WORCESTER TOWNSHIP BOARD OF SUPERVISORS
REORGANIZATION MEETING
WORCESTER TOWNSHIP COMMUNITY HALL
FAIRVIEW VILLAGE, WORCESTER, PA
MONDAY, JANUARY 3, 2011 at 11 A.M.

CALL TO ORDER by Arthur Bustard at 11:00 A.M.

PLEDGE OF ALLEGIANCE

ATTENDANCE
PRESENT:

ARTHUR C. BUSTARD	[X]
STEPHEN C. QUIGLEY	[X]
SUSAN CAUGHLAN	[X]

INFORMATIONAL ITEMS

The Annual Organization Meeting of the Elected Auditors will take place on Tuesday January 4, 2011 at 8:00 A.M., at the Worcester Township Community Hall, Fairview Village, PA.

The Department of Defense is soliciting public comments on the environmental assessment conducted by the U.S. Army concerning the potential environmental and socioeconomic effects of the disposal and reuse of the North Penn Memorial United States Army Reserve Center on Berks Road. The 30-day comment period began on December 20, 2010 and ends on January 18, 2011. A copy of the EA will be available for review at the Montgomery County - Norristown Public Library. A link to the EA and further information will also be placed on the Township's website.

1. **Motion to Appoint a Temporary Chairperson:** Supervisor Caughlan moved to appoint Supervisor Bustard as Temporary Chairman. Supervisor Quigley seconded the motion. There were no comments from the public. The motion passed unanimously.

2. **Motion to Appoint a Temporary Secretary**: Supervisor Caughlan moved to appoint David Burman as Temporary Secretary. Supervisor Quigley seconded the motion. There were no comments from the public. The motion passed unanimously.

3. **Motion to Appoint a Chairperson for Calendar Year 2011:** Supervisor Caughlan moved to appoint Supervisor Bustard as Chairman for calendar year 2011. Supervisor Quigley seconded the motion. There were no comments from the public. The motion passed unanimously.

4. **Motion to Appoint a Vice-Chairperson for Calendar Year 2011:** Supervisor Quigley moved to appoint Supervisor Caughlan as Vice-Chairperson for calendar year 2011. Supervisor Bustard seconded the motion. There were no comments from the public. The motion passed unanimously.

5. **Consideration and Adoption of Resolution 11-01 Entitled "Reorganization":** Chairman Bustard stated that the Board will consider adoption of the Reorganization Resolution as a single motion, which is traditionally the way it has been. Chairman Bustard stated that the

Board would have a public discussion and then open it up to public comments.

Supervisor Caughlan offered the name of David Burman as Township Manager and Supervisor Quigley and Chairman Bustard concurred. Mr. Burman entered the name on the screen in the front of the room.

Chairman Bustard noted that the Township Manager has normally also filled the position of Secretary. Supervisors Caughlan and Quigley concurred that Dave Burman should fill the role of Secretary. Mr. Burman entered the name on the screen in the front of the room.

Chairman Bustard noted that Eunice Kriebel has filled the role of Assistant Township Manager in the past. Supervisors Caughlan and Quigley concurred. Mr. Burman entered the name on the screen in the front of the room.

609423

Chairman Bustard noted that Eunice Kriebel has filled the role of Treasurer, as well. Supervisors Caughlan and Quigley concurred. Mr. Burman entered the name on the screen in the front of the room.

Chairman Bustard noted that Eunice Kriebel has filled the role of Assistant Secretary, as well. Supervisors Caughlan and Quigley concurred. Mr. Burman entered the name on the screen in the front of the room.

Supervisor Caughlan offered the name of Thomas Bookheimer as Roadmaster. Supervisor Quigley and Chairman Bustard concurred. Mr. Burman entered the name on the screen in the front of the room.

Chairman Bustard indicated that Tiffany Loomis has been serving as Zoning Officer. Supervisors Caughlan and Quigley concurred. Mr. Burman entered the name on the screen in the front of the room.

Chairman Bustard noted that Joseph Nolan of CKS Engineers has been serving as Township Engineer. Supervisors Caughlan and Quigley concurred. Mr. Burman entered the name on the screen in the front of the room.

Chairman Bustard noted that Joseph Nolan of CKS Engineers and Russ Davis of Keystone Municipal Services have been serving as Assistant Zoning Officers. Supervisor Caughlan asked whether the Township Manager should be appointed Assistant Zoning Officer, as well. Chairman Bustard disagreed and Supervisor Quigley stated he had no problem with Chairman Bustard's approach. Based on the discussion, Mr. Burman entered the names of Joe Nolan and Russ Davis on the screen in the front of the room.

Supervisor Bustard indicated that Russ Davis of Keystone Municipal Services has been serving as Building Code Official. Supervisors Caughlan and Quigley concurred. Mr. Burman entered the name on the screen in the front of the room.

Chairman Bustard noted that James Garrity of Wisler Pearlstine has been serving as Solicitor. Supervisor Caughlan concurred. Supervisor Quigley disagreed. Based on the discussion, Mr. Burman entered James Garrity's name on the screen in the front of the room.

Chairman Bustard noted that the Zoning Hearing Board Solicitor has been Bob Brant of Robert L. Brant & Associates. Supervisor Caughlan concurred. Supervisor Quigley asked if

that was separate from the Township Solicitor. Chairman Bustard stated that it was. Supervisor Quigley concurred. Mr. Burman entered the name on the screen in the front of the room.

Chairman Bustard offered the name of Gordon Todd for Vacancy Board Chairman. Supervisors Caughlan and Quigley concurred. Mr. Burman entered the name on the screen in the front of the room.

Chairman Bustard noted that the Delegates to the Annual Convention of the Pennsylvania State Association of Township Supervisors are typically the three Supervisors and the Township Manager. Supervisors Caughlan and Quigley concurred. Mr. Burman indicated such on the screen in the front of the room.

Supervisors Quigley and Caughlan offered the name of Chairman Bustard as the voting delegate to the Annual Convention of the Pennsylvania State Association of Township Supervisors. Mr. Burman entered the name on the screen in the front of the room.

Chairman Bustard noted that a number of applications have been received for the position of Zoning Hearing Board member. Supervisor Caughlan offered the name of Michael Libor. Supervisor Quigley asked if this was going to be discussed. Chairman Bustard indicated that is what the Board is doing. Supervisor Quigley offered the name of Jim Phillips for the position of Zoning Hearing Board member. Chairman Bustard concurred with Supervisor Caughlan's name of Michael Libor. Supervisor Quigley noted that Mr. Libor's work involved building, and historically Worcester has tried to stay away from appointing builders to the Zoning Hearing Board. Supervisor Caughlan stated that Mr. Phillips was a builder. Supervisor Quigley noted that Mr. Phillips was an airplane pilot, by trade, noting the distinction that Mr. Phillips' wife is a builder. Chairman Bustard noted that this discussion did not sway his favor for appointing Mr. Libor as a Zoning Hearing Board member. Based on the discussion, Mr. Burman entered the name of Michael Libor on the screen in the front of the room.

Chairman Bustard noted that Caesar Gambone is the current alternate to the Zoning Hearing Board, and that Mr. Gambone has indicated that he is still interested in serving, although a number of other residents have expressed their interest in serving in this capacity. Supervisor Caughlan offered the name of Caesar Gambone, citing his experience with the trades. Supervisor Quigley offered the name of Jim Phillips to serve as Zoning Hearing Board alternate. Chairman Bustard concurred with the name of Caesar Gambone. Supervisor Caughlan expressed concern with Mr. Phillips' affiliation with builders, citing the potential for future conflicts. Supervisor Quigley expressed his confusion regarding Supervisor Caughlan's comments, given the earlier nomination by Supervisor Caughlan of someone who is involved with people who build homes to the Zoning Hearing Board. Chairman Bustard disagreed with Supervisor Quigley's characterization of Mr. Libor's affiliations, citing that Mr. Libor is an attorney who specializes in lots of different types of law. Supervisor Quigley stated that Mr. Libor represents builders. Chairman Bustard noted that Mr. Libor represents lots of other people besides builders. Supervisor Caughlan noted that she did not see any of Worcester's builders on Mr. Libor's client list. Supervisor Caughlan inquired as to whether Mr. Gambone's nomination was accepted. Chairman Bustard stated that he had seconded the nomination. Based on the discussion, Mr. Burman entered the name of Caesar Gambone on the screen in the front of the room.

Chairman Bustard noted that several people had expressed interest in serving on the Planning

Commission. Supervisor Caughlan offered the name of Paul Ziegler to serve on the Planning Commission, citing his experience with "on-the-ground" building and his ability to read building plans. Supervisor Quigley nominated Rick DeLello to serve on the Planning Commission, citing Mr. DeLello's involvement in the Township for the past several years. Chairman Bustard noted that Paul Ziegler has expressed his interest in becoming more involved, citing Mr. Ziegler's experience in the road paving business. Based on the discussion, Mr. Burman entered the name of Paul Ziegler on the screen in the front of the room.

Chairman Bustard noted the holiday schedule presented on the screen in the front of the room, as follows:

New Year's Day	(Observed) Friday, December 31, 2010
Presidents' Day	Monday, February 21, 2011
Good Friday	Friday, April 22, 2011
Memorial Day	Monday, May 30, 2011
Independence Day	Monday, July 4, 2011
Labor Day	Monday, September 5, 2011
Thanksgiving Day	Thursday, November 24, 2011
Day after Thanksgiving	Friday, November 25, 2011
Christmas Day	Monday, December 26, 2011
New Year's Eve	No Holiday Observed This Year
New Year's Day	Monday, January 2, 2012

609423

Chairman Bustard asked whether there were any problems with any of the dates listed. Supervisor Caughlan asked Mr. Burman whether there were any potential conflicts. Mr. Burman reported that staff had gone through the list carefully and did not foresee any conflicts with anything that the Board had planned.

Chairman Bustard noted the Board of Supervisors meeting schedule presented on the screen in the front of the room, as follows:

Regular Meetings - 7:30 PM	**Worksessions - Time TBD**
Wednesday, January 19, 2011	
Wednesday, February 16, 2011	Monday, February 7, 2011
Wednesday, March 16, 2011	Monday, March 7, 2011
Wednesday, April 20, 2011	Monday April 4, 2011
Wednesday, May 18, 2011	Monday, May 2, 2011
Wednesday, June 15, 2011	Monday, June 6, 2011
Wednesday, July 20, 2011	Tuesday, July 5, 2011
Wednesday, August 17, 2011	Monday, August 1, 2011
Wednesday, Sept 21, 2011	Tuesday, September 6, 2011
Wednesday, Oct 19, 2011	Monday, October 3, 2011
Wednesday, Nov 16, 2011	Monday November 7, 2011
Wednesday, Dec 21, 2011	Monday, December 5, 2011

Supervisor Caughlan asked whether the Wednesday meetings had been reviewed for any potential conflicts. Mr. Burman reported that staff had gone through this list carefully and did not foresee any conflicts.

Chairman Bustard noted that the start-time for the meetings Monday meetings is marked

"TBD" (to-be-determined) on the screen in the front of the room. Chairman Bustard noted that the Monday meetings have historically started at 8:00 AM, but the Board may consider moving that time back a little. Mr. Quigley noted that there had been discussion at meetings concerning the difficulty that most people have in attending the morning meetings due to job related commitments. Mr. Quigley stated that he would rather see a nighttime meeting so that residents of the Township, who have to work, but want to come to meetings, can make it, rather than take time off from work. Supervisor Caughlan noted that there are a considerable number of residents who cannot make night meetings. Supervisor Caughlan went on to note that the Home and School Association at Methacton alternate their meetings month-by-month, one in the morning and the next one at night, to accommodate parents with children who are unable to attend night meetings. Supervisor Caughlan noted that if we try this new schedule and it does not work, the Board can always change it. Supervisor Caughlan noted that it may be worthwhile to start the meetings at 9:00 AM, rather than 8:00 AM, to accommodate those who may be unable to make the 8:00 AM meetings due to dropping their children at the bus stop or at school, the goal being to allow more residents to attend the meetings. Chairman Bustard stated that he is willing to move the start time to 9:00 AM as well, although he does understand Supervisor Quigley's point of view on this matter, noting that if it doesn't work acceptably, it can be changed. Based on the discussion, Mr. Burman entered 9:00 AM as the start-time for the Monday meetings.

Chairman Bustard noted the need to designate depositories for Township Funds, as follows:

First Niagara Bank
Union National Bank – Univest
PLGIT
TD Bank

Chairman Bustard asked whether approval of the Treasurer's Bond is included in the Reorganization Resolution. Mr. Burman reported that the Reorganization Resolution concludes with designation of depositories, and that a motion is necessary in order for the Resolution to be adopted by the Board.

Supervisor Caughlan moved to adopt Reorganization Resolution #11-01, as discussed. Supervisor Quigley seconded the motion. Chairman Bustard opened the floor to comments from the public.

Maeve Vogan, Dell Road, commented on the outgoing members of the Planning Commission and Zoning Hearing Board.

Philip Burke, Grange Avenue, commented on the appointment of Mr. Gambone to the Zoning Hearing Board.

Jim Mollick, Country View Lane, commented on the procedures followed by the Board relative to the Reorganization Resolution, on the replacement of Harris Gramm on the Zoning Hearing Board, on the appointment of Michael Libor to the Zoning Hearing Board, on the reappointment of Caesar Gambone as an alternate on the Zoning Hearing Board, on the validity of the appointment of the Zoning Hearing Board Solicitor by the Board of Supervisors, on the appointment of the Township Solicitor.

Mr. Garrity advised that the MPC says that the Township Zoning Hearing Board has the final word on selecting the Zoning Hearing Board Solicitor. However, the Township has to pay

the Zoning Hearing Board Solicitor, so generally speaking, the Zoning Hearing Board Solicitor is passed upon by the Board of Supervisors of the governing body.

Jim Phillips, North Wales Road, commented on the appointment of the Township Secretary.

Chase Kneeland, Berks Road, commented on the replacement of Harris Gramm on the Zoning Hearing Board.

Chairman Bustard called the question on adoption of the Reorganization Resolution 11-01, and the motion passed by a vote of two to one, with Supervisor Caughlan and Chairman Bustard voting in favor of the Resolution and Supervisor Quigley opposed.

609423

6. **Motion to Approve the Treasurer's Bond in the Amount of Ten-Million Dollars:** Supervisor Caughlan moved to approve the Treasurer's Bond in the amount of $10 million. Supervisor Quigley seconded the motion. There were no comments from the Board or the public. The motion passed unanimously.

7. **Consideration and Adoption of Resolution 11-02 Entitled "Approval of Fire Department Activities":** Supervisor Caughlan moved to adopt Resolution 11-02, approval of Fire Department Activities for 2011. Supervisor Quigley seconded the motion. There were no comments from the Board or the public. The motion passed unanimously.

8. **Consideration of Request from Applicant for Waivers of the Township's Subdivision and Land Development Ordinance. (Central Schwenkfelder Church).**

Mr. Burman reported that in May of 2009, the Board of Supervisors granted a waiver of the land development process, but did indicate that the applicant needed to comply with the Subdivision and Land Development Ordinance. Although the Board waived the land development process, the plans currently reflect twelve waivers from the Subdivision and Land Development Ordinance that have not specifically been considered by the Board.

Attorney J. Edmund Mullin, representing Central Schwenkfelder Church, introduced himself along with Tim Woodrow, of Woodrow Associates. Mr. Mullin presented a memo from Township Engineer Joe Nolan, indicating that the plan was acceptable with the exception of the twelve waivers. Mr. Woodrow presented a plan for the new community center that the Church would like to build. Mr. Woodrow explained each of the twelve requested waivers.

Mr. Nolan, Township Engineer, reported that there are no technical issues with any of the waivers that have been requested. A lot of them have typically been granted in the past. The stormwater waivers don't really apply to this type of facility. The stormwater waivers seem to be moving towards a recharge type system, which appears to be a positive thing. The other waivers represent non-technical issues upon which the Board needs to make a decision.

Mr. Mullin added that the rain garden is a more advanced BMP than the Township currently requires by ordinance. Mr. Woodrow added that the watershed runs into the Zacharias Creek, through wetlands that the applicant is proposing to enhance and preserve.

Supervisor Caughlan asked whether the current design protects those downstream of the runoff from storms like the one that recently affected the region. Mr. Woodrow reported that the wetlands are downstream of the rain garden, which provides a double layer of protection.

Supervisor Caughlan moved to grant the twelve waivers, as requested. Supervisor Quigley seconded the motion. Chairman Bustard opened the floor to public comment.

Oliver Smith, Fisher Road, commented on the procedure for waiving the land development process, on the sale of development rights, and on the location of the proposed new structure relative to neighboring properties.

Mr. Woodrow provided information concerning the location of the proposed structure relative to the neighboring properties.

Jim Mollick, Country View Lane, asked for the rationale behind the potential waivers in this situation. Mr. Garrity reported that the land development process had been waived in 2009, but that the Board would require the applicant to otherwise comply with the Subdivision and Land Development Ordinance. Mr. Garrity further reported that the applicant's argument appears to be that the twelve waivers don't otherwise add anything to the public health, safety and welfare, nor to the desirability of the design, but do add to the applicant's unnecessary expense.

Chairman Bustard called the question and the motion passed unanimously.

9. **Consideration of Request from Applicant for Waiver from Sewage Facilities Planning and Associated Exemption to Requirement to Revise the Township's Official Act 537 Plan (Rhoads Subdivision).**

Mr. Nolan reported that the Rhoads Subdivision is a 3-lot subdivision off Weber Road. No action is required of the Board, but the application does need to be executed by a municipal official. The only action needed is execution of the application. Mr. Garrity reported that a motion to that effect, although not necessary, would not hurt. Supervisor Quigley asked whether the three smaller lots could be subdivided further in the future, under the "Growing Greener Ordinance". Mr. Nolan reported that the Ordinance does have certain provisions that would be necessary, and there are physical features on the lot(s) that might preclude them from doing that in the future. Supervisor Caughlan moved to authorize the execution of the application. Supervisor Quigley seconded the motion. There was no public comment and the motion passed unanimously.

10. **Ratification of Interim Agreement with Miller Environmental Services, Inc. for Operation and Maintenance of the Township's Sanitary Sewer Systems, Pursuant to the Board's Action at the December 15, 2010 meeting.**

Mr. Burman reported that Miller Environmental has come on board and is doing a fine job. The interim agreement states that the work will be performed in accordance with the RFP process. The interim agreement has been reviewed by the Solicitor's office and executed. Supervisor Caughlan moved to ratify execution of the interim agreement with Miller Environmental Services, Inc. Supervisor Quigley seconded the motion. There was no public comment and the motion passed unanimously.

11. **Approval of the minutes of December 6, 2010.**

Supervisor Caughlan noted a correction in the minutes. Under Engineer's Report, the minutes should state that Susan Caughlan inquired about Meadowood relocating their current driveway. Supervisor Caughlan moved to approve the minutes as corrected. Supervisor

Quigley seconded the motion. Chairman Bustard opened the floor to public comments.

Jim Mollick, Country View Lane, commented on the minutes, citing alleged problems with comments under the SRO discussion. Chairman Bustard stated that he would ask staff to check the tape. Dr. Mollick further cited alleged problems relative to the discussion under the Moran property and under Public Comments.

Jim Phillips, North Wales Road, commented on preparation and review of the minutes.

Chairman Bustard called the question and the motion passed unanimously.

12. Supervisor Caughlan made a brief announcement, noting that the Moran Conservation Easement closed in late December, and the Township is pleased to have 81 more acres under easement. The easement is held by Montgomery County Lands Trust and by the Township. There is also a trail easement along with a commitment to build a trail in the future which was established earlier in 2010. Supervisors publicly thanked Mr. Moran, who was present, for his cooperation and patience during the process.

609423

13. **Public Comments**

Gordon Todd, Bustard Road, spoke on behalf of the Planning Commission with regard to the schedule for Joint Meetings between the Board of Supervisors and Planning Commission. Chairman Bustard and Supervisor Quigley stated that they would prefer the Joint Meetings, which take place 3 or 4 times a year, to take place in the morning before the Monday meetings of the Board of Supervisors. Chairman Bustard asked Mr. Todd to discuss it at the next meeting of the Planning Commission, and advise the Board of Supervisors regarding the discussion.

Philip Burke, Grange Avenue, commented on the meeting times for the Monday morning meetings, and the need for transparency. Mr. Burke also commented on the appointments to the Zoning Hearing Board.

Jim Mollick, Country View Lane, commented on an affidavit from Solicitor Garrity's office relative to a Right-to-Know Request and Appeal, the definition and institution of non-criminal investigations, and the appointment of the Zoning Hearing Board Solicitor.

Jim Phillips, North Wales Road, commented on conflicts of interest, the Sunshine Act, and non-criminal investigations.

14. **Adjournment**

Supervisor Caughlan moved to adjourn the meeting. Supervisor Quigley seconded the motion. There were no comments from the Board or the public, and the motion passed unanimously.

Respectfully submitted:

David R. Burman

David R. Burman, Recording Secretary

WORCESTER TOWNSHIP BOARD OF SUPERVISORS MEETING
WORCESTER TOWNSHIP COMMUNITY HALL
FAIRVIEW VILLAGE, WORCESTER, PA
WEDNESDAY, JANUARY 19, 2011, 7:30 P.M.

CALL TO ORDER by Arthur Bustard at 7:30 P.M.

PLEDGE OF ALLEGIANCE

ATTENDANCE
PRESENT:

ARTHUR C. BUSTARD [X]
STEPHEN C. QUIGLEY [X]
SUSAN CAUGHLAN [X]

INFORMATIONAL ITEMS

A reminder that the Board of Supervisors has changed the time of the meetings on the first Monday of each month from 8:00 AM to 9:00 AM.

1. **TREASURER'S REPORT**
The Treasurer's report for December, 2010 net change on cash basis:

December, 2010 Report:

General Fund	$361,079.69
State Fund	($30,357.01)
Capital Reserve Fund	$287,504.01

Chairman Bustard noted a minor correction on the preprinted packets, stating that the expenditures listed in the State Fund should be categorized as Road Maintenance Expense, rather than Park & Culture Expense. Supervisor Caughlan moved to accept the Treasurer's Report. Supervisor Quigley second the motion. There were no comments from the Board or the public, and the motion passed unanimously.

2. **PAYMENT OF THE BILLS OF THE TOWNSHIP**
Supervisor Caughlan moved to pay the bills of the Township in the amount of $539,266.52. Supervisor Quigley second the motion. There were no comments from the Board or the public, and the motion passed unanimously.

3. **MANAGER'S REPORT**
   a. **Request for Consideration and Adoption of Ordinance No. 2010-228, Entitled "Delaware Valley Health Insurance Trust** – Township Manager Burman introduced this item and reported that this Ordinance is required in order for the Township to participate in an Intermunicipal Agreement for the purpose of procuring the health care benefits for its employees. Mr. Burman reported that the Delaware Valley Health Insurance Trust is comprised of about 70 municipalities and other governmental entities for the sole purpose of providing high quality health benefits to employees of those entities. By adopting this Ordinance and joining the Trust, the Township's health care plans, which are currently

insured by Blue Cross and Keystone Healthcare, would be insured directly by the Delaware Valley Health Insurance through the Aetna network, with no other changes to the underlying plans and coverage. This would result in cost savings to the Township. Mr. Burman asked Mr. Garrity to lead the public hearing, which is required in order for the Board to adopt the Ordinance. Mr. Garrity re-introduced the topic and described the proposed Ordinance and Intermunicipal agreement. Mr. Garrity opened the floor to questions from the Board. Seeing none, Mr. Garrity opened the floor to questions from the public. As part of the public hearing, Bill Kazimer of Germantown Pike asked how many employees would be covered by the proposed agreement. Mr. Burman stated that there were approximately fourteen individuals and families covered by the policies. Mr. Kazimer asked what the anticipated savings would be. Mr. Burman reported that the anticipated annual savings would be 5% below the current rates. Mr. Kazimer asked who is handling the insurance currently. Mr. Burman reported that the benefits are currently provided through "the Blues" and that the Township does use a broker. Seeing no further questions, Mr. Garrity closed the public hearing and provided the Board with the opportunity to adopt the Ordinance, if it is the Board's pleasure to do so. Supervisor Caughlan moved to adopt Ordinance 2010-228. Supervisor Quigley seconded the motion and it passed unanimously.

609423

b. **Request for Authorization for Chairman to execute the Intergovernmental Agreement with the Delaware Valley Health Insurance Trust** – Supervisor Caughlan moved to authorize the Chairman to execute the Intergovernmental Agreement with the Delaware Valley Health Insurance Trust. Supervisors Quigley seconded the motion. There were no comments from the Board. Jim Mollick, Worcester, commented on the procedure for adopting a motion and taking an official action of the Board. Chairman Bustard called the question and the motion passed unanimously.

c. **Request for Consideration and Adoption of Resolution Authorizing the Application and Naming the Authorized Users of the new Univest Credit Card (Visa)** – Mr. Burman reported that Staff recommends the Board of Supervisors terminate the existing credit card agreement with the former Harleysville Bank due to increasing fees, and adopt a Resolution to name the Township Manager and Assistant Township Manager as authorized signers on a new Univest credit card. Supervisor Quigley asked whether it makes sense to also add the Roadmaster / Director of Public Works as an authorized user. Mr. Burman agreed that this would be logical, since the Public Works Department often needs incidental items from various vendors with which the Township may not have an active account. Supervisors Caughlan moved to name the Township Manager, the Roadmaster and the Assistant Township Manager as authorized signers on a new Univest credit card (via Resolution). Supervisor Quigley seconded the motion. There was no comment from the public and the motion passed unanimously.

d. **Update on Morris Road Bridge Replacement Project** – Mr. Burman reported that the Turnpike Commission has informed that Township that heaters and tents have been brought in to help continue the work. The Turnpike Commission is hopeful that the bridge will be open to traffic in early February.

e. **Update on Morris Road and North Wales Road Realignment Project** – Mr. Burman reported that the Pennsylvania Department of Transportation expects signage for this project to be placed this week. PennDot issued a notice to proceed to Allan Myers earlier this month. PennDot informs the Township that the contract calls for completion within one year, although the currently scheduled completion date is sometime around Halloween.

Mr. Burman illustrated the current, four-phase construction schedule and the planned realignment on the screen in the front of the room.

f. **Zoning Hearing Board Update** – Mr. Burman reported that the next meeting of the Zoning Hearing Board is scheduled for January 25, 2011, at which one continued application and two new applications will be held.

Mr. Burman reported that Application #10-14, in which the Applicant has requested a variance from Sections 150-147(D)(E) and 150-148(D) to permit the replacement and expansion of the existing sign which is non-conforming, has been continued pending receipt of supplemental information requested of the Applicant by the Zoning Hearing Board.

Mr. Burman reported that Application #10-17 is new. In this Application, the property owner of 1201 N. Trooper Road has requested a variance from Section 150-37(C)(1) to permit an addition (for an extension of the family room) to be built within the side yard setback due to the existing non-conforming location of the single family dwelling.

Mr. Burman reported that Application #10-18 is new. In this Application, the developer of 3220 Meadow Lane is requesting a variance from Section 150-182(B) to permit the installation of decorative entrance columns at 69 inches in height located within the front yard setback. Mr. Burman noted that the columns had been installed with the original construction because the developer erroneously believed they had been approved as shown on an artist's rendering that was considered during the land development process. Mr. Burman reported that the developer is aware of the error, as evidenced by the submission of an application for variance.

g. **Discussion and Possible Adoption of Schedule for Joint Meetings with the Planning Commission** – Mr. Burman reported that the Board of Supervisors had intentionally not addressed this issue during the Reorganization Meeting on January 3, 2011, because the Board wanted to give the Planning Commission an opportunity to make their preference for meeting time known. The Planning Commission has indicated that they would like to hold four joint meeting with the Board of Supervisors during 2011, and that they would prefer those meetings to take place at 8:00 A.M., before the Board of Supervisors meeting on February 7th, May 2nd, August 1st and November 7th. Supervisors Caughlan moved to authorize staff to advertise those meeting dates. Supervisors Quigley seconded the motion. There were no comments from the Board or the public, and the motion passed unanimously.

4. **ENGINEER'S REPORT**

a. **Monthly Report** – Township Engineer Joseph Nolan, P.E. offered to answer any questions for the Board of Supervisors. Supervisor Quigley asked whether there had been any recent noise complaints concerning the Berwick Place exhaust fan and generator. Mr. Nolan stated that he was unaware of any complaints subsequent to completion of a recent project at the Plant.

b. **Request for Consideration and Adoption of Resolution Granting Preliminary and Final Approval of the Rhoads Subdivision located at 2062 Weber Road and 2119 Berks Road** – Mr. Nolan reported that this is a minor subdivision and a representative of the Applicant would present to the Board. Mr. John Kolb of Woodrow Associates introduced himself and described the proposed subdivision. The Rhoads family owns two parcels at this location,

and proposes to subdivide the two lots into three lots. The proposed new lot would be sold and utilized by a family member to construct a new home, with fee simple road access to Weber Road. It will take physical access through an access easement out to Berks Road. Mr. Nolan's most recent review letter includes one item that needs to be addressed, which is the creation of an access agreement. Mr. Nolan reported that this item has been included as part of the Resolution developed by the Solicitor for consideration by the Board. Supervisor Caughlan asked for confirmation that the appropriate language, acceptable to the Applicant, was included in the Resolution. Both Mr. Nolan and Mr. Garrity confirmed that the language was included in the Resolution. Mr. Kolb noted that there would be two access easements: one would access Berks Road for the proposed new house and one over the "flag" providing access for the existing house. Mr. Garrity advised that appropriate language was included in points 3 and 4 of the Resolution. Mr. Nolan advised that the Township Planning Commission recommended approval based on a revised plan submission, which has taken place. Mr. Nolan further advised the Planning Module Approval has been granted by DEP. Supervisor Caughlan moved that the Board approve preliminary and final subdivision of the Rhoads property. Supervisors Quigley seconded the motion. There were no comments from the Board or the public, and the motion passed unanimously.

609423

5. **SOLICITOR'S REPORT**

Mr. Garrity reported that the Board of Supervisors held an executive session this evening immediately prior to this meeting, to consider a recent Decision of the Office of Open Records regarding another Right-to-Know Request in the Township at Docket No. 2010-1186. The Decision partially granted the Requestor's appeal and partially denied the Requestor's appeal. The issue discussed in executive session involved the pros and cons of some sort of appeal of this Decision, or a petition for reconsideration. Mr. Garrity has recommended that that the Board takes a petition for reconsideration, which is due within fifteen days of the Decision. Since this is the only Board meeting prior to that deadline, the Board needed to discuss it this evening. That question is before the Board this evening. Mr. Quigley suggested that the Board has spent a lot of money on this and other legal matters, and in the interest of transparency, he is not in favor of spending any more taxpayer money on this. Supervisor Caughlan stated that she would support a petition for reconsideration, because the Decision includes issues with regard to timing that need to be revisited by the Appeals Officer, and there were some absolute mistakes in interpreting the law. Supervisor Caughlan further stated that she would support a petition for reconsideration because it is a minimal expense. Supervisor Caughlan stated that this is not a matter of transparency of government pertaining to public records; rather, this involves documents that are protected by the attorney-client privilege. Supervisor Caughlan expressed optimism, as the Township has already filed one such petition on a different matter and it has been granted. Mr. Garrity confirmed that the Township has only filed one petition for reconsideration, and it has been granted and the Decision in that matter ultimately went in the Township's favor. Supervisor Caughlan moved to send a letter of reconsideration of this Decision. The motion was not seconded by Supervisor Quigley. Chairman Bustard seconded the motion. Chairman Bustard announced that there are several options, including the filing of the petition for reconsideration, appealing the Decision to the court of common pleas, or complying with the Decision. Supervisor Caughlan again expressed optimism with filing a petition for reconsideration, particularly with regard to the attorney-client privilege. Supervisor Quigley reiterated his concern with transparency in spending the taxpayers' money. Chairman Bustard did not disagree with Supervisor Quigley, except to state that attorney client privilege is an important principle. Supervisor Quigley stated that the Township could spend an awful lot of money on principle. Chairman Bustard and Supervisor Caughlan reminded Supervisor Quigley that the petition for reconsideration involves only a letter to the Office of Open Records, and is

relatively inexpensive as compared to other appeals that have been filed in the past.

Bruce Pancio, Worcester, commented on the lack of information provided by the Board with regard to this Decision.

Mr. Garrity reported that ten different requests were filed by Dr. Mollick, most of which deal with a driveway situation. Mr. Garrity reported that the Township responded with a letter addressing all of the requests, and the Township produced no documents in response to the requests, citing very specific objections to all ten, most of which had been requested previously on multiple occasions, some of which had been produced previously and some of which had not. Mr. Garrity also noted that the response to some of the requests was that no such documents exist.

Bruce Pancio, Worcester, commented that in his opinion the underlying factors of this matter should be disclosed.

Michael Libor, Worcester, commented on the attorney client privilege.

Bill Kazimer, Germantown Pike, commented on his opinion concerning supervisor's recusing themselves.

Jim Mollick, Worcester, stated his opinion on recusal, the burden of proof in this appeal, the cost of the various requests and appeals concerning this matter, transparency, and open government.

Jim Phillips, Worcester, commented on conflicts of interest.

Chairman Bustard called the question and the motion carried 2 to 1, with Chairman Bustard and Supervisor Caughlan in favor, and Supervisor Quigley opposed.

6. **APPROVAL OF THE MINUTES OF DECEMBER 15, 2010**

Supervisor Caughlan moved to approve the minutes of December 15, 2010. Supervisor Quigley seconded the motion. There were no comments from the Board. Chairman Bustard opened the floor to public comments.

Jim Mollick, Worcester, commented on the minutes of December 15, 2010 and cited a number of areas in which he felt his comments were mischaracterized or not properly reflected in the minutes.

Chairman Bustard called the question and it passed unanimously.

7. **PUBLIC COMMENT**

Chairman Bustard reminded attendees of the five minute time limit on public comment.

Caren Segal, Worcester, addressed very specific comments to Chairman Bustard concerning comments that he allegedly made to another resident concerning her, stating that she wanted her comments to be included in the minutes word-for-word.

Philip Burke, Grange Avenue, expressed appreciation for the prompt response of the Township in placing the speed monitoring device on Grange Avenue. Mr. Burke also commented on the

recently submitted DePhillippo land development plan, a Decision issued by the Zoning Hearing a number of years ago, and questions concerning compliance with that Decision.

Supervisor Caughlan stated that she would look into this matter.

Jim Mollick, Worcester, discussed concerns he raised at the Board's Organization Meeting concerning the process for adoption of motions, and alleged violations of the Sunshine Law.

Chairman Bustard stated that the Board discussed a variety of issues and then adopted a motion to approve the Reorganization Resolution as a single motion.

Supervisor Quigley raised a question for Solicitor Garrity concerning the Board of Supervisors' right to appoint members and alternates to the Zoning Hearing Board, and to assign them to the respective positions.

609423

Solicitor Garrity reported that the Municipalities Planning Code allows the Board of Supervisors to appoint individuals to membership and alternates on the Zoning Hearing Board, and the Zoning Hearing Board chairman is allowed to appoint one of the alternates, if there are more than one, to fill any temporary vacancies on the Zoning Hearing Board in the event one of the members is absent.

Michael Libor, Kriebel Mill Road, commented on his recent appointment to the Zoning Hearing Board.

Jim Phillips, Worcester, commented on the Friends of Worcester.

8. **ADJOURNMENT**

Supervisor Caughlan moved to adjourn the meeting. Supervisor Quigley seconded the motion. There were no comments from the Board or the public, and the motion passed unanimously.

Respectfully submitted:

David R. Burman

David R. Burman, Recording Secretary