

**WORCESTER TOWNSHIP BOARD OF SUPERVISORS
REORGANIZATION MEETING
WORCESTER TOWNSHIP COMMUNITY HALL
FAIRVIEW VILLAGE, WORCESTER, PA
MONDAY, JANUARY 7, 2013 AT 11:00 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 G. CAUGHLAN [X]

1. INFORMATIONAL ITEMS

The Annual Organization Meeting of the Elected Auditors will take place on Tuesday, January 8, 2013 at 8:30 A.M., at the Worcester Township Administration Office, 1721 Valley Forge Road, Worcester, PA.

2. REORGANIZATION OF THE BOARD OF SUPERVISORS

a. Motion to Appoint a Temporary Chairperson

A motion by Supervisor Caughlan, seconded by Supervisor Quigley to appoint Supervisor Bustard as Temporary Chairperson. The motion passed unanimously.

b. Motion to Appoint a Temporary Secretary

A motion by Supervisor Caughlan, seconded by Supervisor Quigley to appoint F. Lee Mangan as Temporary Secretary. The motion passed unanimously.

c. Motion to Appoint the Chairperson for calendar year 2013

A motion by Supervisor Caughlan, seconded by Supervisor Quigley to appoint Supervisor Bustard to the position of Chairman of the Board of Supervisors. The motion passed unanimously.

d. Motion to Appoint the Vice Chairperson for calendar year 2013

A motion by Chairman Bustard, seconded by Supervisor Quigley to appoint Supervisor Caughlan to the position of Vice Chairman of the Board of Supervisors. The motion passed unanimously.

e. Consideration and Adoption of Resolution 13-01; Township Manager, Secretary and Right to Know Officer

A motion by Chairman Bustard, seconded by Supervisor Caughlan to adopt Resolution 13-01, appointing F. Lee Mangan Township Manager, Secretary and Right to Know Officer. The motion passed unanimously.

James Mollick, Worcester, commented on not hearing discussion on the BOS appointments before or after the vote.

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f. Consideration and Adoption of Resolution 13-02; Assistant Township Manager, Treasurer and Assistant Secretary

A motion by Supervisor Caughlan, seconded by Supervisor Quigley to approve Resolution 13-02, appointing Eunice C. Kriebel Assistant Township Manager, Treasurer and Assistant Secretary. The motion passed unanimously.

g. Consideration and Adoption of Resolution 13-03; Road Master and Director of Public Works

A motion by Supervisor Caughlan, seconded by Supervisor Quigley to adopt Resolution 13-03, appointing Robert D'Hulster Road Master and Director of Public Works. The motion passed unanimously.

h. Consideration and Adoption of Resolution 13-04; Zoning Officer

A motion by Supervisor Caughlan, seconded by Supervisor Quigley to adopt Resolution 13-04, appointing Tiffany Loomis Zoning Officer. The motion passed unanimously.

i. Consideration and Adoption of Resolution 13-05; Building Code Official

A motion by Supervisor Caughlan, seconded by Supervisor Quigley to adopt Resolution 13-05, appointing Keystone Municipal Services Inc. Building Code Official. The motion passed unanimously.

James Mollick commented on process and the cost of the building inspector.

j. Consideration and Adoption of Resolution 13-06; Professional Consultants

A motion by Supervisor Caughlan, seconded by Supervisor Quigley to adopt Resolution 13-06A, appointing CKS Engineers, Inc. Township Engineer. The motion passed unanimously.

James Mollick commented on competitive bids.

A motion by Supervisor Caughlan, seconded by Supervisor Quigley to adopt Resolution 13-06B, appointing CKS Engineers, Inc. Assistant Zoning Officer. The motion passed unanimously.

A motion by Supervisor Caughlan, seconded by Supervisor Quigley to adopt Resolution 13-06C, appointing Wisler Pearlstine, LLP Township Solicitor. The motion passed unanimously. Supervisor Quigley further stated that Mr. Garrity is professional and works on behalf of the staff & Township.

James Mollick commented on the Commonwealth Court Case, Sunshine law and the two minute rule.

A motion by Supervisor Caughlan, seconded by Supervisor Quigley to adopt Resolution 13-06D, appointing Bee Bergvall, Co. Professional Auditors. The motion passed unanimously.

k. Consideration and Adoption of Resolution 13-07; Vacancy Board Chairman

A motion by Supervisor Caughlan, seconded by Supervisor Quigley to adopt Resolution 13-07, appointing Gordon Todd Vacancy Board Chairman. The motion passed unanimously.

Maeve Vogan, Worcester, inquired about the responsibility of the Vacancy Board Chairman.

l. Consideration and Adoption of Resolution 13-08; Delegates to the Annual PSATS Convention and Voting Delegate

A motion by Supervisor Caughlan, seconded by Supervisor Quigley to adopt Resolution 13-08, appointing Arthur C. Bustard, Susan G. Caughlan and Stephen C. Quigley Delegates to Annual PSATS Convention and Arthur C. Bustard Voting Delegate. The motion passed unanimously.

m. Consideration and Adoption of Resolution 13-09; Adoption of the 2013 Holiday Schedule

A motion by Supervisor Caughlan, seconded by Supervisor Quigley to adopt Resolution 13-09, adopting the 2013 Holiday Schedule. The motion passed unanimously.

<u>DATE</u>	<u>DAY</u>	<u>HOLIDAY</u>
January 1, 2013	Tuesday	New Years
February 18, 2013	Monday	President's Day
March 29, 2013	Friday	Good Friday
May 27, 2013	Monday	Memorial Day
July 4, 2013	Thursday	Independence Day
September 2, 2013	Monday	Labor Day
November 28, 2013	Thursday	Thanksgiving Day
November 29, 2013	Friday	Day after Thanksgiving
December 24, 2013	Monday	Christmas Eve
December 25, 2013	Wednesday	Christmas Day
January 1, 2014	Wednesday	New Year's Day

n. Consideration and Adoption of Resolution 13-10; Adoption of Board of Supervisors 2013 Meeting Schedule

Supervisor Quigley recommended changing the time of the work session meeting to 8:00a.m.

Supervisor Caughlan commented that the 9:00 am time accommodates parents of school children.

Chairman Bustard stated the he would have the Manager review the time.

A motion by Supervisor Caughlan, seconded by Supervisor Quigley to adopt Resolution 13-10, approving the Board of Supervisors 2013 Meeting Schedule. The motion passed unanimously.

Maeve Vogan commented on the attendance at night meetings verses day meetings and on earlier notification of the schedule.

James Mollick commented on lack of notification of meeting and no change in attendance by moving meeting from 8:00 to 9:00 am.

o. Consideration and Adoption of Resolution 13-11: Designation Depositories for Township Funds

A motion by Supervisor Caughlan, seconded by Supervisor Quigley to approve the following Depositories for Township Funds. The motion passed unanimously.

- First Niagara
- Univest-Union National Bank
- PLGIT
- TD Bank
- Ambler Savings Bank

p. Consideration and Adoption of Resolution 13-12; Approval of Fire Department Activities

A motion by Supervisor Caughlan, seconded by Supervisor Quigley to adopt Resolution 13-12 approving the Fire Department Activities. The motion passed unanimously.

Supervisor Quigley suggested a quarterly report from the Fire Department on activities.

q. Consideration and Adoption of Resolution 13-13; Assistant Right to Know Officer

A motion by Supervisor Caughlan, seconded by Supervisor Quigley to adopt Resolution 13-13 appointing Erica Lucey Assistant Right to Know Officer. The motion passed unanimously.

r. Consideration and Adoption of Resolution 13-14; Entitled "Authorization for Approval of Revised Township Fee Schedule"

A motion by Supervisor Caughlan, seconded by Supervisor Quigley to adopt Resolution 13-14 Approval of Revised Township Fee Schedule.

s. Motion to Approve Treasurer's Bond in the amount of \$10 Million Dollars

A motion by Supervisor Caughlan, seconded by Supervisor Quigley to approve the Treasurer's Bond. The motion passed unanimously.

t. Motion to appoint members of the Planning Commission

A motion by Supervisor Caughlan to re-appoint Gordon Todd and Anthony Sherr each for a three year term received no second and was withdrawn.

A motion by Supervisor Quigley to appoint Rick DeLello received no second.

A motion by Supervisor Caughlan, seconded by Supervisor Quigley to re-appoint Gordon Todd for a three year term. The motion passed unanimously.

A motion by Supervisor Caughlan, seconded by Chairman Bustard to re-appoint Anthony Sheer for a three year term. The motion passed two to one with Supervisor Quigley opposing.

Maeve Vogan expressed disappointment in the Board's motion.

James Mollick commented on the reappointment of Anthony Sherr and his attendance at the Planning Commission meetings, lack of discussion by the Board of the Candidates.

Rick DeLello, Worcester, commented that he has attended all meetings for years and treated the Board with respect and shown interest in serving the community.

Gordon Todd, Worcester, acknowledged Mr. DeLello's attendance and noted the expertise of Mr. Sherr.

u. Motion to appoint member of the Zoning Hearing Board for expiring term

One expiring term of Kenneth Dyer who requested reappointment and two other interested applicants.

Supervisor Quigley acknowledged receipt of Mr. D'Lauro resume and that Mr. Dyer has lived here for 35 years and served the Zoning Hearing Board for many years keeping Worcester the way it is, which is common sense. He stated that additional lawyers are not necessary on the Board since they already have legal representation.

Chairman Bustard acknowledged Mr. Dyers' eighteen years of service and stated that John D'Lauro is a good lawyer, familiar with land use.

Supervisor Caughlan acknowledged Mr. D'Lauro law practice includes zoning issues and stated the Zoning Hearing Board is a legal body subject to challenges and appeals. She further stated that sending opposition to the ZHB costs the Township money and having an additional lawyer might save the Township money.

Maeve Vogan commented that the Township and staff have viable solutions and the current ZHB is moving in a good direction and appointing Mr. D'Lauro is short sighted.

Jim Mollick inquired if some of the BOS members spoke with the candidate or deliberated by e-mail.

A motion by Supervisor Caughlan, seconded by Chairman Bustard to approve the appointment of John D'Lauro to the Zoning Hearing Board for expiring term. Motion passed two to one with Supervisor Quigley opposing.

v. Motion to appoint member to the Board of Elected Auditors

Chairman Bustard announced that Mr. Eberbach, Board of Auditors member, moved out of the Township and an alternate must be appointed to fill the vacancy.

A motion by Chairman Bustard, seconded by Susan Caughlan to appoint Bradford Smith to fill the vacancy. The motion passed unanimously.

3. APPROVAL OF THE MINUTES OF DECEMBER 3, 2012

A motion by Supervisor Caughlan, seconded by Supervisor Quigley to approve the minutes of December 3, 2012. The motion passed unanimously. Copies were available for review.

4. PUBLIC COMMENTS

Supervisor Quigley raised a safety issue for the intersection of Route 73 and Wentz Church Road. Chairman Bustard is aware of it and will have Township Engineer, Joseph Nolan, review it.

James Mollick commented on the Board's appointment to the ZHB citing former chairman Dyer's service to the community. He also cited Mr. DeLauro's qualifications to serve.

Maeve Vogan inquired about the upcoming discussion of the Lighting Ordinance and questioned the meaning of several terms in the ordinance noting that it is very restrictive.

Rick DeLello commented on the handling of the termination of Mr. Dyer and the lighting ordinance.

James Phillips, Worcester, commented on land development on the Dubner Property (2974 Germantown Pike) and the absence of building and grading permits and inquired what the Township is doing about it. Manager Mangan advised him that the staff is aware and violation notices have been sent.

Fred Oskanian, Worcester, inquired about the policy of confidentiality regarding complaints by residents. Solicitor Garrity responded.

5. ADJOURNMENT

There being no further business or comments from the public, Chairman Bustard adjourned the meeting.

Respectfully submitted:



F. Lee Mangan, Secretary

WORCESTER TOWNSHIP
WORCESTER TOWNSHIP BOARD OF SUPERVISORS
WORCESTER TOWNSHIP COMMUNITY HALL
WORCESTER, PA
WEDNESDAY, JANUARY 16, 2013 - 7:30 P.M.

CALL TO ORDER by Arthur Bustard at 7:30pm

PLEDGE OF ALLEGIANCE

ATTENDANCE

PRESENT:

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

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INFORMATIONAL ITEMS:

Chairman Bustard read a prepared statement announcing the absence of Supervisor Quigley and his vote being crucial regarding the lights at Methacton High School. A public hearing is being held tonight until 9:00 and if necessary continued at the February 20th meeting. The ordinance was prepared by the Township Solicitor, Mr. James Garrity, Esq., after listening to comments the Township received and has crafted the resulting ordinance. The issue tonight is to determine if the ordinance is sufficient to allow lighting on the fields, while at the same time protecting the rights of the Township and residents. The public hearing tonight is designed to allow the public to make their positions on the proposed ordinance heard. The role of the Supervisors tonight is to listen. All comments should be directed to the Board.

Public Hearings

Lighting Ordinance – Methacton High School

A court reporter was present to record a transcript of the proceedings.

Mr. Garrity opened the public hearing at 7:37pm and provided the procedure for the hearing and an background of the ordinance noting that it has been advertised twice per the Pennsylvania Municipalities Planning Code.

A Conditional Use hearing will be necessary by the School District at which time additional conditions will be placed upon the use of the lights.

Eric Frey, Esquire, of Dischell, Bartle & Dooley, P.C. (attorney for the school district), inquired about the timing of the ordinance sent to the Worcester Township Planning Commission.

Marc Jonas, Esquire, of Eastburn & Gray (attorney for John Harris, a resident with property near the high school) spoke on behalf of his client, whose objective is to reach a balance in community objectives. Mr. Jonas presented Mr. Gary Garofalo, a lighting consultant for his client, from Lighting Design Collaborative of Philadelphia, who suggested some modifications might be in order to protect the adjacent neighbors.

Lois Byrne, Worcester, submitted the petition of 785 signatures last week supporting the lights.

Karthik Pillutla, Lower Providence, inquired about expansion to include the tennis courts.
Karen Vavra, Worcester, commented on the wildlife in the area.

David Kearney, Worcester, commented on the neighbors working collectively, and expressed concerns about the total use of the lighting.

Nancy Kearney, Worcester, expressed concerns of the permanent impact to residents who live here.

William Kazimer, Worcester, commented about the noise from the fields.

Maeve Vogan, Worcester, questioned how she could obtain exhibits that were presented and the costs of expert witnesses.

Jeanne Koehler, Worcester, expressed the possibility of more revenue to the school by having Friday night games and thanked the students that showed up for the proceeding.

Frank Senk, Worcester, reminded the Board that 500-600 people came out to the school board meeting in favor of the lights and the impact on the students.

Robert Cannon, Worcester, requested clarification on seasons of the year and months that the fields will be illuminated and expressed concern about the impact on traffic.

James Mollick, Worcester, questioned the timing with the Planning Commission as well as an email between John Harris and the Township Manager.

Ron Evans, Worcester, stated that he's promoted the lights for 20 years .

Mr. Garrity announced at 9:09pm that the hearing will be continued until the 3rd Wednesday of February.

A brief recess was taken.

Chairman Bustard reconvened the meeting at 9:15pm.

Municipal Claims and Tax Liens Act Ordinance

Mr. Garrity opened the public hearing at 9:16pm and provided a brief description of the ordinance.

A court reporter was present to record a transcript of the proceedings.

Mr. Garrity explained that the ordinance is related to collecting delinquent taxes. The County is asking that the Townships pass an ordinance incorporating a 5% county collection fee that is added to a delinquent bill, but paid by the delinquent taxpayer, not to come out of the amount owed to the Township.

There were no public comments.

Supervisor Caughlan made a motion to approve Ordinance 2013-243, Municipal Claims and Tax Liens Act Ordinance, seconded by Chairman Bustard and approved by both.

The public hearing closed at 9:19pm.

Mr. Garrity continued with his Solicitor's Report, remarking that an executive session would be held after this meeting, related to the property owned by Mr. Dubner at Germantown Pike and Route 363.

Motions & Resolution

APPROVAL OF THE MINUTES OF December 19, 2012

A motion by Supervisor Caughlan seconded by Supervisor Bustard and approved by both to dispense with the reading of, and approve as written, the minutes of December 19, 2012.

TREASURER'S REPORT

The Treasurer's report for December, net change on cash basis:

December 2012 Report:

General Fund	\$1,093,295.26
State	\$61,810.75
Capital Reserve	\$2,698.17

A motion by Supervisor Caughlan, seconded by Supervisor Bustard and passed by both to accept the Treasurer's Report for December, 2012.

James Mollick commented about the reduced expenditures in the legal category.

PAYMENT OF THE BILLS OF THE TOWNSHIP

A motion by Supervisor Caughlan, seconded by Supervisor Bustard and passed by both to pay the bills of the Township in the amount of \$222,813.82.

MANAGER'S REPORT

Mr. Mangan reported that the governmental process procedure will be moved to February, due to the absence of Mr. Quigley.

1. Zoning Hearing Board Update

Tiffany Loomis, Zoning Officer, provided the report. The next meeting will be held on January 22nd.

Application #12-06, 2272 Valley Forge Road, has been continued.

Application #12-08, Dubner Family Partnership, has also been continued.

2. Land Development and Subdivision Update

Tiffany Loomis, Zoning Officer, indicated there were no updates.

ENGINEER'S REPORT

1. Monthly Activity

Mr. Nolan reported that he had nothing to add to his monthly report that was already submitted.

OTHER BUSINESS

None

PUBLIC COMMENTS

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Jim Mollick asked about the current constitution of the Zoning Hearing Board. Mr. Bustard said it was a comment period. He further asked about the current general fund balance. Mr. Bustard said he would have the treasurer check it out. He also asked when the audit is coming out and the status of the sewer situation on Hickory Hill.

ADJOURNMENT

There being no further business brought before this Board, Chairman Bustard adjourned the regularly scheduled meeting at 9:27pm into executive session to discuss a potential litigation matter.

At 9:34pm the meeting reconvened. Mr. Garrity explained the executive session was related to a location with multiple zoning violations. Mr. Garrity asked for a motion from the Board for an injunction to enforce the zoning ordinance on the property.

Supervisor Caughlan made the motion, Chairman Bustard seconded and it was approved by both to pass motion for an injunction.

James Mollick inquired about the Dubner property and pole barn built without authorization, and additional violations.

Chairman Bustard adjourned the meeting at 9:42pm.

Respectfully submitted:



F. Lee Mangan, Secretary