

**TREASURER'S REPORT  
AND OTHER MONTHLY REPORTS**

**DECEMBER 2015**

1. Treasurer's Report
2. Land Use, Zoning and Planning Report
3. Township Engineer's Report
4. Pennsylvania State Police Report

note:

Treasurer's Report  
to be added.

**INCOME & EXPENSE REPORT-YEAR TO DATE ON CASH BASIS**

**12/31/2015**

	<u>GENERAL FUND</u>	<u>STATE FUND</u>	<u>CAPITAL RESERVE</u>
	Y-T-D	Y-T-D	Y-T-D
<b><u>RECEIPTS</u></b>			
REAL ESTATE TAX	46,492.73	0.00	0.00
PER CAPITA TAX	5,029.62	0.00	0.00
R E TRANSFER TAX	361,565.52	0.00	0.00
EARNED INCOME TAX	2,629,134.30	0.00	0.00
IMPACT FEE REVENUE	50,078.00	0.00	0.00
TRASH HAULERS REGISTRATION	500.00	0.00	0.00
CABLE TELEVISION FRANCHISE	221,082.63	0.00	0.00
STREET ENCROACHMENTS	580.00	0.00	0.00
SIGN PERMITS	77.65	0.00	0.00
YARD SALES / SOLICITATION	505.00	0.00	0.00
FINES	3,467.31	0.00	0.00
INTEREST	16,858.58	251.21	9,662.11
RENTS & ROYALTIES	116,213.29	0.00	0.00
CELL TOWER	11,295.02	0.00	0.00
INTER GOV REVENUES	232,071.65	277,220.69	0.00
SUBDIVISION & LAND DEV FEES	15,150.00	0.00	0.00
CONDIT USE-BOS	500.00	0.00	0.00
ZONING	2,900.00	0.00	0.00
SALE OF MAPS & PUBLICATIONS	18.00	0.00	0.00
PERMITS	216,761.64	0.00	0.00
PARK CELL TOWER RENTAL	20,818.68	0.00	0.00
PARK & REC TICKET SALES	8,328.48	0.00	0.00
ORGANIZED SPORTS/LESSONS	27,171.00	0.00	0.00
PARK TRIPS	7,030.73	0.00	0.00
PARK & REC MISC RECEIPTS	3,465.50	0.00	0.00
MISC REVENUE / ADMIN FEES	10,509.62	0.00	0.00
CONTRIB-PRIVATE SECT	97,003.00	0.00	0.00
INTERFUND OPERATING TRANSFER	0.00	0.00	0.00
<b>TOTAL RECEIPTS</b>	<b>4,104,607.95</b>	<b>277,471.90</b>	<b>9,662.11</b>
<b><u>EXPENDITURES</u></b>			
LEGISLATIVE EXPENSE	129,627.04	0.00	0.00
MANAGEMENT EXPENSE	140,872.82	0.00	0.00
FINANCIAL EXPENSE	156,162.31	0.00	0.00
LEGAL SERVICES	139,826.53	0.00	0.00
CLERICAL EXPENSE	219,974.28	0.00	0.00
ENGINEERING	46,504.00	0.00	1,646.14
BUILDING EXPENSES	334,908.78	0.00	0.00
HYDRANT / PUBLIC SAFETY	326,317.81	0.00	0.00
CODE ENFORCEMENT EXPENSE	257,918.99	0.00	0.00
ZONING EXPENSE	133,448.65	0.00	0.00
PUBLIC WORKS EXPENSE	528,474.12	0.00	0.00
SNOW & ICE MATERIAL	0.00	48,064.82	0.00
TRAFFIC LIGHT EXPENSE	39,602.83	0.00	0.00
VEHICLE & MACHINERY EXPENSE	71,649.17	0.00	0.00
ROAD MAINTENANCE EXPENSE	539,587.76	275,000.00	0.00
STORMWATER MANAGEMENT	35,855.56	0.00	0.00
PARK / CULTURE EXPENSE	353,574.81	0.00	0.00
NAT'L RESOURCES/OPEN SPACE	17,026.33	0.00	0.00
MISCELLANEOUS EXPENSE	5,431.50	0.00	0.00
INSURANCE EXPENSE	125,738.59	0.00	0.00
INTERFUND TRANSFER	(5,123.70)	0.00	0.00
<b>TOTAL EXPENSES</b>	<b>3,597,378.18</b>	<b>323,064.82</b>	<b>1,646.14</b>

**INCREASE/DECREASE**

**507,229.77**

**(45,592.92)**

**8,015.97**

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**INCOME & EXPENSE REPORT-YEAR TO DATE ON CASH BASIS**

**12/31/2015**

**VALLEY GREEN**

**RECEIPTS**

Y-T-D

INTEREST	5,617.21
CONNECT / TAPPING FEES	5,255.00
SEWAGE USE CHRGS RESID	375,344.76
SEWAGE CHRGM, COMMERC'L	151,594.04
CERTIFICATION/LATE CHRGM	6,672.52
LIENS	60.00
MISC INCOME	830.00

TOTAL RECEIPTS

545,373.53

**EXPENDITURES**

ADMINISTRATIVE COSTS	26,418.41
SANITATION EXP	328,088.59
WIP - Valley Green WWTP Upgrade	245,881.14
WIP - Hickory Hill Area Expansion	770,097.80
TWP PUMP STATIONS	99,010.51
OBLIGATION NOTE INTEREST	50,148.34
INSURANCE	1,621.60

TOTAL EXPENSES

1,521,266.39

**INCREASE/DECREASE**

(975,892.86)

ERECTED INTO A TOWNSHIP IN 1733  
**TOWNSHIP OF WORCESTER**  
AT THE CENTER POINT OF MONTGOMERY COUNTY  
**PENNSYLVANIA**

**Board of Supervisors:**

SUSAN G. CAUGHLAN, CHAIR  
STEPHEN C. QUIGLEY, VICE CHAIR  
ARTHUR C. BUSTARD, MEMBER

1721 Valley Forge Road  
P.O. Box 767  
Worcester, PA 19490

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**Land Use, Zoning and Planning Report**

December 2015

**Planning Commission Current Activity**

- Reviewing Center Point Zoning Ordinance with John Kennedy, John Cover, and Brandon Rudd
- Reviewing Storm water Management Ordinance with Joe Nolan
- Active Plan Reviews
  - Whitehall Estates Subdivision Initial Review at January 28, 2016 meeting
    - 26 lot single family homes with public sewer
  - IBEW Land Development Plan-Requested their notes from previous submission to the Zoning Hearing Board for review at their January 28, 2016 meeting
    - Square Foot Addition to training facility for indoor training simulations and classes; parking lot expansion
  - 2119 Berks Road-Two Lot Subdivision with no construction proposed

**Zoning Hearing Board Current Activity**

- 15-03-Philip Goldblum and Amy Echert-2959 Potshop Road
  - Requests for variances from front and side yard setbacks; garage height; and recreational vehicle parking
  - Originally presented at the December 22, 2015 Zoning Hearing Board meeting
    - Board requested additional information from applicant
  - Hearing on January 26, 2016
- 15-04-IBEW-3455 Germantown Pike
  - Request to extend previous variances
  - Granted at the December 22, 2015 Hearing
- 16-01-Robert and Amanda Wetter-2110 Wentz Church Road
  - Request for variances to build an addition on a single family dwelling
  - Hearing on January 26, 2016
- 16-02-Developmental Enterprises Corporation-2934 Township Line Road
  - Request for variance from the definition of "family" for non-related residents living in a single family dwelling (150.9A)
  - Hearing on January 26, 2016

### **Other Current Activity**

- Trails
  - Zacharias Creek Trail is completed. Final invoices have been submitted to DCED. Need a financial audit done to close out the grant once the final payment is received by the Township.
  - CKS is mapping the Zacharias Creek Trail and trail amenities will be presented at the April work session
- Transportation Improvement Plan is underway and will be presented at the April work session
  - Staff is working with McMahon on prioritizing transportation projects over the next five years
  - Will be presented at the March work session
- DCNR grant is being prepared for Defford Road green space including storm water improvements, trails, and a picnic area.
  - Will be presented at the February work session

**MEMORANDUM**

**TO:** Worcester Township Board of Supervisors  
**FROM:** Joseph J. Nolan, P.E., Township Engineer  
**DATE:** January 4, 2016  
**SUBJECT:** Engineering Report - Project Status

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This memorandum will provide an update and status report on the various projects that are ongoing within the Township as of January 4, 2016. The projects are in various stages of development, ranging from preliminary feasibility studies to actual ongoing construction.

1. Hickory Hill Sewer Project

This project is proceeding on schedule. All of the main line work and lateral work are complete. All trench paving work is now complete. The entire system has been tested and all lines have passed. The contractor will stabilize all areas of the project for winter and come back in the spring for final restoration.

2. Artmar Road – Preliminary Drainage Study

CKS Engineers, Inc. has completed a Preliminary Drainage Study for the Artmar Road area of Worcester Township. This study was submitted by our letter dated May 8, 2015. This included a preliminary layout and cost estimate to correct the existing drainage problem in this area. This was discussed with the Board of Supervisors at the May 2015 meeting. I have provided a copy of this study to the adjacent property owner, who will need to provide two easements for this project to proceed. The Township met with the property owner's attorney to discuss the need for the easements. The attorney will review the easements with the property owner.

3. Salt Storage Building

Site work is continuing. All concrete walls have been poured and the floor slabs are poured as well. The building portion will be installed the week of January 4, 2016. This project is on schedule.

4. Heebner Road Soccer Field

We have completed the Site Layout Plan and Grading Plan for the new soccer field to be constructed on Heebner Road. Due to the amount of area disturbed during this project, we need to obtain an NPDES Permit for this project. We have performed infiltration testing on the site for use in preparation of the Permit Application. The application has been submitted to DEP for review. We have received comments from DEP on the application

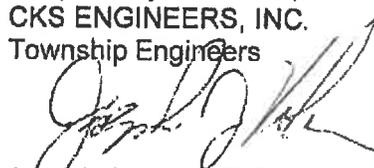
and have responded to DEP with the additional information requested. We are finalizing the plans and specifications in anticipating of bidding in early 2016.

5. Miscellaneous Items

- a. CKS Engineers assisted the Township on numerous zoning and land development related issues as requested during the month.
- b. CKS Engineers performed various site inspections in conjunction with finalizing Use & Occupancy Permits and zoning violations during the month.
- c. CKS reviewed numerous grading permit applications for the Township during the month.
- d. CKS Engineers provided office hours at the Township on Wednesday afternoons during the month as requested.
- e. CKS Engineers, Inc. continued to provide inspection services in conjunction with all ongoing land development and subdivision projects throughout the Township. This also included verifying completion of items and preparation of escrow releases for these projects.

The above represents a status report on the projects and services currently being performed by CKS Engineers, Inc. Please contact me if you have any questions on any of these items.

Respectfully submitted,  
CKS ENGINEERS, INC.  
Township Engineers



Joseph J. Nolan, P.E.

JJN/mdm

cc: Tommy Ryan, Township Manager  
File

AIMS Statistics for County 46, Municipal Code 226  
From 2015/12/01 to 2015/12/31

<u>Description</u>	<u>Number of Incidents</u>
BURGLARY- BURG- RESIDENTIAL	1
BURGLARY- FALSE ALARM FAULT	10
CANCELLED BY COMPLAINANT	9
COLLISION- GONE ON ARRIVAL	2
COLLISION- NR- NONE	9
COLLISION-HR-NONE-NONE-NONE	2
COLLISION-PSP-NONE-NONE-NONE	1
COLLISION-TRAF-INJ-NONE-NONE	5
COLLISION-TRAF-NONE-NONE-NONE	5
CRIMINAL MISCHIEF	1
DRUG- SALE & MANUFACTURE	1
LIQUOR LAW- UNDERAGE CONSUME	1
LOST & FOUND- OTHER	1
OTHER- 911 HANGUP	2
OTHER- ANIMAL ON ROADWAY	7
OTHER- ATTEMPT TO LOCATE	1
OTHER- DEBRIS ON ROADWAY	2
OTHER- DISTURBANCE	2
OTHER- DOMESTIC	1
OTHER- OTHER	1
OTHER- SEE OFFICER	12
POLICE INFO- OTHER	4
PROPERTY CHECK	2
REQ. ASSIST- ALL/FORENSIC SVCS	1
REQ. ASSIST- MOTORIST	10
REQ. ASSIST- OTHER	1
REQ. ASSIST- OTHER POLICE	2
SEX OFFENSE- RAPE	1
THEFT- ALL OTHER	1
THEFT- FRAUD & FORGERY	1
THEFT- FROM MOTOR VEHICLE	1
THEFT- UNLAWFUL TAKING	2
TRAF VIO- DUI DRUG- DRUG POS	1
TRAFFIC VIOLATION- DUI ALCOHOL	1
TRAFFIC VIOLATION- OTHER	3
VEHICLE- RECOVERED	1
VEHICLE- SUSPICIOUS	1
VFI- OTHER INVESTIGATION	1
<b>TOTAL</b>	<b>110</b>

Prepared on January 4, 2016

**WORCESTER TOWNSHIP BOARD OF SUPERVISORS BUSINESS MEETING  
WORCESTER TOWNSHIP COMMUNITY HALL  
FAIRVIEW VILLAGE, WORCESTER, PA  
WEDNESDAY, DECEMBER 16, 2015 – 7:30 PM**

**CALL TO ORDER** by Chairman Bustard at 7:31 PM

**PLEDGE OF ALLEGIANCE**

**ATTENDANCE**

**PRESENT:**   ARTHUR C. BUSTARD     [X]  
                  SUSAN G. CAUGHLAN    [X]  
                  STEPHEN C. QUIGLEY   [X]

**INFORMATIONAL ITEMS**

- There were no information items announced at this evening's meeting.

**PUBLIC COMMENT**

- Jim Mollick, Worcester, commented on the public comment period at public meetings, the assignment of the Sunshine Law litigation to the Township's insurance carrier, sound barrier grant application and award, a decision on an appeal made to the Office of Open Records, and the issuance of a request for proposals for Township Solicitor services.
- Steve Rock, Worcester, commented on grant funding for the Hickory Hill Sewer Project.
- Steve Geyer, Worcester, commented on the location of the sewer lateral at a Hickory Hill Sewer Project property, and the distribution of project updates.
- Dan Dreher, Worcester, commented on the public comment period at public meetings, and the posting of information to the Township website.
- Thomas Zapalac, Worcester, commented on the Hickory Hill Sewer Project development, the Township funding a portion of the project costs, the funding of the Fairview Village Sewer Project, payment of the sanitary sewer tapping fee, and the sewer rate for properties served by a grinder pump.
- Scott Misus, Worcester, commented on the video recording of Board meetings, posting information to the Township website, the location of the sewer lateral at a Hickory Hill Sewer Project property, and the public participation rules at public meetings and this practice.
- John Diesel, Worcester, commented on the permitted public comment period at public meetings, funding of the Fairview Village Sewer Project, and the Township funding a portion of the Hickory Hill Sewer Project costs.

- Bob Andorn, Worcester, commented on the permitted public comment period at public meetings, public comment on the North Penn Water Authority presentation at the December 7 Work Session. Chairman Bustard noted that while State Law requires municipalities to provide for public comment before any official action is taken or before each official action is taken, the Township provides public comment at both instances.

## MOTIONS AND RESOLUTIONS

- a) Ordinance 2015-253 -- Jim Garrity, Township Solicitor, announced the Board would conduct a Public Hearing to consider an Ordinance to enact a traffic impact fee per Act 209.

The Public Hearing was opened at 8:05 PM. A Court Reporter transcribed the proceedings. The Public Hearing was closed at 8:25 PM.

Supervisor Caughlan made a motion to adopt Ordinance 2015-253, as presented, so to establish a traffic impact fee in the amounts of \$3,977 per peak PM trip generated in the North Transportation Service Area, and \$3,125 per peak PM trip generated in the South Transportation Service Area. The motion was seconded by Supervisor Quigley. By unanimous vote the Board adopted the motion to approve.

- b) Ordinance 2015-254 – Jim Garrity, Township Solicitor, announced the Board would conduct a Public Hearing to consider an Ordinance to enact an assessment for certain improvements, and to establish public sewer connection requirements, for the Hickory Hill Sewer Project.

The Public Hearing was opened at 8:28 PM. A Court Reporter transcribed the proceedings. The Public Hearing was closed at 10:28 PM.

Supervisor Quigley made a motion to adopt Ordinance 2015-254, as presented, so to enact an assessment for certain improvements, and to establish public sewer connection requirements, for the Hickory Hill Sewer Project. The motion was seconded by Supervisor Caughlan. By unanimous vote the Board adopted the motion to approve.

- c) 2016 Budget – Jim Garrity, Township Solicitor, announced the Board would conduct a Public Hearing to consider the proposed 2016 Budget.

The Public Hearing was opened at 10:30 PM. A Court Reporter transcribed the proceedings. The Public Hearing was closed at 10:45 PM.

Supervisor Caughlan made a motion to adopt the proposed 2016 Budget, as presented. The motion was seconded by Supervisor Quigley. By unanimous vote the Board adopted the motion to approve.

- d) Approval of the November 18, 2015 and December 7, 2015 Meeting Minutes – Supervisor Caughlan made a motion to dispense with the reading of, and approve as written the November 18, 2015 and December 7, 2015 Meeting Minutes. The motion was seconded by Supervisor Quigley.

Mr. Dreher commented on the proposed minute location in the meeting handout.

By unanimous vote the Board adopted the motion to approve.

- e) Treasurer's Report – The Treasurer's Report for October 2015 showed the following net change on a cash basis:

General Fund	\$ 585,787.81
State Fund	\$( 42,684.98)
Capital Reserve Fund	\$ 5,125.25
Sewer Fund	\$(734,044.90)

Supervisor Caughlan made a motion to approve the Treasurer's Report for November 2015. The motion was seconded by Supervisor Quigley.

Dr. Mollick commented on the zoning expense detail.

By unanimous vote the Board adopted the motion to approve.

- f) Payment of the Bills of the Township – Supervisor Caughlan made a motion to approve the payment of the Township's bills in the amount of \$601,423.53. The motion was seconded by Supervisor Quigley.

Dr. Mollick commented on the payment of the Township Solicitor invoices, appeal decisions made by the Office of Open Records, and the review of invoices to be paid by Supervisor Caughlan.

By unanimous vote the Board adopted the motion to approve.

- g) Minimum Municipal Obligation to the Non-Uniform Pension Plan – Supervisor Caughlan made a motion to approve the revised 2016 Minimum Municipal Obligation contribution for 2016, as presented. The motion was seconded by Supervisor Quigley.

There was no public comment.

By unanimous vote the Board adopted the motion to approve.

- h) Resolution 2015-33 – 3330 Water Street Road, LP Preliminary/Final Subdivision Approval – Supervisor Caughlan made a motion to adopt Resolution 2015-33, granting Preliminary/Final Plan Approval for a two-lot subdivision at 3330 Water Street Road, as presented. The motion was seconded by Supervisor Quigley.

There was no public comment.

By unanimous vote the Board adopted the motion to approve.

- i) Resolution 2015-34 – Dedication of a Portion of 1921 North Wales Road – Mr. Ryan provided a brief overview of a proposed dedication of land at 1921 North Wales Road for purposes of roadway improvements.

Supervisor Caughlan made a motion to adopt Resolution 2015-34, accepting dedication of land at 1921 North Wales Road for purposes of roadway improvements, as presented. The motion was seconded by Supervisor Quigley.

There was no public comment.

By unanimous vote the Board adopted the motion to approve.

- j) Resolution 2015-35 – 2568 Skippack Pike Bid Award – Mr. Ryan provided a brief overview of the letting for public bid of Township-owned property at 2568 Skippack Pike. Chairman Bustard noted the sale was subject to the existing dwelling being restored in accordance with conditions noted in a façade easement.

Supervisor Caughlan made a motion to adopt Resolution 2015-35, approving the sale of 2568 Skippack Pike to US Seal LLC in the amount of fifty five thousand dollars and no cents (\$55,000.00). The motion was seconded by Supervisor Quigley.

There was no public comment.

By unanimous vote the Board adopted the motion to approve.

Supervisor Caughlan noted the Township had and will incur certain expenses to prepare the property for bid and transfer. Supervisor Caughlan commented on the restoration of the existing dwelling in accordance with conditions noted in a façade easement.

Supervisor Caughlan made a motion to deduct from the sale proceeds an amount equal to the expenses incurred to prepare the property for bid and transfer, and to place the balance of funds in a restricted account for the purpose of monitoring the restoration of the existing dwelling, until said restoration is satisfactorily completed at which time the funds can be released to the General Fund for use for any purpose. The motion was seconded by Supervisor Quigley.

There was no public comment.

By unanimous vote the Board adopted the motion to approve.

- k) Resolution 2015-36 – Multimodal Transportation Fund Program Grant Application – Mr. Ryan provided a brief overview of a proposed grant application to the Pennsylvania Department of Transportation Multimodal Transportation Fund Program, for funding of sound barriers at three locations along the Pennsylvania Turnpike.

Supervisor Caughlan made a motion to approve Resolution 2015-36, authorizing the submission of a grant application to the Pennsylvania Department of Transportation

Multimodal Transportation Fund Program, for funding of sound barriers at three locations along the Pennsylvania Turnpike. The motion was seconded by Chairman Bustard.

Supervisor Quigley noted that he will abstain from voting on this matter because he owns property that abuts the project area.

Mark Landis, Worcester, thanked the Township for its efforts. Mr. Dreher commented on the required local match. Dr. Mollick commented on the grant program, the grant application that was previously submitted by the Township for the same improvements, and the location of the sound barriers.

The Board adopted the motion to approve, with Chairman Bustard and Supervisor Caughlan voting aye, and Supervisor Quigley abstaining.

- l) Municipalities Planning Code review period waiver – 3455 Germantown Pike, IBEW – Supervisor Caughlan made a motion to accept the Applicant's offer to waive the 90-day review period as set forth in the Pennsylvania Municipalities Planning Code. The motion was seconded by Supervisor Quigley.

There was no public comment.

By unanimous vote the Board adopted the motion to approve.

- m) Municipalities Planning Code review period waiver Whitehall Estates – Supervisor Caughlan made a motion to accept the Applicant's offer to waive the 90-day review period as set forth in the Pennsylvania Municipalities Planning Code. The motion was seconded by Supervisor Quigley.

There was no public comment.

By unanimous vote the Board adopted the motion to approve.

- n) vehicle donation – Supervisor Caughlan made a motion to approve the donation of 2003 Dodge Durango to the Worcester Township Volunteer Fire Department. The motion was seconded by Supervisor Quigley.

There was no public comment.

By unanimous vote the Board adopted the motion to approve.

## **MANAGER'S REPORT**

- a) Subdivision, Land Development and Zoning update – Mr. Ryan provided an update on subdivision, land development and zoning activities, including a Zoning Hearing Board meeting to be held on December 22.

## **ENGINEER'S REPORT**

- a) Hickory Hill Sewer Project update – Mr. Nolan provided an update on the Hickory Hill Sewer Project, including improvements installed to date and work to be completed, including restoration efforts.
- b) Salt Building Project update – Mr. Nolan provided an update on the Salt Building Project, including improvements installed to date.
- c) TMDL Strategy – Mr. Nolan presented an overview of a proposed strategy to address certain stormwater improvement requirements imposed upon the Township by Federal and State law. Mr. Nolan noted the boundaries of the Township's three watersheds, and commented on waterways designated as impaired. Mr. Nolan commented on the Township's current efforts to revise its stormwater management ordinance, and various techniques to decrease sediment entry into waterways. Mr. Nolan commented on the Township's sediment waste load allocation, and candidate reduction techniques. Mr. Nolan noted the Township was a member to a multi-municipal consortium that is working to address this stormwater mandates on a watershed-wide basis. Mr. Nolan confirmed the mandate pertained to stormwater, and not sanitary sewer discharges.

## **SOLICITOR'S REPORT**

Mr. Garrity, Township Solicitor, announced the Board will meet in Executive Session at the conclusion of this evening's meeting to discuss a matter of personnel as to a benefit applicable to certain Township employees.

## **OTHER BUSINESS**

No other business was discussed at this evening's meeting.

## **ADJOURNMENT**

There being no further business brought before the Board, Chairman Bustard adjourned the regularly scheduled meeting at 11:29 PM.

Respectfully Submitted:

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Tommy Ryan  
Township Manager

**WORCESTER TOWNSHIP BOARD OF SUPERVISORS REORGANIZATION MEETING  
WORCESTER TOWNSHIP COMMUNITY HALL  
FAIRVIEW VILLAGE, WORCESTER, PA  
MONDAY, JANUARY 4, 2016 – 11:00 AM**

**CALL TO ORDER** by Chairman Bustard at 11:00 AM

**PLEDGE OF ALLEGIANCE**

**ATTENDANCE**

PRESENT: ARTHUR C. BUSTARD [X]  
SUSAN G. CAUGHLAN [X]  
STEPHEN C. QUIGLEY [X]

**INFORMATIONAL ITEMS**

- Jim Garrity, Township Solicitor, announced the Board will meet in Executive Session at the conclusion of this morning's meeting to discuss a real estate matter and two personnel matters – the first regarding a benefit applicable to certain Township employees and the second regarding a personnel evaluation.
- Mr. Ryan provided an overview of the list of official and volunteer appointments, holiday and meeting schedule dates, and other establishments to be considered by the Members at this morning's meeting.

**PUBLIC COMMENT**

- Scott Misus, Worcester, commented on the Township funding a portion of the Hickory Hill Sewer Project, the video recording of Board meetings, and the trimming of street trees along Valley Forge Road at the Worcester Township Volunteer Fire Department, Township Building and Heebner Park.

**OFFICIAL ACTION ITEMS**

- a) appointment of a Temporary Chairman – Supervisor Quigley made a motion to appoint Chairman Bustard as Temporary Chairman. The motion was seconded by Supervisor Caughlan.

There was no public comment.

By unanimous vote the Board adopted the motion to approve.

- b) appointment of a Temporary Secretary – Supervisor Caughlan made a motion to appoint Tommy Ryan, Township Manager, as Temporary Secretary. The motion was seconded by Supervisor Quigley.

There was no public comment.

By unanimous vote the Board adopted the motion to approve.

- c) appointment of the Chair of the Board of Supervisors for 2016 – Supervisor Quigley made a motion to appoint Temporary Chairman Bustard as the Chair of the Board of Supervisors for 2016. There was no second to this motion.

Temporary Chairman Bustard made a motion to appoint Supervisor Caughlan as the Chair of the Board of Supervisors for 2016. The motion was seconded by Supervisor Caughlan.

There was no public comment.

By unanimous vote the Board adopted the motion to approve.

Chair Caughlan thanked Supervisor Bustard for his service as Chairman.

- d) appointment of the Vice Chair of the Board of Supervisors for 2016 – Supervisor Bustard made a motion to appoint Supervisor Quigley as the Vice Chair of the Board of Supervisors for 2016. The motion was seconded by Supervisor Caughlan.

There was no public comment.

By unanimous vote the Board adopted the motion to approve.

- e) appointment of officials – Supervisor Bustard made a motion to appoint the following official positions, as listed in the December 22, 2015 memo from Mr. Ryan to the Board of Supervisors:

1. Township Manager, Tommy Ryan
2. Secretary, Tommy Ryan
3. Zoning Officer, Tommy Ryan
4. Right To Know Officer, Tommy Ryan
5. Pension Plan Administrative Officer, Tommy Ryan
6. Assistant Township Manager, Amanda Zimmerman
7. Treasurer, Erica Lucey
8. Assistant Treasurer, Amanda Zimmerman
9. Assistant Zoning Officer, Kristen Marin
10. Assistant Zoning Officer, CKS, Inc.
11. Assistant Secretary, Laura Simpson
12. Public Works Director, Robert D’Hulster
13. Road Master, Robert D’Hulster
14. Fire Marshal, David Cornish
15. Building Code Official, Keystone Municipal Services, Inc.
16. Township Engineer, CKS, Inc.
17. Township Solicitor, Wisler Pearlstine, LLP

18. Township Auditor, Bee Bergvall & Co., P.C.
19. PSATS Convention Delegate, Arthur Bustard
20. PSATS Convention Delegate, Susan Caughlan
21. PSATS Convention Delegate, Stephen Quigley
22. PSATS Convention Voting Delegate, Arthur Bustard
23. Deputy Tax Collector, Laurie Augustine

The motion was seconded by Supervisor Quigley.

There was no public comment.

By unanimous vote the Board adopted the motion to approve.

- f) appointment of volunteers – Supervisor Bustard made a motion to appoint the following volunteer positions, as listed in the memo December 22, 2015 memo from Mr. Ryan to the Board of Supervisors:

1. Gordon Todd, to the position of Vacancy Board Chairman, for a one-year term to expire on December 31, 2016
2. Gordon Todd, to the position of Planning Commission Member, for a four-year term to expire on December 31, 2019
3. Anthony Sherr, to the position of Planning Commission Member, for a four-year term to expire on December 31, 2019
4. John D'Lauro, to the position of Zoning Hearing Board Member, for a three-year term to expire on December 31, 2018

The motion was seconded by Supervisor Quigley.

There was no public comment.

By unanimous vote the Board adopted the motion to approve.

- g) establishment of schedules – Supervisor Bustard made a motion to establish the following holiday and meeting schedules, as listed in the memo December 22, 2015 memo from Mr. Ryan to the Board of Supervisors:

1. holiday schedule (office observance dates)
  - a) President's Day (February 15)
  - b) Memorial Day (May 30)
  - c) Independence Day (July 4)
  - d) Labor Day (September 5)
  - e) Thanksgiving Day (November 24)
  - f) the day after Thanksgiving (November 25)
  - g) Christmas Eve Day (not applicable)
  - h) Christmas Day (December 26)
  - i) New Year's Eve Day (not applicable)
  - j) New Year's Day, (January 2, 2017)

2. meeting schedule

- a) Board of Auditors 2016 Reorganization meeting, to be held January 5, at 8:30AM, at the Township Building, 1721 Valley Forge Road.
- b) Board of Supervisors Work Sessions and Business Meetings, to be held on January 20, February 17, March 16, April 20, May 18, June 15, July 20, August 17, September 21, October 19, November 16 and December 21. The Work Sessions will start at 6:00PM and the Business Meetings will start at 7:30PM, and all meetings to be held at Worcester Township Community Hall, 1031 Valley Forge Road.
- c) Planning Commission, to be held on January 28, February 25, March 24, April 28, May 26, June 23, July 28, August 25, September 22, October 27, November 10, and December 8, all meetings to start at 7:30PM, and all meetings to be held at Worcester Township Community Hall, 1031 Valley Forge Road.
- d) Zoning Hearing Board meetings, to be held on January 26, February 23, March 22, April 26, May 24, June 28, July 26, August 23, September 27, October 25, November 22, and December 27, all meetings to start at 6:30PM, and all meetings to be held at Worcester Township Community Hall, 1031 Valley Forge Road.
- e) Board of Supervisors 2017 Reorganization meeting, to be held on January 3, 2017 at 11AM, at the Worcester Township Community Hall, 1031 Valley Forge Road.

The motion was seconded by Supervisor Quigley.

There was no public comment.

By unanimous vote the Board adopted the motion to approve.

- h) other establishments – Supervisor Bustard made a motion to establish the following matters, as listed in the memo December 22, 2015 memo from Mr. Ryan to the Board of Supervisors:
  1. Township depositories – Pennsylvania Local Government Investment Trust, Ambler Savings Bank, First Niagara, and Uninvest-Union National Bank
  2. Treasurer's Bond – to require the Treasurer to be bonded in the amount of \$10 million
  3. vehicle reimbursement rate – IRS-approved rate for miles driven for business purposes
  4. newspaper of record – *Times Herald*, Norristown

The motion was seconded by Supervisor Quigley.

There was no public comment.

By unanimous vote the Board adopted the motion to approve.

- i) Resolution 2016-01 – Worcester Volunteer Fire Department 2016 Activities – Supervisor Bustard made a motion to adopt Resolution 2016-01, to approve certain activities of the Worcester Volunteer Fire Department, as presented. The motion was seconded by Supervisor Quigley.

There was no public comment.

By unanimous vote the Board adopted the motion to approve.

- j) Resolution 2016-02 – 2016 Fee Schedule – Mr. Ryan provided an overview of the proposed fee schedule for 2016.

Supervisor Bustard made a motion to adopt Resolution 2016-02, to adopt the 2016 Fee Schedule, as presented. The motion was seconded by Supervisor Quigley.

Mr. Misus commented on a Township review procedure for considering fee waiver requests.

By unanimous vote the Board adopted the motion to approve.

- k) Resolution 2016-03 – Refuse & Recyclable Collection Times – Mr. Ryan noted that, per Township Code, if the Board wishes to establish times for the collection of refuse and recycling materials in the Township, this must be done by resolution.

Supervisor Bustard made a motion to adopt Resolution 2016-03, to establish times for the collection of refuse and recycling materials in the Township, as presented. The motion was seconded by Supervisor Quigley.

There was no public comment.

By unanimous vote the Board adopted the motion to approve.

#### **OTHER BUSINESS**

- Supervisor Bustard commented on a recently-adopted State Law that creates the position of Alternate Member to the Planning Commission. The Township Solicitor is reviewing this law, and the Members will discuss this matter at the January 20 Work Session.
- Supervisor Quigley commented on the Hickory Hill Sewer Project assessments.

#### **ADJOURNMENT**

There being no further business brought before the Board, Chair Caughlan adjourned the meeting at 11:25 AM.

Respectfully Submitted:

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Tommy Ryan  
Township Manager

**TOWNSHIP OF WORCESTER  
MONTGOMERY COUNTY, PENNSYLVANIA**

**ORDINANCE 2016-255**

**AN ORDINANCE AMENDING TOWNSHIP CODE, CHAPTER 145, VEHICLES  
AND TRAFFIC, TO ESTABLISH BRAKE RETARDER PROHIBITION ZONES.**

**WHEREAS**, the Board of Supervisors of Worcester Township desires to prohibit the use of brake retarders along certain roadways, in order to protect and promote the health, safety and general welfare of the community.

**NOW, THEREFORE**, the Board of Supervisors hereby ordains and enacts as follows:

**SECTION I** – The Code of the Township of Worcester, Chapter 145, Vehicles and Traffic, is hereby amended to add Article V entitled “Brake Retarder Restrictions”.

**SECTION II** – New Article V shall include the following provisions:

1. §145-6. Brake Retarder Restriction Locations. The use of brake retarders shall be prohibited at all times at the following locations:
  - a. Skippack Pike, from a point 150 east of the centerline of Hollow Road to Shearer Road;
  - b. Bustard Road, from Skippack Pike to the municipal boundary line between Worcester Township and Towamencin Township; and,
  - c. Valley Forge Road, from Skippack Pike to the municipal boundary line between Worcester Township, Towamencin Township and Upper Gwynedd Township.
2. §145-7. Violations and Penalties. Any person, firm, corporation or utility which shall violate any of the provisions of §145-6 shall be subject to, upon conviction before a District Justice, a penalty as provided in Chapter 1, Article II, General Penalty, specifically, §1-16A.

**SECTION III** – General Provisions.

1. In the event that any section, subsection or portion of this Ordinance shall be declared by any competent court to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, subsection or portion of this Ordinance. The invalidity of section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance, which can be given effect without such invalid part or parts. It is hereby declared to be the intention of the Township that this Ordinance would have been adopted had such invalid section, clause, sentence, or provision not been included therein.
2. To the extent this Ordinance is inconsistent with the Code of Worcester Township, the provisions of this Ordinance shall take precedence. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.
3. The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

4. This Ordinance shall take effect and be in force from and after its approval as required by the law.

**ENACTED AND ORDAINED** by the Supervisors of the Township of Worcester, Montgomery County, Pennsylvania on this 17<sup>th</sup> day of February, 2016.

**FOR WORCESTER TOWNSHIP**

By: \_\_\_\_\_  
Susan G. Caughlan, Chair  
Board of Supervisors

Attest: \_\_\_\_\_  
Tommy Ryan, Secretary

DRAFT

**TOWNSHIP OF WORCESTER  
MONTGOMERY COUNTY, PENNSYLVANIA**

**ORDINANCE 2016-256**

**AN ORDINANCE AMENDING TOWNSHIP CODE, CHAPTER 4,  
AUTHORITIES, ESTABLISHING A DESIGNATED SERVICE AREA  
FOR THE NORTH PENN WATER AUTHORITY.**

**WHEREAS**, on June 10, 1964, the Board of Supervisors of Worcester Township ("Township"), with six other municipalities, created North Penn Water Authority ("Authority"); and,

**WHEREAS**, the Authority was created for the purpose of acquiring, holding, constructing, improving, interconnecting, maintaining, owning and operating a public water supply system within the various municipalities, including the Township; and,

**WHEREAS**, throughout the years, in addition to the Authority, other water service providers have been utilized to provide water service in the Township; and,

**WHEREAS**, after due consideration, including the distinctions between public versus private water service, the Board of Supervisors has determined that the general welfare of the citizens and residents of the Township will be served by designating the Authority as the preferred water service provider in the Township and establishing the Authority's designated service area.

**NOW, THEREFORE**, the Board of Supervisors of Worcester Township, Montgomery County, Pennsylvania hereby ordains and enacts as follows:

**SECTION I** – Chapter 4, Authorities, Municipal, is hereby amended by adding the following as Section 4-8:

1. §4-8. North Penn Water Authority Service Area. The Township hereby establishes North Penn Water Authority's service area as that service area noted on the Water Service Area Map attached hereto and made a part hereof as Exhibit A. In this area all new connections proposed to be made to a public water system shall be made to the North Penn Water Authority system, if the North Penn Water Authority is agreeable to providing service, in its sole discretion. If the North Penn Water Authority does not wish to provide said service, public water service may be obtained from another provider.

**SECTION II**

1. In the event that any section, subsection or portion of this Ordinance shall be declared by any competent court to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, subsection or portion of this Ordinance. The invalidity of section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance, which can be given effect without such invalid part or parts. It is hereby declared to be the intention of the Township that this Ordinance would have been adopted had such invalid section, clause, sentence, or provision not been included therein.

2. To the extent this Ordinance is inconsistent with the Code of Worcester Township, the provisions of this Ordinance shall take precedence. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.
3. The failure of the Township to enforce any provision of this ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.
4. This Ordinance shall become effective immediately upon enactment.

**ENACTED AND ORDAINED** by the Supervisors of the Township of Worcester, Montgomery County, Pennsylvania on this 17<sup>th</sup> day of February, 2016.

**FOR WORCESTER TOWNSHIP**

By: \_\_\_\_\_

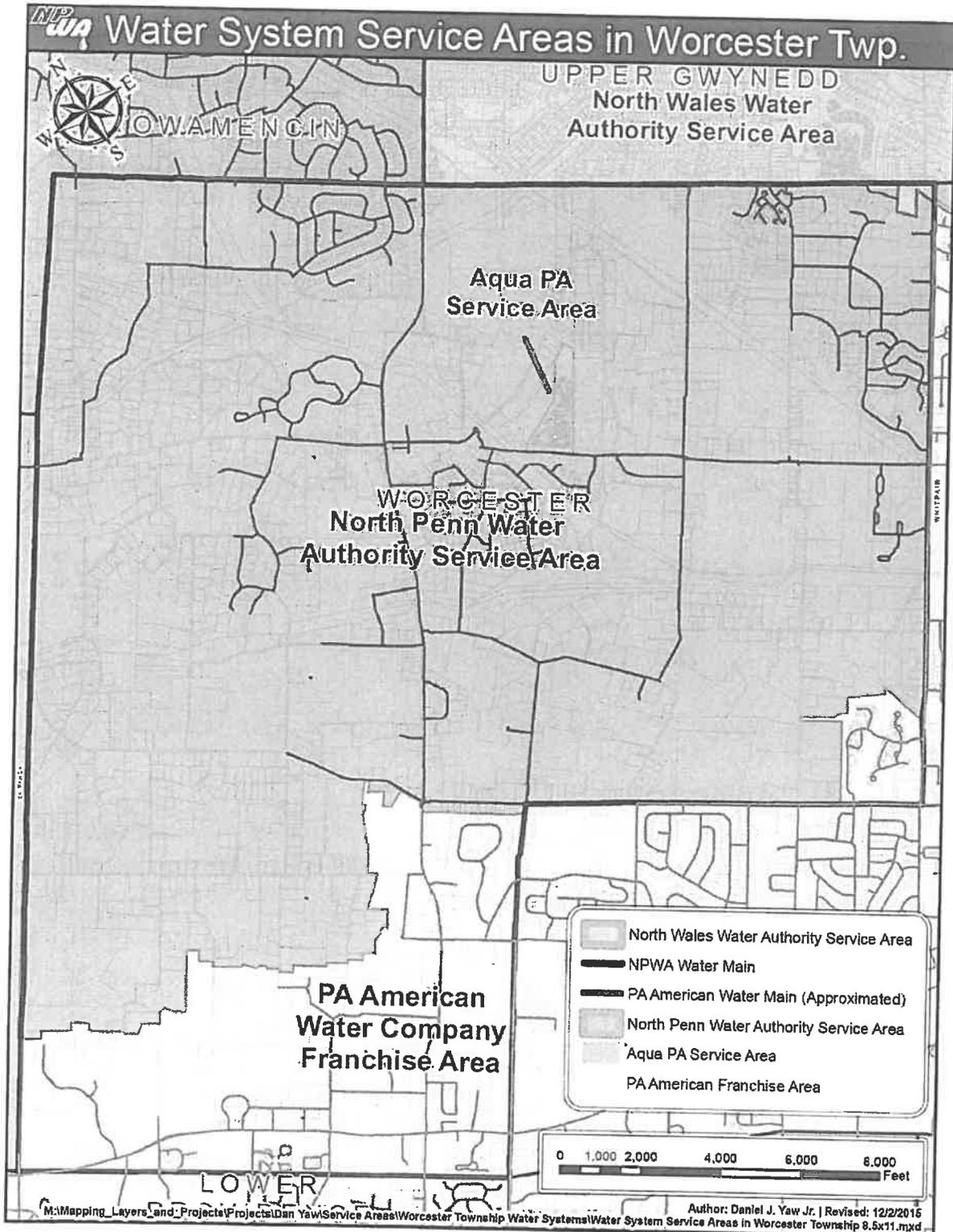
Susan G. Caughlan, Chair  
Board of Supervisors

Attest: \_\_\_\_\_

Tommy Ryan, Secretary

DRAFT

**EXHIBIT A**



**TOWNSHIP OF WORCESTER  
MONTGOMERY COUNTY, PENNSYLVANIA**

**RESOLUTION 2016-04**

**A RESOLUTION TO DISPOSE OF CERTAIN PUBLIC RECORDS**

**WHEREAS**, Worcester Township (“Township”) declared its intent to follow the public records retention schedule and disposal procedures as set forth in the *Municipal Records Manual*, as last revised, and as published by the Pennsylvania Historical and Museum Commission; and,

**WHEREAS**, in accordance with Act 428 of 1968, as last amended, each individual act of public record disposition shall be approved by a resolution adopted by the governing body;

**NOW, THEREFORE, BE IT RESOLVED**: the Board of Supervisors hereby authorizes the Township Secretary to dispose of the following public records:

1. Personnel Records:
  - a. employee health insurance claim files, for claims settled on or before December 31, 2010;
  - b. employee personnel records, for employees without post-retirement benefits, for employees whose employment ended on or before December 31, 2010;
  - c. employee medical records, for employees without post-retirement benefits, for employees whose employment ended on or before December 31, 2010; and,
  - d. workers’ compensation records, for all settlements executed on or before December 31, 2011, or for employees who died on or before December 31, 2011.
  
2. Payroll Records:
  - a. payroll earnings and deduction registers, for 2008 and all prior years
  - b. quarterly returns of withholding of federal income tax, for 2011 and all prior years;
  - c. quarterly statements of state and local taxes withheld, for 2011 and all prior years;
  - d. time cards and attendance records, for 2011 and all prior years;
  - e. wage and tax statements (W-2 forms), for 2011 and all prior years; and,
  - f. withholding allowance certificates (W-4 forms), for 2011 and all prior years.

**RESOLVED THIS 20<sup>TH</sup> DAY OF JANUARY, 2016.**

**FOR WORCESTER TOWNSHIP**

By: \_\_\_\_\_  
Susan G. Caughlan, Chair  
Board of Supervisors

Attest: \_\_\_\_\_  
Tommy Ryan, Secretary

**TOWNSHIP OF WORCESTER  
MONTGOMERY COUNTY, PENNSYLVANIA**

**RESOLUTION 2016-05**

**A RESOLUTION TO APPOINT A LIAISON BETWEEN THE TOWNSHIP AND  
BERKHEIMER, THE DULY APPOINTED COLLECTOR OF LOCAL TAXES FOR  
THE TOWNSHIP, FOR THE EXPRESS PURPOSE OF SHARING CONFIDENTIAL  
TAX INFORMATION WITH THE TOWNSHIP FOR OFFICIAL PURPOSES**

**WHEREAS**, Act No. 511 of the 1965 General Assembly of the Commonwealth of Pennsylvania (53 P.S. §6901 et seq.), enacted December 31, 1965, and effective January 1, 1966, authorizes certain political subdivisions, including Worcester Township ("Township"), to provide for the creation of such bureaus or the appointment and compensation of such officers, clerks, collectors and other assistants and employees as may be deemed necessary for the assessment and collection of taxes imposed under the authority of that Act; and,

**WHEREAS**, the Township has entered into contractual agreement with Berkheimer, of Bangor, Pennsylvania, whereby and whereunder the Township appointed Berkheimer to collect certain local taxes; and,

**WHEREAS**, said Act 511 specifically mandates that any information gained by the appointed tax officer, his agents or by any other official or agent of the taxing district, as a result of any declarations, returns, investigations, hearings or verifications required or authorized by the taxing municipality's ordinance or resolution, be kept confidential, except for official purposes; and,

**WHEREAS**, any person who divulges any information which is confidential under the provisions of any ordinance or resolution, upon conviction may be subject to fines and/or imprisonment, upon conviction, and dismissal from office or discharge from employment; and,

**WHEREAS**, Berkheimer requires passage of a resolution by the Township's Board of Supervisors specifying that said confidential information is needed for official purposes and absolving Berkheimer from any liability in connection with the release of said confidential information;

**NOW, THEREFORE, BE IT RESOLVED:**

1. The Township hereby appoints Erica Lucey as its authorized representative to make requests upon and receive any and all tax information and records from Berkheimer, relative to the collection of taxes for the Township, as desired and deemed necessary by the Township, to be used for official purposes only; and,

2. Berkheimer is hereby directed to provide and/or transmit any and all tax information and records, or any portion thereof, relating to the collection of taxes for the Township, upon request, to Erica Lucey as the authorized contact representative for it; and,
3. The Township hereby saves harmless, indemnifies and/or absolves Berkheimer from and against any and all liability in connection with the release of said confidential information.

**RESOLVED THIS 20<sup>TH</sup> DAY OF JANUARY, 2016.**

**FOR WORCESTER TOWNSHIP**

By: \_\_\_\_\_

Susan G. Caughlan, Chair  
Board of Supervisors

Attest: \_\_\_\_\_

Tommy Ryan, Secretary

**TOWNSHIP OF WORCESTER  
MONTGOMERY COUNTY, PENNSYLVANIA**

**RESOLUTION 2016-06**

**A RESOLUTION TO PARTICIPATE IN A  
REGIONAL BOARD OF APPEALS FOR BUILDING CODES**

**WHEREAS**, Article 9, Section 5 of the Pennsylvania Constitution and the Intergovernmental Cooperation Act of 1996 authorizes two or more local governments to jointly cooperate with each other in the exercise or performance of their respective governmental functions, powers and responsibilities; and,

**WHEREAS**, Worcester Township (“Township”) desires to join a regional Board of Appeals that has been established for the purpose of hearing and deciding appeals of orders, decisions or determinations made by a building official or code official relating to the application and interpretation of municipal building codes encompassed by the Uniform Construction Code;

**NOW, THEREFORE, BE IT RESOLVED:**

1. The Township agrees to participate in the Board of Appeals in accordance with the terms and conditions as set forth in the Intergovernmental Cooperative Agreement dated February 9, 2005, attached hereto as Exhibit A.
2. The Chair of the Board of Supervisors is authorized to execute a Joinder Agreement, attached hereto as Exhibit B.
3. The Township hereby appoints George Marks to serve as its representative to the Board of Appeals, for a five-year term, in accordance with the Section 3.B of the aforementioned Intergovernmental Cooperative Agreement.

**RESOLVED THIS 20<sup>TH</sup> DAY OF JANUARY, 2016.**

**FOR WORCESTER TOWNSHIP**

By: \_\_\_\_\_  
Susan G. Caughlan, Chair  
Board of Supervisors

Attest: \_\_\_\_\_  
Tommy Ryan, Secretary

## EXHIBIT A

### INTERGOVERNMENTAL COOPERATION AGREEMENT TO CREATE A BOARD OF APPEALS

THIS INTERGOVERNMENTAL COOPERATION AGREEMENT is entered this 9th day of February, 2005, by and between:

SKIPPACK TOWNSHIP, a Township of the Second Class organized under the laws of the Commonwealth of Pennsylvania with an address of 4089 Heckler Road, P.O. Box 164, Skippack, Pennsylvania 19474 and

NEW HANOVER TOWNSHIP, a Township of the Second Class organized under the laws of the Commonwealth of Pennsylvania with an address of 2943 North Charlotte Street, Gilbertsville, Pennsylvania 19525-9718 and

THE BOROUGH OF ROYERSFORD, a Borough organized under the laws of the Commonwealth of Pennsylvania with an address of Hall and Church Streets, Royersford, Pennsylvania 19468 and

THE BOROUGH OF COLLEGEVILLE, a Borough organized under the laws of the Commonwealth of Pennsylvania with an address of 491 East Main Street, Collegeville, Pennsylvania 19426 and

THE BOROUGH OF TRAPPE, a Borough organized under the laws of the Commonwealth of Pennsylvania with an address of 4525 West Main Street, Trappe, Pennsylvania 19426 and

THE TOWNSHIP OF LOWER FREDERICK, a Township of the Second Class organized under the laws of the Commonwealth of Pennsylvania with an address of 53 Spring Mount Road, Spring Mount, Pennsylvania 19478 and

THE TOWNSHIP OF PERKIOMEN, a Township of the Second Class organized under the laws of the Commonwealth of Pennsylvania with an address OF 1 Trappe Road, Collegeville, Pennsylvania 19426.

The above-described parties shall hereinafter be referred to collectively as "Members" or individually as a "Member."

#### CONDITIONS OF AGREEMENT AND BACKGROUND:

WHEREAS, Article 9, Section 5 of the Pennsylvania Constitution and the Intergovernmental Cooperation Act of 1996, 53 Pa. C.S.A. § 2301 *et seq.* (The "Act") authorize two or more local governments to jointly cooperate with other local governments in the exercise or performance of their respective governmental functions, powers and responsibilities; and

WHEREAS, the Pennsylvania General Assembly adopted the Pennsylvania Construction Code Act on November 10, 1999, as Act 45 of 1999, which is codified at 35 P.S. § 7210.101 through 7210.1103, ("Act 45") in order to create a statewide building code which would provide uniform

standards for the protection of life, health, property and the environment and for the safety and welfare of the owners and occupants of buildings and structures; and

WHEREAS, Act 45 went into effect on April 9, 2004; and

WHEREAS, pursuant to Act 45, each Member has adopted an ordinance wherein the respective municipality elected to administer and enforce the statewide building code, which consists of the provisions of Chapters 2-29 and 31-35 of the International Building Code, 2003 Edition ("IBC 2003"), and its successor codes as published by the International Code Council, Inc. ("ICC") as the municipality's Building Code (the "Building Code") and

WHEREAS, contemporaneously with adopting the IBC 2003, each Member also enacted ordinances which adopted one or more of the following codes published by the ICC:  
International Existing Building Code, 2003 Edition  
International Residential Code, 2003 Edition  
ICC Electrical Code, 2003 Edition  
International Mechanical Code, 2003 Edition  
International Plumbing Code, 2003 Edition  
International Fuel Gas Code, 2003 Edition  
International Energy Conservation Code, 2003 Edition  
International Fire Code, 2003 Edition  
Sections AE501-AE503 and AE601-AE605 of Appendix E of the International Residential Code  
Appendix E of the International Building Code  
Appendix H of the International Building Code  
Appendix G of the International Building Code  
(hereinafter referred to as the "ICC Codes"); and

WHEREAS, the IBC 2003 and ICC Codes contemplate the creation of a Board of Appeals to hear and decide appeals of orders, decisions or determinations made by the respective municipality's building official or code official relating to the application and interpretation of the municipality's Building Code and related ICC Codes; and

WHEREAS, Act 45 and the regulations promulgated pursuant to Act 45 permit two or more municipalities to establish a joint Board of Appeals through an intergovernmental agreement adopted pursuant to the Act; and

WHEREAS, the parties hereto are desirous to form an intergovernmental Board of Appeals who shall act as the Members' Board of Appeals that will hear and decide appeals taken from the decisions of each of their municipal Code Official; and

WHEREAS, the Members desire to enter this Agreement to form the intergovernmental Board of Appeals (the "Board of Appeals") and to establish the framework, organizational structure and governing regulations under which the Board of Appeals shall operate, and to perform the functions described herein and in the Members' Building Code and related ICC Codes which have been adopted by the Members.

NOW THEREFORE, the Members hereto, intending to be legally bound, agree as follows:

1. **Formation of Intergovernmental Board of Appeals.** Pursuant to the authority granted in the Pennsylvania Constitution, the Act and in Act 45, the Members hereby form an intergovernmental Board of Appeals to be known as the Joint Board of Appeals (the "Board of Appeals"). The parties to this Agreement who are identified in the introductory paragraph shall participate in the Board of Appeals. Additional municipalities may join the Board of Appeals pursuant to the procedure in paragraph 8 herein.

2. **Jurisdiction of Board of Appeals.**

A. The Board of Appeals shall have jurisdiction over the following matters:

- (1) appeals of orders, decisions or determinations made by the respective Members' Building Official or Code Official relating to the application and interpretation of the Members' Building Code and any other related ICC Code that was duly adopted by the Member;
- (2) requests for a variance from a provision of the Members' Building Code and any other related ICC Code that was duly adopted by the Member; and
- (3) requests for extension of time.

B. The Board of Appeals shall consider the following factors when deciding an appeal which is filed under paragraph 2.A(1) above:

- (1) the true intent of the Member's Building Code or related ICC Code has been incorrectly interpreted by the Member's Building Official or Code Official;
- (2) the provisions of the Building Code or related ICC Code do not fully apply;
- (3) an equivalent or superior form of construction is proposed and should be permitted to be used in lieu of strict conformance with the Member's Building Code or related ICC Codes.

C. The Board of Appeals may consider the following factors when ruling on a request for an extension of time or a request for a variance which is filed pursuant to paragraph 2.A(2) or (3) above:

- (1) the reasonableness of the Building Code or ICC Code's application in a particular case;
- (2) the extent to which the granting of a variance or an extension of time will pose a violation of the Building Code or ICC Code or an unsafe condition.
- (3) the availability of professional or technical personnel needed to come into compliance;
- (4) the availability of materials and equipment needed to come into compliance;
- (5) the efforts being made to come into compliance as quickly as possible;
- (6) compensatory features that will provide an equivalent degree of protection to the Building Code or ICC Code.

D. The Board of Appeals shall not have jurisdiction over any appeal arising from the Member's Zoning Ordinance, Subdivision and Land Development Ordinances or any other ordinance enacted by the Members under the authority of the Pennsylvania Municipalities Planning Code.

3. **Organizational Structure/Qualifications of Board Members/Officers.**
- A. The Board of Appeals shall consist of five (5) representatives and two (2) alternate representatives. Each Member shall appoint one (1) representative who must have the qualifications and training described in paragraph 3.C below. After each Member has appointed one representative to serve on the Board of Appeals, the Members shall thereafter choose among the seven (7) representatives appointed to determine which representative shall serve as the alternate representative.
- B. The Members have agreed the terms of office for each representative shall be as follows:
- (1) New Hanover Township's member shall serve a five-year term; -
  - (2) The Borough of Royersford's member shall serve a four-year term;
  - (3) The Borough of Collegeville's member shall serve a three-year term; -
  - (4) The Borough of Trappe's member shall serve a two-year term;
  - (5) Skippack Township's member shall serve a one-year term.
- Thereafter, all newly appointed representatives on the Board of Appeals shall serve for a five year term or until the Members appoint a successor representative. When a vacancy occurs due to the expiration of the term, resignation, or removal of a representative, the vacancy shall be filled by appointment by the same Member which appointed the representative whose seat had been vacated. Any representative on the Board of Appeals once qualified and appointed may be removed from office for malfeasance, misfeasance or nonfeasance in office or for other cause by majority vote of the governing body of the Member which appointed him or her, or by majority vote of all Members taken after the Member has received 15 days advance notice of the intent to cause such removal or to take such a vote. A hearing shall be held in connection with such vote if the Member requests it. An appointment made to fill a vacancy arising before the expiration of a representative's term shall be for the unexpired term.
- C. The representatives on the Board of Appeals must be qualified by experience and training to pass on matters pertaining to building construction and shall be from one of the following professions or disciplines:
- (1) Registered design professional who is a registered architect; or a builder or superintendent of building construction with at least ten (10) years experience, five (5) of which shall have been in responsible charge of work;
  - (2) Registered design professional with structural engineering or architectural experience;
  - (3) Registered design professional with mechanical or plumbing engineering experience; or a mechanical or plumbing contractor with at least ten (10) years experience, five (5) of which shall have been in responsible charge of work;
  - (4) Registered design professional with electrical engineering experience; or an electrical contractor with at least ten (10) years experience, five (5) of which shall have been in responsible charge of work;

- (5) Registered design professional with fire protection engineering experience; or a fire protection contractor with at least ten (10) years experience, five (5) of which shall have been in responsible charge of work.
  - D. The representatives on the Board of Appeals shall not be elected officials or employees of the Members.
  - E. The Members shall strive to appoint representatives who are residents in the Member's municipalities, however, if the Members cannot find qualified residents to serve on the Board of Appeals, they shall be authorized to appoint a non-resident representative to the Board of Appeals.
4. **Officers/Term of Representatives/Disqualification.**
- A. The representatives on the Board of Appeals shall select one representative to serve as Chairman and one representative to serve as Secretary. The Chairman shall preside over all meetings and hearing of the Board of Appeals. The Secretary shall keep a detailed record of all proceedings before the Board of Appeals and shall provide copies of all written decisions rendered by the Board of Appeals to each Member.
  - B. The Chairman and Secretary shall serve for a term of one (1) year or until such time as the representatives on the Board of Appeals appoint a new Chairman or Secretary.
  - C. A representative or alternate representative on the Board of Appeals shall not rule on any appeal in which he or she has a personal interest in the outcome of the appeal.
5. **Term of Agreement.** This Agreement and the Board of Appeals created herein shall have an initial term of five (5) years, which term shall commence on the Effective Date of this Agreement (as defined in paragraph 25). At the expiration of the initial five-year term, this Agreement shall automatically renew for successive one (1) year terms unless a majority of the Members vote to terminate this Agreement and their Member's participation in the Board of Appeals.
6. **Member's Ability to Terminate Membership in Board,** Notwithstanding the provisions in paragraph 5 above, a Member may terminate its participation in the Board of Appeals provided that the governing body of the Member enacts a resolution authorizing such termination. If a Member's governing body enacts such resolution, the termination shall be effective immediately or a later date which is specified in the Resolution.
7. **Costs incurred by the Board of Appeals.** Each Member shall pay its own costs and expenses in processing a property owner's appeal to the Board of Appeals (for example, if a property owner in Skippack Township files an appeal to the Board of Appeals, Skippack Township shall pay for all costs and expenses associated with such appeal). Each Member shall

establish its own application fees for filing an appeal to the Board of Appeals, which fees shall be established from time to time by resolution of the governing body of each Member.

8. **Additional Members.** Other municipalities may join the Board of Appeals provided that a majority of the Members agree and the governing body of such municipality enacts a resolution approving its participation in the Board of Appeals and provided an authorized officer of such additional municipality(ies) executes a written Joinder agreeing to be bound by the terms of this Agreement and any By-laws adopted for the Board of Appeals.

9. **Functions of the Board.** It shall be the function of the Board of Appeals to rule upon:
- A. Appeals from decisions rendered by the code enforcement officers of the member municipalities regarding the meaning of Uniform Construction Code provisions or the applicability of such provisions to prospective building projects.
  - B. Applications for variance from the provisions of the Uniform Construction Code or for extensions to the time extended, by either the Code or the code enforcement officer of a Member municipality, to an owner requiring that he take some required action.

10. **Rules and Procedures.** The Board of Appeals shall be authorized to establish policies and procedures necessary to carry out its duties provided that each Member approves the same by resolution of the Member's governing body.

11. **Appeals Procedure.**

- A. **Filing of Appeal.** Appeals to the Board of Appeals shall be filed in the Member municipality where the subject property is located on forms provided by each Member. All appeals from orders, decisions and determinations made by a Member's Building Official or Code Official must be filed within thirty (30) days of the date of the order, decision or determination which is being appealed.
- B. **Notice of Meeting.** The Board of Appeals shall hold a hearing within sixty (60) days from the postmark date or personal service of an appeal, unless the appellant agrees in writing to an extension of time within which to commence the hearing. Notice of the public hearing shall be sent by the Member's Manager or Secretary to all representatives of the Board of Appeals, the appellant landowner, the governing body of each Member, the Member's Building Official (if the appeal relates to the Member's Building Code) or Code Official (if the appeal relates to the ICC Codes). In addition, notice shall be advertised one in a newspaper of general circulation within the municipality where the subject property is located not less than seven (7) nor more than twenty-one (21) days prior to the date of the hearing. Where notices have been sent to any person entitled to receive notices under the terms hereof, the failure to receive such notice shall not be a basis for the invalidation of the hearing, nor deprive the Board of Appeals of jurisdiction, nor compel readvertising.

- C. **Public Hearing.** All hearings of the Board of Appeals shall be held in the Member municipality where the appeal was filed and shall be open to the public and transcribed by a stenographer. The hearing shall be conducted under and pursuant to the procedure designated in the Local Agency Law of the Commonwealth of Pennsylvania. The majority of the Board of Appeals shall constitute a quorum, and the majority of the representatives of the Board of Appeals present and voting may render a decision on any matter before the Board of Appeals. At the hearing, the appellant shall be entitled to be represented by counsel and those persons enumerated in paragraph 10. B, as well as any other persons authorized by the Board of Appeals, in its discretion, shall be permitted to intervene as parties.
  - D. **Adjourned Meeting.** When the necessary number to constitute a quorum of the Board are not present, if the testimony has not been concluded or for any other reason in the discretion of the Board of Appeals, the Board of Appeals may continue the hearing to a future date. If the hearing is not continued to a date certain, the hearing must be readvertised in accordance with the procedure in paragraph 10. B prior to the continued hearing.
  - E. **Legal Counsel.** Where legal counsel is desired, an attorney, other than the solicitor of the Member Municipalities, may be appointed to serve as counsel to the Board of Appeals.
12. **Rulings.** In ruling on an appeal, the board shall find for Appellant if it determines that:
- A. The true intent of the Uniform Construction Code, or the act which establishes it as a statewide code, was incorrectly interpreted by the code enforcement officer.
  - B. The provisions of the Pennsylvania Construction Code Act, Act of November 10, 1999, P.L. 491, 35 P.S. §7210.101 et. Seq., do not apply to the circumstances out of which arose the decision appealed from.
  - C. A form of construction, equivalent in the Uniform Construction Code, is to be used.
13. **Request for Extension of Time.** In ruling on a request for extension of time or variance, the board shall consider the following:
- A. The reasonableness of the Uniform Construction Code's applicability to a given set of circumstances.
  - B. The degree to which the variance or extension of time requested deviates from strict adherence to the requirements of the Uniform Construction Code.
  - C. The extent to which granting the variance or extension of time requested will create an unsafe condition.
  - D. The availability of professional or technical personnel needed to come into compliance.

- E. The availability of materials and equipment needed to come into compliance.
  - F. The efforts of Applicant to come into compliance as quickly as possible.
  - G. Compensatory measures that will provide an equivalent degree of protection to the community.
14. **Decisions.**
- A. Action of the Board of Appeals. The Board of Appeals shall affirm, modify or reverse the decision of the Building Official or Code Official by a majority vote of the representatives of the Board of Appeals hearing the appeal. The failure to obtain a majority vote shall constitute affirmance of the action of the Building Official or Code Official.
  - B. Rendering of decision. The Board shall render a written decision within forty-five (45) days of the close of the hearings and shall make findings of fact relevant to said application and apply the applicable law to said findings of fact in the rendering of its decision. Copies of the decision shall be mailed by first class mail to each party before the Board of Appeals and to the governing body of each Member, provided, however, that failure to render a decision within the forty five (45) day period herein stated shall not constitute an affirmance or denial.
  - C. Deny the request in whole or in part.
  - D. Grant the request in whole or in part.
  - E. Grant the request upon certain conditions being satisfied.
  - F. Enforcement of decision. The Member's Building Official or Code Official shall take immediate action in accordance with the decision of the Board of Appeals.
  - G. The Member, whether or not a party before the Board of Appeals, and any party before the Board of Appeals who is aggrieved by the decision of the Board of Appeals may appeal to the Court of Common Pleas of Montgomery County within thirty (30) days from the date of the rendering of the decision of the Board. The Court of Common Pleas shall review the record on certiorari to determine whether or not the Board of Appeals abused its discretion or committed an error at law.
  - H. The Board of Appeals may not act upon appeals, requests for variances or for extensions of time relating to accessibility. Such appeals and applications are within the exclusive purview of the Accessibility Advisory Board under §403.142 of the Uniform Construction Code.
15. **Reorganization.** The Board of Appeals shall reorganize annually, at its first scheduled meeting, by selecting one of its Members as chairman and another as secretary. It shall be the function of the chairman to conduct meetings and preside at hearings before the Board. In the

chairman's absence, the secretary shall assume the chair with the third member substituting as secretary. In the absence of the secretary, the third member shall assume his role. It shall be the function of the secretary to prepare and publish public notice of board meetings, keep minutes of all Board proceedings, prepare all items of Board correspondence and draft and circulate the decisions of the Board. In all matters brought before the Board, the presence of two (2) of the Board's three (3) Members shall be sufficient to allow for the transaction of business.

16. **Compensation.** Each member of the Board of Appeals shall be entitled to compensation for his service in the amount \$\_\_\_\_\_ per matter adjudicated.

17. **Fees.** Each Member municipality of the Board of Appeals shall establish a fee to be imposed upon those Appellant-Applicants who present a petition to the Board pertinent to construction within that municipality. The fee shall be used to defray the cost of public notice of any Board meetings held to hear or deliberate upon the matter raised in the petition, to compensate the Members of the Board and to cover any other costs incurred in the proceedings. Within thirty (30) days of the date of the written decision, the municipality shall forward to the Appellant an itemized statement listing all draws upon the fee paid at the outset of the appeal. The statement shall be accompanied by the municipality's check in the sum of the unused portion of the Appellant's fee.

18. **Location of Hearing.** When an appeal or application concerns construction within a particular Member municipality, all Board meetings pertinent to the petition shall be held at a facility within that municipality. The municipality, through its code enforcement officer, shall be a party to each proceeding pertinent to construction within its border.

19. **Application of Uniform Construction Code.** When an appeal or application concerns construction within a particular Member municipality, the Board of Appeals shall apply the Uniform Construction Code with such modifications to the Uniform Commercial Code as that municipality has enacted through its governing body.

20. **Notices.** Whenever a notice is required to be given to any Member, the addresses listed above shall be used unless a different address is specifically designated by such Member. The notices shall be addressed to each Member's manager. Notices given by certified mail will be considered to have been given two (2) business days after being deposited in the United States mail. Notices given by personal delivery shall be considered to have been given on the date of delivery. Notices given by overnight courier shall be considered to have been given on the first business day after the date deposited with such overnight courier. Notices given by telecopier shall be deemed given upon completion of transmission as evidenced by the confirmation sheet generated by the sending facsimile machine. Notices may be given on behalf of any party by its counsel.

21. **Governing Law.** This Agreement shall be interpreted and enforced in accordance with the law of the Commonwealth of Pennsylvania.

22. **Severability.** Should any sentence, clause, paragraph, term or provision of this Agreement hereafter be declared to be unconstitutional, illegal, invalid or unenforceable for any reason, such declaration shall not affect or impair the validity or enforceability of the remainder of this Agreement, it being the intention of the Members that this Agreement would have been made and entered into had not such unconstitutional, illegal or invalid provision been incorporated herein.

23. **Entire Agreement.** This writing constitutes the entire agreement among the Members. No modification of the terms of this Agreement shall be effective as to any Member unless approved in writing by such Member in a signed addendum to this Agreement.

24. **Counterparts.** This Agreement may be executed in any number of counterparts each of which when executed, shall be deemed to be an original but all such counterparts shall constitute one and the same instrument.

25. **Effective Date.** This Agreement shall be effective on \_\_\_\_\_, 2005 ("Effective Date") provided that an authorized representative of each Member has executed this Agreement and each Member has enacted an ordinance authorizing participation in the Board of Appeals.

IN WITNESS WHEREOF, the Members have caused these presents to be duly executed and attested with the seal of the respective Member as of the date first mentioned hereinabove.

ATTEST: SKIPPACK TOWNSHIP:

Mark Marino  
Chairman

By: [Signature]

ATTEST: NEW HANOVER TOWNSHIP:

Jimmy Mark  
Chairman

By: [Signature]

ATTEST: BOROUGH OF ROYERSFORD

Thomas R. Weibel  
Chairman

By: [Signature]

ATTEST: BOROUGH OF COLLEGEVILLE

Charles P. Pank By: [Signature]  
Chairman

ATTEST: BOROUGH OF TRAPPE

[Signature] By: [Signature]  
Chairman

ATTEST: LOWER FREDERICK TOWNSHIP

[Signature] By: [Signature]  
Chairman

ATTEST: PERKIOMEN TOWNSHIP:

[Signature] By: [Signature]  
Chairman

**EXHIBIT B**

**JOINDER AGREEMENT OF WORCESTER TOWNSHIP  
REGARDING INTERGOVERNMENTAL COOPERATION AGREEMENT**

WHEREAS, Skippack Township, New Hanover Township, Royersford Borough, Collegeville Borough, Trappe Borough, Lower Frederick Township and Perkiomen Township duly executed a certain Intergovernmental Cooperative Agreement dated February 9, 2005 ("Intergovernmental Agreement"); and,

WHEREAS, the Intergovernmental Agreement authorized the aforementioned municipalities to jointly cooperate with other local governments in the exercise of their respective governmental functions, powers and responsibilities, and specifically authorized the formation of an Intergovernmental Joint Board of Appeals ("Board") pursuant to Act 45 of 1999; and,

WHEREAS, the Intergovernmental Agreement provides for the joinder of other municipalities to the Board by the adoption of a resolution by the governing body of the municipality, and by the execution of a written joinder by which the municipality agrees to be bound to the terms of the Intergovernmental Agreement and the by-laws of the Board;

NOW THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Worcester Township, intending to be legally bound, agrees as follows:

1. Worcester Township shall be bound by the terms and provisions of the aforementioned Intergovernmental Agreement; and,
2. Worcester Township further agrees to be bound by the by-laws duly adopted by the Board as and when they are issued.

IN WITNESS WHEREOF, Worcester Township has caused this joinder to be duly executed and attested as of this 20<sup>th</sup> day of January, 2016.

FOR WORCESTER TOWNSHIP

By: \_\_\_\_\_

Susan G. Caughlan, Chair  
Board of Supervisors

Attest: \_\_\_\_\_

Tommy Ryan, Secretary

ERECTED INTO A TOWNSHIP IN 1733  
**TOWNSHIP OF WORCESTER**  
AT THE CENTER POINT OF MONTGOMERY COUNTY  
PENNSYLVANIA

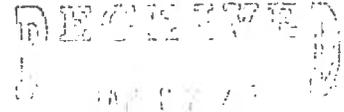
1721 Valley Forge Road  
P.O. Box 767  
Worcester, PA 19490

Phone (610) 584-1410  
Fax (610) 584-8901

EXTENSION OF TIME

Date: 1/7/16

Attn: Mr. Tommy Ryan  
Township Manager  
Worcester Township  
1721 Valley Forge Road  
P.O. Box 767  
Worcester, PA 19490



Dear Mr. Ryan:

RE: SUBDIVISION PLAN/LAND DEVELOPMENT PLAN OF

Rhoads Real Estate Ventures

On 1/7/16, I (we) submitted the referenced plan for official filing.

Please be advised that notwithstanding any contrary provision of the Pennsylvania Municipalities Planning Code or the Worcester Township Subdivision and Land Development Ordinance, this letter will serve as notice to Worcester Township that the requirement that action be taken on this Plan within ninety (90) days, is hereby waived, without limitation as to time.

This waiver is granted to permit us to make such adjustments or revisions to the Plan as may be required during the Plan review process.

If we ever deem it necessary to limit the time of the subdivision or land development review process, we may revoke this extension of time in writing, sent certified mail, return receipt requested, and the Township shall be obligated to render a decision on our plans within sixty (60) days after the date on which the written revocation notice was received.

If the Township determines that insufficient progress is being made towards concluding the subdivision or land development review process, the Township may revoke this extension of time in writing, sent regular mail and certified mail, return receipt requested. For purposes of this provision, the Township's written notice shall be deemed received, if sent regular mail and certified mail, on the date of the written receipt on the certified mail return receipt, or, three (3) days after the date indicated on the Township's notification letter in the event the certified mail is returned as "refused", "unclaimed", or is otherwise returned without indication of receipt, if addressed as follows (or to a subsequent address specifically provided to the Township by us for the purpose of notice):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

At any time 60 days after our receipt of such notice from the Township, we understand that the Township may take (but shall not be obligated to take) such action with regard to our plans as the Township deems necessary or appropriate.

We further understand that nothing herein shall be construed to prevent us from offering, and the Township from accepting, additional extensions of time in the future, but neither party shall be obligated to do so by the terms of this Agreement.

Very truly yours,

By   
Signature

W. THOMAS RHOADS  
Print Name, Title

Date: 12/28/15

Accepted by:

\_\_\_\_\_  
Chairman, Board of Supervisors

Attest:

\_\_\_\_\_  
Manager/Secretary