #8532

Montgomery Township Municipal Sewer Authority
1001 Stump Road
Montgomeryville, PA 18936-9605

Attention: Shannon Drosnock, Executive Director

Reference: Atlas Broadband Solutions, Inc. (B006A/U005)
Proposed Minor Subdivision: 1101 Lansdale Avenue
Revised Preliminary/Final Plans

Dear Shannon:

We have received the revised preliminary/final plans pertaining to the above-referenced minor subdivision that you had recently forwarded to our office for review. The subject plan submission consists of nine (9) sheets prepared by STA Engineering, Inc. and is dated April 17, 2023, with latest revisions dated July 14, 2023. In addition, a draft PennDOT Utility Highway Occupancy Permit (HOP) application and E/One grinder pump design calculations have been included with this submission.

Relative to this matter, we note the proposed project involves a two-lot subdivision of an existing 1.61-acre parcel which includes one (1) existing single-family detached dwelling unit and the construction of one (1) single-family detached dwelling unit. The existing dwelling on the property is currently being served by the MTMSA's existing sanitary sewage collection system located in Lansdale Avenue (SR 2006). Sanitary sewer service for the additional lot is proposed via a residential grinder pump and associated force main lateral connection into the aforementioned sanitary sewer system in Lansdale Avenue. Wastewater flows from the site will ultimately be conveyed to the Hatfield Township Municipal Authority Wastewater Treatment Plant.

Based upon our review of the current plan submission, the following administrative issues and/or technical deficiencies pertaining to the sanitary sewage aspects of the proposed project were noted by our office as outlined below:

I. ADMINISTRATIVE ISSUES

1. The applicant must enter into a Tapping Fee and Development Agreement with the MTMSA for the proposed project and pay the associated tapping fees for the additional wastewater flows that will be discharged to the MTMSA's sanitary sewerage system. The wastewater flows associated with this project include two (2) EDUs, including one existing EDU and one (1) proposed EDU. In conjunction

with the aforementioned agreement, the applicant must post adequate financial security for the sanitary sewer system improvements that are to be constructed to service the proposed project.

Relative to the above, the applicant should submit a cost/quantity estimate pertaining to the proposed sanitary sewerage system improvements to the MTMSA for review. The cost/quantity estimate should include a designation of a backfill option in accordance with the requirements of Section 5.13.b.2(d) of the MTMSA Standard Construction Specifications.

2. The applicant must obtain Sewage Facilities Planning Approval from the Pennsylvania Department of Environmental Protection (PADEP) for the proposed project. Once obtained by the applicant, a copy of the PADEP Sewage Facilities Planning Approval correspondence should be forwarded to the MTMSA.
3. A PennDOT Utility Highway Occupancy Permit (HOP) will be required for the lateral connection located in Lansdale Avenue (SR-2006).
4. An Operation and Maintenance Agreement pertaining to the proposed on-site grinder pump station, in a format acceptable to the MTMSA's Solicitor, must be submitted to the MTMSA for review/approval.

II. TECHNICAL ISSUES

1. The existing gravity main located in Lansdale Avenue (SR 2006) should be identified as 8 in. diameter.
2. The proposed Lot 1 lateral shall conform to the MTMSA's "Typical Lateral Connection" Detail (SD-18) shown on the Construction Details Sheet (Sheet 9 of 9). We note this includes additional cleanouts every forty (40) feet of lateral pipe.
3. A note should be placed on the plans which indicates that exfiltration testing, in accordance with MTMSA's Standard Construction Specifications, shall be performed on existing manholes to which new gravity sewer lines are connected, as well as on all new manholes.
4. A minimum of ten (10) feet of horizontal separation should be provided between water and sewer pipe. Where this cannot be achieved, a minimum of 18 in. of vertical separation must be provided.
5. Information detailing the abandonment of the existing sanitary sewer lateral, which currently connects to MTMSA's existing MH A-227B, should be provided on the plans.

August 15, 2023

Ref: #8532

Page 3

6. A digital copy of a Sanitary Sewer Index Map pertaining to the project should be submitted to the MTMSA in accordance with the MTMSA's Standard Construction Specifications (AutoCAD format).

We recommend that the above-noted issues/items be satisfactorily addressed by the applicant prior to the issuance of a sewer construction/connection permit for the project.

If you should have any questions concerning the items as outlined above, please do not hesitate to contact me.

Very truly yours,
CKS ENGINEERS
Authority Engineers

Thomas F. Zarko, P.E.

TFZ/klk

cc: Joseph P. Walsh, Esquire, MTMSA Solicitor
Marianne McConnell, Montgomery Township
Gilmore & Associates, Inc., Montgomery Township Engineers
Susan A. Rice, P.E., STA Engineering, Inc.
Atlas Broadband Solutions, Inc., Applicant
Brad Ferrero, CKS Engineers
File

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS

BOARD ACTION SUMMARY

Item #07

SUBJECT:	Request Authorization to Purchase Park Drinking Fountains
MEETING DATE:	November 13, 2023
BOARD LIAISON:	Candyce Fluehr Chimera, Chair
INITIATED BY:	Greg Reiff, Public Works Director

BACKGROUND:

In 2023, the Public Works Department is scheduled to purchase five (5) new drinking fountains (human and pet combo) to be installed in the parks.

Attached is a quote dated October 20, 2023, from General Recreation, Inc. (Costars Contract #014-E23-313) to provide the requested Stern Williams drinking fountains at a total cost of \$33,488.00. The equipment quoted meets the specifications prepared by the department.

BUDGET IMPACT:

A total of \$20,000.00 was included in the 2023 Capital Investment Plan for the purchase of the five (5) new drinking fountains (human and pet combo) to be installed in the parks.

RECOMMENDATION:

It is recommended that the Board of Supervisors approve the purchase of five (5) new drinking fountains (human and pet combo) to be installed in the parks for a total cost of \$33,488.00 per the 2023 Capital Investment Plan.

MOTION/RESOLUTION:

Motion to approve the purchase of five (5) new drinking fountains (human and pet combo) to be installed in the parks for a total cost of \$33,488.00 per the quote dated October 20, 2023.

- 1) Motion by: _____ Second by: _____
- 2) Chair will call for public comment.
- 3) Chair will call for a vote.



P.O. Box 440 • Newtown Square, PA 19073
 Phone: 800-726-4793 • Fax: 610-353-5161
 E-mail: sales@gen-rec.com
 www.generalrecreationinc.com

Quote

	Quote #
10/20/2023	4657B

Bill To
MONTGOMERY TOWNSHIP ATTN: SCOTT DEILEY 1001 STUMP RD MONTGOMERYVILLE, PA 18936

Ship To
PLEASE ADVISE

Terms		Salesperson		Ship Date		Ship Via	
Net 30		GARRY HELMUTH		6-10 WEEKS		COMMON CARRIER	
Item	Description			Qty	Price		Total
7700-90	STERN WILLIAMS - ALL METAL WATER BOTTLE FILLER WITH DRINKING FOUNTAIN FOR HUMANS AND DRINKING FOUNTAIN FOR PETS			5	6,498.00		32,490.00T
FREIGHT	SHIPPING COST TO 18936 ZIP CODE AREA			1	998.00		998.00T
NOTE: ABOVE PRICING PLUS 6% PA. SALES TAX, IF APPLICABLE.							
NOTE: ABOVE PRICING BASED ON CURRENT PENNSYLVANIA COSTARS STATE CONTRACT #014-E23-313; GENERAL RECREATION VENDOR NUMBER 122659							
ABOVE PRICING DOES NOT INCLUDE UNLOADING, STORAGE, ASSEMBLY, OR INSTALLATION.							
30,450.700							
To confirm order, please sign and return to our office.				Subtotal		\$33,488.00	
Signature _____				Sales Tax (0.0%)		\$0.00	
Quote valid for 30 days.				Total		\$33,488.00	

\$33,488.00

\$0.00

\$33,488.00

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS

BOARD ACTION SUMMARY

Item #08

SUBJECT:	2024 Proposed MTMSA Budget
MEETING DATE:	November 13, 2023
BOARD LIAISON:	Candyce Fluehr Chimera, Chairwoman
INITIATED BY:	

BACKGROUND:

Shannon Drosnock, Executive Director of the Montgomery Township Municipal Sewer Authority, will present the 2024 Proposed Budget and answer any questions.

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS

BOARD ACTION SUMMARY

Item #09

SUBJECT: Presentation of and Authorization to Advertise the 2024 Budget
MEETING DATE: November 13, 2023
BOARD LIAISON:
INITIATED BY: Carolyn McCreary, Township Manager
Brian Shapiro, Director of Finance

BACKGROUND:

The proposed operating budgets were presented by the Department Heads and discussed with the Board of Supervisors at the budget work session held on October 27th. This work session was a public meeting and properly advertised.

Personnel matters were discussed separately in an Executive Session on October 23.

Included in the packet is a memo from the Township Manager providing details of all the funds including each area of the General Fund. There is also a memorandum addressing capital projects funding as requested by the Board at the budget worksession.

RECOMMENDATION:

Staff recommends the Board of Supervisors authorize the 2024 proposed budget as being available for public inspection with the adoption scheduled for the December 11th public meeting.

MOTION/RESOLUTION:

Motion to authorize the advertisement of the proposed 2024 budget (all funds) as being available for public inspection with the removal of the funding for the Powerline Trail.

- 1) Motion by: _____ Second by: _____
- 2) The Chairwoman will ask for public comment.
- 3) The Chairwoman will call for a vote.



Montgomery Township

To: Board of Supervisors

From: Carolyn McCreary, Township Manager

Date: November 6, 2023

Subject: 2024 Proposed Budget

This memo contains pertinent information to assist you in reviewing the proposed revenue and expenditures in the various operating funds of the Township. It also includes information pertaining to the capital projects and expenditures found in the Capital Investment Plan (CIP) presented and described in detail at the October 27th public budget worksession.

General Fund (01)

This fund comprises the typical services a municipality provides including Police, Public Works, Planning/Zoning/Code Enforcement, Finance, and Administration/Human Resources.

The primary source of revenue is from taxes, including real estate, earned income, and local services. Real estate transfer taxes are also included but are a function of market activity. The staff continues to take a conservative approach concerning these revenue sources as we never want to be in a position where we overstate our estimates and have to report a potential problem when we get to the latter part of the year. The projected increase in the Act 511 taxes which represent Earned Income Tax, Local Services Tax, Mercantile Tax, and Business Privilege Tax was reported to us by Berkheimer Associates, which serves as our collection agency for them. We are also projecting a decrease of \$125,000 in cable franchise fees, as we see the result of more residents reducing or eliminating their cable television in favor of streaming services. Interest earnings are being budgeted conservatively as we do not know what the Federal Reserve will do in the coming year. We are also projecting modest growth related to Code Enforcement and Zoning. Total operating revenues of \$14,978,500 are \$698,000 (4.9%) higher than the 2023 budget.

All departments are committed to providing the same levels of service to the public. Overall, operating expenditures budgeted at \$14,922,375 are increasing by \$553,375 (3.9%). Given the

continued inflationary pressures the Township is facing, this rate of growth is commendable and reflects each Department Head's commitment to be fiscally prudent.

The proposed expenditures reflect each Department Head's dedication to providing outstanding services to our community as well as the internal support necessary for all departments to function at optimum levels.

Executive/Administration (area 401) is proposed to decrease by \$41,000 (3.9%) with the elimination of consulting services and software license fees.

Financial Administration (area 402) is increasing by \$34,000 (6.9%) relating to wage and benefit increases in the department and contracted services relating to our software development.

Tax Collection (area 403) is increasing by \$16,500 (8.5%) relating to costs for collection of earned income tax, local services tax, and business/mercantile taxes by Berkheimer Associates. As previously noted the revenue estimates are also higher than the previous year.

Legal Services (area 404) is being reduced by \$50,000 (32.3%) based on current YTD activity.

Information Technology (area 407) is increasing by \$70,500 (19.0%) with costs associated with third-party support due to the reduction in IT staff and increasing requirements of our property and liability insurance carrier.

Engineering (area 408) is increasing by \$1,000 (1.3%) relating to general engineering services not related to specific projects.

Buildings and Grounds (area 409) is increasing by \$19,000 (6.0%) due to the natural gas contract, specialized cleaning services, and the cost to properly maintain our buildings as they age.

Police Services (area 410) budget is increasing by \$638,250 (8.5%). Wages are increasing per the likely negotiated new collective bargaining agreement with two new proposed hires plus one hire to fill the position of patrol officer that will occur when Officer Johnson retires. The medical benefits line has increased due to premium increases. With the transition to the new software and compliance with DCED's chart of accounts, costs relating to the vehicles are now included in this area.

It is important to note over 95% of the Department's budget is related to wages and benefits to continue to provide 24/7 coverage to our residents, businesses, and visitors in the Township.

Fire Protection (area 411) is increasing by \$7,000 (3.2%) due to the increase in the number of active volunteer firefighters eligible for the annual stipend.

Planning and Zoning (area 414) is decreasing by \$71,500 (10.5%) due to the retirement of the previous Director and the restructuring of the department staff.

Emergency Management (area 415) represents the annual contribution to the VMSC that the BOS agreed to include in this year's budget. It is to help offset lost revenue for those 911 calls in the Township that do not result in transportation to the hospital and are therefore not covered by insurance as well as reductions in Medicare and private insurance reimbursements.

Public Works (area 430) is increasing by \$151,250 (8.8%) with the majority of the increase relating to wages and benefits. Area 436 is increasing by \$7,000 to pay for materials staff needs to complete in-house stormwater repairs that are not part of the Capital Investment Plan. Other areas of Public Works (432, 433, 434, and 438) are consistent with the prior year's budget.

Employer Paid Benefits (area 483) are \$279,000 (24%) less than the prior year due primarily to the \$360,000 decrease in the Police Pension Minimum Municipal Obligation (MMO). This is an actuarial calculation and must be funded each year. Our workers' compensation premium increase of \$57,000 offset this somewhat.

Insurance (area 486) is \$49,000 (21.6%) more than the prior year due to an increase in our property and liability premiums. The increase is due to the increased value of our assets. A valuation is periodically done by our insurer.

Streetlights (02)

The source of revenue is the dedicated millage assessed to those property owners who are in residential streetlight districts. Revenue is estimated to be \$138,000. The expenditures proposed at \$129,325 are for the electric bills for those streetlights and their maintenance. The proposed 2024 budget for this fund projects a \$8,675 surplus creating an estimated fund balance of \$362,216 on 12/31/24.

Fire Protection (03)

Revenue sources for this fund include dedicated millage from real estate taxes and a portion of earned income tax and local services tax collected. With the increase in the allocation of real estate taxes resulting from the recent tax increase, we are much better positioned to continue successfully staffing and supporting fire services in the Township. Expenditures are solely for paid fire service protection and the stipend offered to volunteer firefighters. The proposed revenue is \$1,595,500 and the expenditures are \$1,831,500. The \$70,000 tipping fee eliminated in the 2024 budget represents lost revenue with the ceasing of quarry operations on Upper State Road. Wage increases are determined by the collective bargaining agreement, which expires on 12/31/24. The projected fund balance on 12/31/24 is \$538,564.

Parks & Recreation (04)

The sole source of revenue for this fund is real estate tax revenue, as there is dedicated millage for parks and recreation. Operating expenditures relate to the wages of Public Works staff assigned to the parks and the costs related specifically to park maintenance. The proposed 2024 budget shows revenue of \$516,500 and expenditures of \$633,050 resulting in a projected fund balance of \$798,678 on 12/31/24.

Replacement Tree (05)

The primary source of revenue in this fund is developer contributions representing fees in lieu of reforestation. Expenditures are based on recommendations of the Shade Tree Commission with assistance from the Planning and Zoning Department staff. The 2023 budget included an interfund transfer from the Environmental fund of \$200,000 to assist with the continuing plans for tree replacement in the Township. Expenditures are budgeted at \$57,500. The fund balance projected on 12/31/24 is \$155,035.

Community Recreation Center (09)

We have estimated operating revenues of \$906,500 which is 3.7% higher than 2023. Operating expenditures estimated at \$1,270,000 are 29% higher than the 2023 budget. This is primarily related to the hiring of a fourth full-time employee and increasing part-time wages necessary for recruitment and retention to maintain the hours of operation currently in place. We have also budgeted \$51,000 more for contracted services.

In 2024 we are again projecting operating expenditures to exceed operating revenue. The fund balance projected on 12/31/24 is \$779,366. However, the fund balance/net position is primarily comprised of the fixed assets associated with the CRC and not cash on hand. Based on the conversation with the Board at the budget worksession, we will be raising the fees for Kids University in 2024. We will also look at other fees relating to the CRC.

Debt Service (23)

Revenue in this fund comes from real estate tax millage dedicated to the refinanced bond for the Community Recreation Center (CRC) and the 2021 G.O. Note which is being used to pay for the projects and purchases included in the Capital Investment Plan. The fund balance on 12/31/24 is projected to be \$651,666.

Capital Reserve Fund (30)

The primary source of revenue in this fund is the proceeds from the \$15 million General Obligation note. The Township also received \$2.74 million from the American Rescue Plan Act

(ARPA) in 2021/22. The ARPA funds will be utilized to address the Township's MS4 program and projects identified in the Township that are part of the Wissahickon watershed. The expenditures planned for 2024 total \$6,664,526 and includes \$1.7 million for traffic signal improvements, \$742,000 for parks and recreation with the majority allocated to Fellowship Park (DCNR grant of \$250,000), \$715,500 relating to the Community and Recreation Center, \$520,500 for stormwater improvements, \$311,000 for the Stump Road sidewalk with RRFB pedestrian crossing project, \$472,500 for Police vehicles and equipment and \$400,000 for the Public Works street sweeper. Details of all projects and purchases can be found in the Township's Capital Investment Plan (CIP).

Brian and I will continue our discussion from the October 27 budget worksession relating to funding future capital projects identified in the CIP and present options to you for consideration.

Park Development (31)

This fund contains revenue received from developers who were granted waivers by the Board to pay fees in lieu of providing recreation in their respective subdivisions or land developments. There are no proposed expenditures in 2024 as we expect to use this money for our required match on the Whistlestop Park project in 2025. The fund balance on 12/31/24 is projected to be \$352,260.

Highway Aid Fund (35)

The source of revenue is the annual allocation from the state derived from the motor vehicle fuel tax. Expenditures proposed for 2024 include snow and ice removal costs, traffic signal costs, and non-residential street lighting costs. The proposed 2024 budget also includes the proposed road projects noted in the Capital Investment Plan estimated at \$1.1 million. The projected fund balance as of 12/31/24 is \$1,411,809.

Autumn Festival (40)

The proposed 2024 budget for this fund projects expenditures at the same level as 2023.

Environmental (80)

The proposed 2024 budget will leave \$328,651 in the fund balance. Proposed expenditures of \$53,000 include battery recycling and electronics recycling and any consultant fees relating to any Township projects. There is also money for EAC initiatives and seminar attendance during the year.

Restoration (81)

This fund relates to the Knapp Road farm. It has a fund balance of \$4,150.



Montgomery Township

Inter-Office Memo

To: Board of Supervisors

From: Carolyn McCreary, Township Manager

Date: November 2, 2023

Subject: Capital Projects Funding

During the budget worksession last week, we discussed the \$11 million in proposed capital projects and purchases included in the Capital Investment Plan (CIP) for the years 2025 through 2028 and how we can continue to fund them. The Board asked us to look at options and report back, which we will do as part of the budget presentation.

While we continue to spend the money we borrowed to pay for the projects and purchases detailed in the previous CIPs, the fund balance in the Capital Investment Fund was dramatically reduced by the final cost relating to the Zehr property acquisition determined by the Court. The acquisition of the 51+ acre property cost \$7.5 million.

Fund Balance History

12/31/18	\$	12,236,761	
12/31/19		11,695,208	
12/31/20		8,841,950	
12/31/21		24,307,387	
12/31/22		11,785,551	
12/31/23		7,922,822	based on budget
12/31/24		2,561,322	based on budget

With the build-out of the Township, we can no longer count on developer contributions towards our infrastructure or fees-in-lieu for park development. Additionally, while the Board has previously authorized the transfer of unexpected real estate transfer taxes relating to the sale of the mall and Airport Square, these are unpredictable and cannot be counted on as a continuing source of funding for our capital needs. We have also transferred the General Fund surplus in

the last several years, but that number can change, as well. We can continue to do this after the conclusion of the annual audit with Board approval each year.

Currently, the General Fund's fund balance exceeds the GFOA recommendation based on our annual expenditures. We could transfer up to \$3.3 million to the Capital Reserves Fund and continue to look at other funding options.

Finally, the Board could consider increasing the real estate tax rate to be specifically allocated for future capital needs. You will see in the CIP that the capital expenditures are expected to decrease dramatically in 2026 as we will have addressed the most immediate needs by then. Below is a table that represents various scenarios, the amount of revenue it would generate, and the average increase for a resident.

Additional Millage	Percent Increase	Additional R.E. Taxes	Increase Avg. Residential
0.0500	1.97%	\$ 98,108	\$ 8.32
0.1000	3.86%	196,215	16.64
0.1500	5.68%	294,323	24.96
0.2000	7.43%	392,431	33.29
0.2500	9.12%	490,538	41.61

Montgomery County Property Tax Comparison

Residents of Montgomery Township pay a combined total of 36.7535 mills to North Penn School District, Montgomery County, and Montgomery Township. Due primarily to school district taxes, the Township has the 24th highest rate in the County for a Township. Boroughs were excluded as their tax rates are typically not comparable.

Rank	Township	School District	Township Millage	SD Millage	County Millage	Total Millage	1 Mill Gross Revenue
1	Cheltenham	Cheltenham	9.5695	52.0400	4.6270	66.2365	\$ 1,926,151
2	Upper Moreland	Upper Moreland	6.2580	36.0961	4.6270	46.9811	1,535,949
3	Upper Dublin	Upper Dublin	6.1420	37.4467	4.6270	48.2157	2,405,408
4	Abington	Abington	5.9220	35.2100	4.6270	45.7590	3,437,126
5	Towamencin	North Penn	5.6895	29.6365	4.6270	39.9530	1,099,694
6	Lower Moreland	Lower Moreland	5.3320	39.9784	4.6270	49.9374	1,127,729
7	Hatfield	North Penn	5.2210	29.6365	4.6270	39.4845	1,296,514
8	Springfield	Springfield	4.5160	37.4093	4.6270	46.5523	1,348,890
9	West Norriton	Norristown	4.4750	39.2040	4.6270	48.3060	985,519
10	Lower Merion	Lower Merion	4.1900	32.3948	4.6270	41.2118	7,788,474
11	Lower Pottsgrove	Pottsgrove	4.1180	39.8592	4.6270	48.6042	640,653
12	Upper Pottsgrove	Pottsgrove	4.0000	39.8592	4.6270	48.4862	289,243
13	Upper Merion	Upper Merion	3.6400	22.0000	4.6270	30.2670	4,129,527
14	Douglass	Boyertown	3.5000	30.8140	4.6270	38.9410	629,213
15	Whitpain	Wissahickon	3.2000	23.1900	4.6270	31.0170	2,099,103
16	West Pottsgrove	Pottsgrove	3.0000	39.8592	4.6270	47.4862	180,983
17	Lower Providence	Methacton	2.9593	32.6492	4.6270	40.2355	1,687,422
18	Salford	Souderton	2.9590	32.7290	4.6270	40.3150	211,568
19	Lower Frederick	Perkiomen Valley	2.8200	36.3800	4.6270	43.8270	270,094
20	East Norriton	Norristown	2.7270	39.2040	4.6270	46.5580	975,620
21	Plymouth	Colonial	2.6200	25.0200	4.6270	32.2670	1,692,203
22	Limerick	Spring-Ford	2.6130	30.8766	4.6270	38.1166	1,586,968
23	Upper Providence	Spring-Ford	2.5000	30.8766	4.6270	38.0036	2,358,246
24	Montgomery	North Penn	2.4900	29.6365	4.6270	36.7535	2,172,516
25	Whitemarsh	Colonial	2.3633	25.0200	4.6270	32.0103	1,911,454
26	Franconia	Souderton	2.2542	32.7290	4.6270	39.6102	868,804
27	Marlborough	Upper Perkiomen	2.2500	26.8928	4.6270	33.7698	222,186
28	Upper Gwynedd	North Penn	1.8740	29.6365	4.6270	36.1375	1,692,376
29	Upper Frederick	Boyertown	1.6200	30.8140	4.6270	37.0610	202,081
30	New Hanover	Boyertown	1.5870	30.8140	4.6270	37.0280	792,075
31	Upper Salford	Souderton	1.5000	32.7290	4.6270	38.8560	220,495
32	Horsham	Hatboro-Horsham	1.4800	32.6500	4.6270	38.7570	2,311,066
33	Upper Hanover	Upper Perkiomen	1.4500	26.8928	4.6270	32.9698	556,659
34	Lower Gwynedd	Wissahickon	1.4080	23.1900	4.6270	29.2250	1,415,084
35	Lower Salford	Souderton	1.4000	32.7290	4.6270	38.7560	1,170,565
36	Perkiomen	Perkiomen Valley	0.6200	36.3800	4.6270	41.6270	495,982
37	Skippack	Perkiomen Valley	0.3200	36.3800	4.6270	41.3270	838,161
38	Worcester	Methacton	0.0500	32.6492	4.6270	37.3262	1,048,581

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS

BOARD ACTION SUMMARY

Item #10

SUBJECT: Authorization for the Sale of Municipal Equipment by Online Auction
MEETING DATE: Monday, November 13, 2023
BOARD LIAISON: Candyce Fluehr Chimera, Chairwoman
INITIATED BY: Brian Shapiro, Director of Finance

BACKGROUND:

The Township, by resolution, is authorized to dispose of surplus assets through Municibid, an online auction company. Municibid assesses fees to the buyer only. The buyer fees are aggregated. There are no charges or fees assessed to the seller. The administration of the bid will be handled by Township staff. The Township will have to meet the advertisement requirements as outlined in the Second-Class Township Municipal Code.

The following items are available to be sold through Municibid:

- 1) 2017 Ford Police Interceptor Utility (VIN No. 1FM5K8AR0HGB07821)
- 2) Ten (10) Panasonic Toughbook CF-53 computers (Panasonic #CF-53JWLZY1M)
- 3) Twelve (12) Panasonic Toughbook CF-29 computers (Panasonic #CF-29NAQGZBM)
- 4) One (1) Panasonic DVD-ROM/CD Drive Pack (Panasonic #CF-VDR291U)
- 5) Cisco 2500 Series WLC and 9 Aironet 3700 Wireless Access Points (used)
- 6) 2016 Chevy Tahoe (VIN No. 1GNSKDEC5GR283215)
- 7) Eleven (11) Panasonic Arbitrator DVR's (Panasonic #AG-CPD20); this includes miscellaneous equipment (docking cradles, microphones, rear-facing cameras, and other equipment related to the Arbitrator system)
- 8) Twelve (12) Panasonic cameras (Panasonic #AG-CK10P)
- 9) One (1) Elsas Plate Hunter M6 Mobile ALPR system; system includes processor
- 10) Two (2) cameras, mounting brackets, power wiring connector, and two (2) camera connectors
- 11) Four (4) vertical filing cabinets
- 12) Fifteen (15) Motorola Astro XTL5000 mobile radios (Motorola #M20URS9PW1AN)

BUDGET IMPACT:

The Township estimates a total of \$12,000 in revenue from the sale of equipment at auction.

RECOMMENDATION:

It is recommended that the Board of Supervisors authorize the sale of the above-listed items through the online auction company Municibid. Once the bids are awarded, the BOS will need to pass a resolution authorizing the sale.

MOTION/RESOLUTION:

Motion to authorize the sale of the above-listed equipment through the online auction company Municibid.

- 1) Motion by: _____ Second by: _____
- 2) Chair will ask for public comment.
- 3) Chair will call for vote.

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS

BOARD ACTION SUMMARY

Item #11

SUBJECT:	Resident Concern – Street Tree Removal
MEETING DATE:	November 13, 2023
BOARD LIAISON:	Tanya C. Bamford
INITIATED BY:	Carolyn McCreary, Township Manager

BACKGROUND:

Recently I have received two communications from residents concerned about property owners taking down trees that are healthy or taking down trees that are not healthy, but in both cases failing to replace them.

Included in the packet is a section of the Subdivision and Land Development Ordinance (SALDO) pertaining to the preservation and protection of trees. I have also included the section of the Shade Tree ordinance that I believe is more applicable to this issue.

RECOMMENDATION:

Staff is seeking Board consensus as to what you would like us to do beyond sending notification letters to residents who remove shade trees. In the past the notices appear to have been ignored.

Chapter 205. Subdivision and Land Development

Article VI. Landscaping

§ 205-53. Preservation and protection of existing trees.

- A. All subdivisions and land developments shall be laid out in such a manner so as to preserve the healthy trees and shrubs on the site whenever possible. Every effort should be made to preserve any individual tree or trees of significant size or historical value. "Tree of significant size or historical value" shall mean any tree which is determined by the Township Shade Tree Commission, Township Landscape Architect, Montgomery Township Historical Society, or Board of Supervisors to be of unique and intrinsic value to the general public because of its size, age, historic association or ecological value, or any tree designated by Montgomery Township as a legacy tree.
- B. During the construction of any site, trees and shrubs, as defined herein, shall be protected by snow fencing or similar protection fencing to ensure that there is no encroachment within the area of their dripline by changing grade, trenching, stockpiling of building materials or topsoil or the compaction of the soil and roots by any motor vehicle, unless the following regulations are met:
 - (1) The root area within the dripline of any tree or group of trees may be encroached upon to a maximum of 1/4 of the total root area.
 - (2) Existing trees whose root area (dripline) has been encroached upon by more than 1/4 of the total area will not be considered to be preserved and must be replaced, if they meet the replacement threshold as outlined in § 205-53C.
 - (3) At the direction of the Township Engineer, Township Shade Tree Commission or Township Landscape Architect, existing trees which have not been adequately protected are to be removed and replaced in accordance with the requirements of § 205-53C.
- C. Tree replacement and preservation requirements.
 - (1) Preservation and replacement for naturalized trees. Naturalized trees are those that are naturally occurring on a site or that were not planted as part of any previous land development requirements.
 - (a) Eight- to twenty-three-inch DBH naturalized trees.
 - [1] Applicants are permitted to remove up to 50% of all eight- to twenty-three-inch DBH naturalized trees located on site without replacement, not counting trees located in the legal or ultimate right-of-way, whichever is greater.
 - [2] Any trees that are removed beyond 50% of eight- to twenty-three-inch DBH naturalized trees on site will require replacement at a rate of one replacement tree for every one tree removed.
 - (b) Twenty-three- to forty-eight-inch DBH naturalized trees.
 - [1] Applicants are permitted to remove up to 50% of all twenty-three- to forty-eight-inch DBH naturalized trees located on site without replacement, not counting trees located in the legal or ultimate right-of-way, whichever is greater.

- [2] Any trees that are removed beyond 50% of all twenty-three- to forty-eight-inch DBH naturalized trees on site will require replacement at a rate of four replacement trees for every one tree removed.

(c) Forth-eight-inch or greater DBH naturalized trees.

- [1] Any forty-eight-inch or greater DBH naturalized trees that are removed will require replacement at a rate of one replacement tree for each eight inches of naturalized tree DBH removed.

(2) Preservation and replacement for trees planted as part of previous land development requirements. These are existing trees on a site that are not naturalized and which were planted to fulfil the landscaping requirements of any previous land development that has occurred on site.

(a) All trees removed from the site that were originally planted as part of previous land development requirements shall be required to be replaced individually, at the rate of one replacement tree for every one removed tree.

(b) Wherever possible, replacement trees should be installed near the original location of the landscaping being replaced. When a replacement plant is installed near the original location of the plant that it is intended to replace, it may be used to count towards the landscaping requirement that was met by the original plant.

(c) Replacement landscaping should be designed in tandem with any required street trees, softening or screen buffers, parking area landscaping, or stormwater management facility landscaping to maximize shade, plant health, aesthetic appeal, and functional requirements without reducing visibility, or overplanting.

(3) Naturalized trees which are diseased and should be removed for safety or for the protection of other healthy trees, as determined by a certified arborist, may be removed and will not be subject to the requirements for tree preservation or tree replacement if the report of the arborist is submitted to and approved by the Township.

(4) Tree removal necessary to accommodate public utilities or public facilities to be constructed or installed by the Township or the Township Authority shall be exempt from tree preservation and replacement standards.

(5) Replacement trees shall meet the following specifications:

(a) Deciduous trees shall be a minimum of 2 1/2 inches in caliper.

(b) Evergreen trees shall be a minimum of eight feet in height.

(c) Ornamental or flowering trees shall be a minimum of eight feet in height.

(d) Two flowering trees may be substituted for one deciduous tree, provided that the minimum size of the flowering trees shall be eight feet in height.

(e) Ten shrubs may be substituted for one deciduous tree, provided that the minimum size of the shrubs shall be 24 inches for evergreen and 30 inches for deciduous shrubs.

(f) Up to 25% of the new trees to be planted may be of the evergreen variety.

(g) Trees required to be planted under the replacement/reforestation procedures for naturalized trees shall be in addition to any/all of the trees required by the planting requirements of § 205-52 above.

(h) At the discretion of the Township, the required replacement trees may be planted on other lands within the Township.

Chapter 189. Shade Trees

§ 189-9. Acts injurious to shade trees prohibited.

Except in case of necessity, or for the protection of life or property, it shall be a violation of this chapter for any person to do any of the following acts:

- A. Cut down or remove any shade tree, or interfere in any manner with the main roots of any shade tree.
- B. Spray any shade tree with injurious chemicals or insecticides, oil, gas, gasoline, liquid dye or other substance deleterious to tree life, about the roots of any shade tree.
- C. Place any rope, guy wire, cable, sign, poster or other fixture on a shade tree.
[Amended 6-28-2010 by Ord. No. 10-242]

- D. Use, store or pour any material in such a manner that it could result in injury to a tree.
[Amended 6-28-2010 by Ord. No. 10-242^[1]]

[1] *Editor's Note: This ordinance also provided for the redesignation of former Subsections D through F and Subsections E through G.*

- E. Injure, misuse or remove any device placed to protect shade trees.
- F. Protection from building operations and other work.
[Amended 6-28-2010 by Ord. No. 10-242]

(1) Prior to any building operation or the performance of any work whatsoever in the Township in the vicinity of any trees, such builder, worker or subdivider shall submit to the Township a plan of the area in which such building, work or construction shall be done. The location of aerial utility lines shall be noted on the plans. Such plans shall include the location of all trees. Trees shall be clearly depicted by a symbol showing approximate location. Notes regarding size should also be included. Trees in hedgerows, groves and woodlands may be shown by indicating the outer canopy or dripline of the tree grouping. Existing trees shown as masses must be labeled with an approximate quantity of trees. The plans shall also clearly show which trees are to be removed and which are to be preserved. The Township shall rule on such plans and may designate other trees to be removed or protected.

(2) Before any such work shall be commenced in connection with any building operation or the performance of any work whatsoever in the Township, tree protection fencing per § 205-53B shall be placed so as to effectively prevent injury to any trees in the vicinity.

(3) No person shall place or pile any building materials, cement, stone or other substances which shall compact the soil or impede the passage of water and air to the roots of any shade tree within the dripline of any shade tree.

(4) Protection of shade trees shall be in conformity with the Landscape Article of the Montgomery Township Subdivision and Land Development Ordinance.^[2]

[2] *Editor's Note: See Ch. 205, Subdivision and Land Development, Article VI, Landscaping.*

- G. Discharge of injurious materials prohibited. No person shall intentionally pour salt water, oil or other materials at any place in such a manner that injury may result to any shade tree.

H. Pruning, trimming, thinning, raising or removal. All pruning activities shall be conducted in accordance with the American National Standard for Tree Care Operations – Tree, Shrub, and Other Woody Plant Maintenance – Standard Practices (Pruning) ANSI A300 (Part 1) - 2001 Pruning, and as amended.

[Added 6-28-2010 by Ord. No. 10-242]

(1) Pruning, trimming or removal. A permit shall be required for any person, to cut, prune, trim, or break greater than 10% of all branches on any shade tree; to climb with spurs; or to remove any street tree or any tree that was required to be planted as part of a subdivision or land development; or to cut or interfere in any way with the main roots of any tree in such a manner that it could result in injury to a tree.

(2) Minimum vertical clearance over public walks and streets – raising. All trees shall be kept trimmed so that the minimum clearance where they overhang any public walk shall be eight feet and the minimum clearance where the trees overhang any public street or highway shall be 18 feet. However, the Commission reserves the right to designate a higher clearance on certain highways where heavy traffic or other conditions make it expedient. A permit shall not be required to maintain required minimum clearance.

I. Tree topping, as defined above, shall be expressly prohibited.

[Added 6-28-2010 by Ord. No. 10-242]