

**MINUTES OF MEETING  
MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS  
JULY 26, 2021**

**1. Call to Order:** The July 26, 2021 action meeting of the Montgomery Township Board of Supervisors was held at the Montgomery Township Municipal Building, 1001 Stump Road, Montgomeryville, PA. Chair Tanya C. Bamford called the meeting to order at 7:05 p.m.

**IN ATTENDANCE:**

Chair Tanya C. Bamford  
Vice Chair Matthew W. Quigg  
Supervisor Candyce Fluehr Chimera  
Supervisor Annette M. Long  
Supervisor Beth A. Staab  
Township Manager Carolyn McCreary  
Township Solicitor Sean Kilkenny, Esq.

**ALSO IN ATTENDANCE:**

Police Chief J. Scott Bendig  
Director of Finance Brian Shapiro  
Director of Fire Services William Wiegman  
Director of Information Technology Rich Grier  
Director of Planning & Zoning Bruce Shoupe  
Director of Public Works Greg Reiff  
Director of Recreation & CRC Floyd Shaffer  
Public Information Coordinator Derek Muller  
Recording Secretary Deborah A. Rivas

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

Ms. Bamford announced that Montgomery Township Day, “Harvesting Community” event will be held on Saturday, October 9, from 1pm to 6pm. The day will celebrate our residents and community with delicious food options, live music, fall activities, amusements, and displays by Township departments and volunteer committees. The 20<sup>th</sup> anniversary of Autumn Festival is scheduled to return in October 2022.

Ms. Bamford reported that National Night Out will be held on Tuesday, August 3, 2021 from 6pm to 9pm at the William F. Maule Park at Windlestrae. Bring a chair, enjoy refreshments, listen to music, touch a truck and meet our Police canines.

Ms. Bamford also announced that the Township building will serve as a drop off donation site for the collection of new backpacks and school supplies for children in need. The North Penn Community Build-A-Bag Backpack & School Supply Drive will positively impact the start of the school year for these students. The drive will end on Monday, August 16.

**4. Public Comment** – There was no public comment from the audience.

**5. Announcement of Executive Session** – Township Solicitor Sean Kilkenny, Esquire, announced that the Board of Supervisors met in an Executive Session at 6:30 p.m. on July 12, 2021 utilizing Microsoft TEAMS to discuss one matter of litigation. The Board of Supervisors also met in Executive Session at 6:30 p.m. prior to this public meeting to discuss one personnel matter and

two litigation matters. Mr. KilKenny stated that the topics discussed are legitimate subjects of an Executive Session pursuant to the Commonwealth of Pennsylvania's Sunshine Law.

#### **6. Consent Agenda:**

**MOTION: Upon motion by Ms. Bamford, seconded by Mr. Quigg and unanimously carried, the minutes of the June 28, 2021 meeting, as amended with regard to the outdoor dining discussion, and the ratification of the bills for July 12, 2021 and the bills list dated July 26, 2021 were approved as presented.**

#### **7. Public Hearing: Ordinance #21-321Z – Text Amendment I-Industrial Zoning District –**

**Westrum Development Company:** Ms. Bamford opened the public hearing at 7:12 p.m. Notes of testimony were taken by Court Stenographer Tim Kurek. Carrie Nase, Esquire, representing the applicant, provided a summary of the request for a text amendment to add lifestyle apartments to the LI – Limited Industrial District to permit the Westrum Development Company to submit a plan proposal for conditional use to build a lifestyle apartment building on a 10-acre parcel accessible from Stump Road. Testimony was given from the following witnesses: Michael Maier of Westrum Development Company, Anthony Caponigro, P.E., Brian Seidel, Land Planner and Damon Drummond, P.E., the Township's Traffic Engineer. Discussion followed. The Board members expressed concerns about traffic in and out of the development on Stump Road; the commitment to make a pedestrian crossing at Bethlehem Pike and Knapp Road; the possible future sale of the building to other ownership; the effect of lighting on existing resident's homes; a stormwater management plan; protection for the Little Neshaminy Creek nearby; and inclusion of electric charging stations. It was noted that most of these concerns will be addressed during the conditional use hearing and land development process.

Under public comment, Ben Hartranft of 105 Bellows Way stated that he was in favor of the development as it could serve as inclusive housing for special needs individuals, like himself, who would like to live independently someday.

Joanne Cunningham of 117 Narcissus Place, stated that she disapproved of the change to zoning to allow for a luxury apartment development. Ms. Cunningham voiced concerns about rampant negative feedback she has received on this project; the development's competition with the Township's community and recreation center, erosion and flooding; selling of the property and future management; burden on the school district with the addition of children; proposed unsafe pedestrian crossing of Route 309; and the one day advertising of the hearing was not enough for residents to be aware of or have the opportunity to come to the meeting and express their concerns. Ms. Bamford reported that the Westrum Development Company has been before the Board at public meetings to discuss the proposed development three or four times.

Vincent Tulio of 101 Glasgow Circle commented that he has attended every Board meeting that this plan has been discussed and there have been a few. Mr. Tulio stated that he was in favor of this development and not in favor of additional industrial buildings.

Dave McPeak of 166 Jonathan Drive stated that he does not see the value added to the Township with this development and he strongly opposes this amendment.

Upon motion by Ms. Bamford, seconded by Ms. Long and unanimously carried, the hearing was closed at 8:30 p.m. Discussion followed regarding concerns about the number of properties affected by this text amendment, traffic on Stump Road and the status of the Montgomery Mall property.

**MOTION: Upon motion by Ms. Bamford, seconded by Ms. Staab and unanimously carried, Ordinance #21-321Z – Text Amendment I-Industrial Zoning District – Westrum Development Company Lifestyle Apartments was approved.**

**8. Presentation: Park and Recreation Board:** Linda Brooks and Marybeth Meehan, members of the Park and Recreation Board, stated that the entire Park and Recreation Board would like to propose the creation of a legal ordinance for the current and future protection of the areas in Windlestrae Park encompassing the natural undeveloped areas of Rose Twig, Zehr and the Wiseman tract. Ms. Brooks presented a letter from the Park and Recreation Board outlining their proposition and which has been made part of these minutes. The Supervisors thanked Ms. Brooks and Ms. Meehan for their passion and concern regarding the parkland and their commitment to serve on the Park and Recreation Board.

#### **Planning & Zoning:**

**9. Presentation of Survey Results for Backyard Chickens on Residential Parcels –** Public Information Coordinator Derek Muller presented the results of the recent survey created to assess the resident's opinions on the raising of chickens on residential properties in the Township. The survey received 582 responses, of which 378 were in support of raising chickens, 196 were not in support and 8 had no opinion or did not know enough about the subject.

Under public comment, Amy Hanson of 116 Gwymont Circle thanked the Board for the survey and stated that she was happy to see most residents agree with raising chickens in the Township. Ms. Hanson reported on the backyard chicken educational event that she hosted at the community center. Ms. Bamford inquired if Ms. Hanson was the administrator of the Montgomery Township Backyard Chicken Facebook page and if she had run paid advertising to promote the survey to groups in favor of the practice. Ms. Hanson responded that she did. Ms. Bamford stated that this practice tends to create a favorable response and draws into question the validity of the results of the survey. Ms. Staab stated that she was shocked by the amount of passion on both sides by the comments that were provided in the survey.

Harry Ettenger of 305 Cowpath Road stated that he has had chickens for the past one and a half years and he was not aware that it was not permitted. He said he started the practice when the pandemic began and they became his COVID therapy chickens. Mr. Ettenger stated that his parrot makes twice the amount of noise as his chickens.

Ms. Bamford inquired of the Board members as to what they wanted to do regarding the raising of chickens. Mr. Quigg stated that he still prefers that the lot size be one acre or larger and that any property smaller than that would need a special exception variance from the Zoning Hearing Board. Ms. Chimera stated that she feels that neighbors need to be advised if their neighbor wants to raise chickens next door. She also believes that the burden on staff would increase, possibly with the need to hire more staff and she agrees with Mr. Quigg's recommendation. Ms. Long is concerned that the zoning matters would take a lot of staff time and she originally agreed with one acre or larger. She understands that everyone is equally passionate on this subject, but she would agree with one acre or larger and Zoning Hearing Board for matters for special exception. Ms. Staab stated that she has been pro chicken, but she understands the complications that can happen between neighbors. Ms. Staab understands why people are against it and having to utilize staff to manage it. Ms. Staab stated that she feels the number of residents who would apply for chickens would be minimal as you must be committed to raising chickens. Discussion followed and Ms. Bamford stated that the Board has discussed this matter over many meetings, and it appears that they cannot arrive at a solution. Under the current ordinance, if you want to raise chickens, you can apply to the zoning hearing board for a special exemption if you are not in the Industrial District.

**MOTION: Upon motion by Ms. Long, seconded by Ms. Chimera and carried by a vote of 4 to 1, with Ms. Staab opposing, the Board agreed to make no changes to the current ordinance.**

**10. Ordinance Amendment to Permit Outdoor Dining:** The Board considered extending the guidelines for limited outdoor sales of merchandise and outdoor dining through November 30, 2021. There was discussion concerning whether this would be allowed considering the Governor's emergency declaration orders had expired and the Township's code had not changed. It was recommended that staff and professionals review the existing Zoning Ordinance to determine if it can be amended to permit outdoor seating as a by-right use and draft an ordinance amendment which the Board can authorize this evening for advertisement and consideration for a future meeting, subject to the review of the Township Solicitor.

Under public comment, Jason Harris of 303 Dillon Drive thanked the Board for their consideration and support of local businesses over the past year. Mr. Harris stated that outdoor seating is important to his business, and he was told that he must discontinue it within 30 days. He understands that he must apply to the Zoning Hearing Board for relief, but that will take a considerable amount of time. Mr. Harris asked for time to make the application while permitting him to continue to use the outdoor seating. The Township Solicitor stated that he would expect that the Zoning Officer would not aggressively enforce the current ordinance while the amended ordinance is being drafted, but recommended that Mr. Harris make his application to the Zoning Hearing Board for a variance as soon as possible.

**MOTION: Upon motion by Ms. Bamford, seconded by Ms. Staab and unanimously carried, the Board authorized the advertisement of the ordinance amendment to**

**permit outdoor seating as a by-right use for consideration at a future meeting, subject to the review of the Township Solicitor.**

**11. Escrow Release #12 – Higher Rock Partners – Phase 2 (LDS 694)**

**MOTION: Upon motion by Ms. Bamford, seconded by Ms. Chimera and unanimously carried, the Board authorized a construction escrow release in the amount of \$13,200.00 as recommended by the Township Engineer for Higher Rock Partners, LP.**

**Public Safety:**

**12. Authorization to Advertise a No Parking Ordinance Amendment for Bridle Path Road:** Chief Bendig reported that the Police Department Highway Safety Unit evaluated Bridle Path Road to address recent traffic complaints regarding the safe passage of vehicles traveling on Bridle Path Road utilizing the northern ingress/egress to Bridle Path Elementary School. Upon consultation with the Township Traffic Engineer, it is recommended that parking be prohibited on the North side of Bridle Path Road, from Greenbriar Drive to the property line of Bridle Path Elementary School and the south side of Bridle Path Road, between Greenbriar Drive and a point 100 feet in a westerly direction from the property line of Bridle Path Elementary School.

**MOTION: Upon motion by Ms. Bamford, seconded by Mr. Quigg and unanimously carried, the Board authorized staff to advertise for an amendment to Chapter 222, Article IV Stopping, Standing, and Parking, section 222-20 *Parking prohibited at all times.***

**13. Appointment of Bill Wiegman as EMS Coordinator:** Ms. McCreary reported that in order to obtain information from Montgomery County concerning EMS activity within the Township, the Board must formally appoint Bill Wiegman as the EMS Coordinator.

**MOTION: Upon motion by Ms. Bamford, seconded by Ms. Long and unanimously carried, the Board appointed Bill Wiegman as the EMS Coordinator for Montgomery Township.**

**Public Works:**

**14. Approval of Participation in 2021-22 Montgomery County Consortium Fuel Contract:**

**MOTION: Upon motion by Ms. Long, seconded by Ms. Staab and unanimously carried, the Board approved the Township's participation in the Montgomery County Consortium Fuel Contract awarded to Colonial Oil Industries, Inc. for the purchase of petroleum products for a period of one year ending on August 31, 2022.**

**Administration and Finance:**

**15. Approval of Quotation for GIS License Agreement:** Ms. McCreary reported that the Township received a quote from Environmental Systems Research Institute, Inc. (ESRI) for the licensing of GIS software. This program will have a wide variety of uses for our Township and provide greater control, accuracy and transparency in our operations as it relates to our infrastructure and capital assets. It will also provide the public with the opportunity to garner information via our website. The proposed fee would be \$9,350.00 for year one, \$18,500.00 for year two and \$27,500.00 for year three.

**MOTION: Upon motion by Ms. Bamford, seconded by Mr. Quigg and unanimously carried, the Board accepted the quote from ESRI dated 4/13/21 in the amount of \$55,350.00 payable as outlined and authorized the Township Manager to execute the document on behalf of the Township.**

**16. Authorization to Issue Bond for Capital Investment Plan:** Ms. McCreary reported that at the June 28 public meeting, staff presented a five-year Capital Investment Plan (CIP) totalling \$16.7 million to the Board of Supervisors. The CIP is an important tool to utilize as part of the annual budget process and to support the Township's goals and objectives relating to the replacement of its infrastructure and capital. During the presentation, it was noted that all of the items included in the CIP have a useful life of 5 to 30 years and as such, serious consideration should be given to borrowing money to fund part of the CIP. This would remove the need to utilize current resources and stretches the reserves further to meet unexpected capital needs that could arise. Staff sought and received Board consensus to investigate the costs of borrowing money to help fund the CIP, noting interest rates were at historic lows. Information was provided by the Delaware Valley Regional Finance Authority (DVRFA) using several scenarios. Staff is recommending that the Board provide authorization to borrow money necessary to provide funding for the CIP. Ms. Chimera stated that she is not a fan of borrowing so much money and she needs more time and information to consider it. Ms. Staab indicated that interest rates are very low right now. Mr. Quigg stated that it would be best to consider borrowing the money now while rates are at historic lows, rather than wait two years when the Township might really be in need of the money and rates would be higher. The reserves are currently at \$8 million. Ms. Chimera indicated that she recalled year after year while serving on this Board that the surplus money would be transferred to the capital reserve at the end of each year. Ms. McCreary responded that the years of putting significant amounts of money aside have passed. Discussion followed.

**MOTION: Upon motion by Ms. Bamford, seconded by Mr. Quigg and carried by a vote of 3 to 2, with Ms. Chimera and Ms. Long opposing, the Board authorized Township staff to work with Delaware Valley Regional Finance Authority to prepare the necessary documents to issue debt in the amount of \$15 million with a payback period of 30 years and to prepare and advertise the required ordinance for adoption at an upcoming meeting.**

**17. Formation of Ready for 100 Ad Hoc Committee:** Ms. McCreary reported that the Board voted to adopt the Ready for 100 Renewable Energy resolution at their meeting on May 10. The resolution states that the Board will provide guidance for commissioning a committee to draft an energy transition plan by May 2022. At the direction of the Board, staff has prepared a resolution which would establish the Ad Hoc committee. Staff is recommending the Board seek candidates who are not only interested in this plan, but who will commit to meeting monthly, focusing solely on this work. Additionally, staff is recommending that we contract with a consultant to guide the committee in the process and ensure that work does not stall given the timeframe required. Staff is waiting on a quote for services from Practical Energy Solutions who has worked with several other municipalities on this task.

**MOTION: Upon motion by Ms. Bamford, seconded by Ms. Staab and unanimously carried, the Board adopted Resolution No. 2021-32, establishing the Ready for 100 Advisory Ad Hoc Committee.**

**Other Business:**

**18. Other Business: Department and Committee Liaison Reports:** There were no questions for the Department heads regarding their reports for the month of June.

At the request of Ms. Bamford, each Department has been asked to be featured each month and provide an update at the meeting. The Planning Department was selected for this meeting. Mr. Shoupe provided a detailed summary of statistics and information regarding Planning Department activity for the month of June.

Under Committee Liaison reports: Ms. Staab stated the Environmental Advisory Committee (EAC) will be hosting a Solar Summit on July 27 at 7:00 p.m. where information will be provided to residents about the process for solar energy panel installation.

Ms. Bamford reported on the latest Bio Bot study and that the current COVID cases are way down in the Township with detection at 0% in the month of June. Ms. Bamford recommended that everyone continue to use safety protocols.

**Adjournment:** Upon motion by Ms. Bamford and seconded by Ms. Chimera, the meeting was adjourned at 10:02 p.m.

Respectfully submitted,

Deborah A. Rivas, Recording Secretary

Dear Montgomery Township Board of Supervisors,

The members of the Montgomery Township Parks and Recreation Board would like to propose the creation of a legal ordinance for the current and future protection of the areas in Windlestrae Park encompassing the natural undeveloped areas of Rose Twig, Zehr and the Wiseman tract.

The open space area encompasses approximately 15 acres of interior forest protected by an outer forest, the importance of both are detailed in the attached document. We would be more than happy to discuss with the Board in detail the fragility and significance of an interior forest. It is truly a treasure that is rather unique throughout Montgomery County.

The former disc golf course reduced the size and function of the space as a breeding ground for native flora and fauna. The emerald ash borer decimated the area by causing the death of hundreds of trees. If we are to protect the interior forest and the surrounding natural habitat, it is critically important that we avoid pushing back the forest edge with further active recreational development.

Montgomery Township has provided for its residents an outstanding park system. We possess a multitude of top-notch athletic fields for nearly every sport. However, with each added active sports amenity, there is also the necessity for more supporting features that will encroach into the natural environmental areas that exist in Windlestrae Park.

We propose to halt any further development of this precious area and keep the park as natural, beautiful and ecologically diverse as possible for future generations. Specifically, we are opposed to putting artificial turf on the two large soccer fields at Windlestrae. Allowing the existing fields to be converted to artificial turf would generate more traffic, necessitate more parking, require constructing additional restrooms, and generate significantly more trash.

Windlestrae Park, Zehr Park and the Wiseman Tract are gems within Montgomery Township/County. We must preserve these natural treasures for future generations to enjoy. The need for a formal written document for their protection is imperative.

Sincerely,  
Parks and Recreation Board

## Justification/Dialog With Regards to Unique Natural Areas of Windlestrae Park and Their Preservation

The different natural features of Windlestrae Park, Zehr Park and the Wiseman Track in Montgomery Township require a protection ordinance for their woodlands, stream corridors, and wetlands because of their value and benefits. Woodlands provide habitat for many animal and plant species; control erosion; clean the air; protect privacy; provide windbreaks; cool the air in the summer; reduce the impact of rainfall; muffle noise; absorb odors; and improve the appearance of an area. Stream corridors carry floodwaters, minimize erosion, protect water quality, provide animal habitat, and afford recreation opportunities. Wetlands purify water, retain storm water runoff, limit erosion, reduce flood flows, provide food and shelter for a wide array of animals and plants, facilitate ground-water recharge, and help maintain the base flows of area streams.

Stream corridors, and floodplains serve many important functions that benefit the residents of Montgomery Township. Montgomery Township is partially dependent on groundwater for its water supply, making residents somewhat vulnerable when the groundwater is compromised. Groundwater is tapped as a source of drinking water and for industrial purposes where surface water is unavailable. Open, undisturbed land, such as these particular parks, is an essential component for to groundwater recharge. The vegetation serves to retain precipitation where it falls, allowing it to soak into the soil rather than run off the surface. Many of the park's stream corridors contain wetlands. Wetlands have environmental importance and are worthy of protection. Montgomery Township has an extensive range of regional value for aquatic conservation resources. Along the Little Neshaminy Creek, located within these featured parks, the land ranks in the top seventieth percentile in the region of value as an aquatic resource.

Woodlands and hedgerows serve many purposes, both functionally and aesthetically. These areas provide habitat for many animal and plant species, control erosion, clean the air, protect privacy, provide windbreaks, cool the air in summer, reduce the impact of rainfall, muffle noise, absorb odors and improve the appearance of an area. The benefits of woodlands and hedgerows improve the quality of life of a community as well as potentially increasing property values. The presence of a mature forest and riparian corridors presents at least a moderate potential for the presence of rare, threatened, or endangered species. The area of mature forest in Windlestrae Park has at its core approximately fifteen acres of interior forest. Interior forest is generally defined as wooded area more than 100 meters from the forest edge. Interior forest supports populations of bird species that do not inhabit other habitat types. Due to high rates of breeding success, an interior forest serves as a "source" area for the spread of species into surrounding landscape. Only because of the outflow from uninterrupted forest blocks can residents continue to experience high bird diversity in their parks or neighborhoods. Not only is it critical to avoid pushing back the forest edge to protect the interior, but many native plant, bird, mammal, and

insect species benefit from greater light availability at the forest edge. Thus, disturbance to the forest edge can be ecologically damaging as well.

Montgomery Township Park's system has a full range of regional value for potential vertebrate conservation resources. The three parks alone, particularly along the Little Neshaminy Creek, rank high, putting the land in the 70<sup>th</sup> percentile value. Riparian areas need protection for this purpose; a variety of plant and animal species that depend on this specific habitat type. It is of critical importance to protect the stream banks in these areas from erosion promoted by the removal of vegetation. There are several tributaries near its confluence with the Little Neshaminy where the plants were cleared to accommodate foot traffic along the old disc golf course.

There is worldwide concern about global warming, the protection of our local forests takes on added significance, particularly in parts of the Montgomery County where forest cover is limited. Every acre of intact forest in our Montgomery County removes more than 1.5 tons of carbon from the atmosphere each year. The approximately 90 acres only of Windlestrae Park forest is responsible for the sequestration of more than 1.400 tons of total carbon. That number is significant in the safe removal of carbon.

Ash tree decimation from the Emerald Ash Borer has left remains of our Township wooded park areas vulnerable. Our environmental challenges are safeguarding our natural resources and processes that provide benefits for us all. We do not live directly in the natural fields, forests, or streams; but our decisions must be made regarding their safety and the potential disruption of these critical services. In addition, a quiet walk in the woods can provide respite from the human-dominated landscape and help restore one's mental and spiritual health.