

**WORCESTER TOWNSHIP BOARD OF SUPERVISORS BUSINESS MEETING
WORCESTER TOWNSHIP COMMUNITY HALL
FAIRVIEW VILLAGE, WORCESTER, PA
WEDNESDAY, OCTOBER 19, 2016 – 7:30 PM**

CALL TO ORDER by Chair Caughlan at 7:30 PM

PLEDGE OF ALLEGIANCE

ATTENDANCE

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

INFORMATIONAL ITEMS

- Bob Brant, Township Solicitor, announced that the Board of Supervisors had met in Executive Session prior to this evening's meeting to discuss the following issues: a matter of litigation, in specific Mollick v. the Worcester Township Board of Supervisors and individual Board members, Montgomery County Court of Common Pleas Docket #15-13760; and, a matter of potential litigation, in specific the improvement of a property in violation of the Township Code.
- Chair Caughlan noted the Board of Supervisors would not conduct a Public Hearing to consider an ordinance to establish a preferred service area for the North Penn Water Authority at this evening's Business Meeting. Chair Caughlan noted Aqua had threatened litigation had the Township adopted this ordinance, and the Township had asked the North Penn Water Authority to defend the Township against any litigation brought in this matter, and the North Penn Water Authority had declined to do so.

PUBLIC COMMENT

- Bob Andorn, Worcester, commented on the status of the North Penn Water Authority ordinance, the posting of draft resolutions and ordinances to the Township website, and proposed Resolution 2016-33 to be considered at this evening's meeting.
- Dan Dreher, Worcester, commented on the permitted public comment period at public meetings.
- Jim Mollick, Worcester, commented on the permitted public comment period at public meetings, consideration of the North Penn Water Authority ordinance, the creation and funding of a capital reserve fund for the possible acquisition of the North Penn Army Reserve Base, expenditures made for the possible acquisition of the North Penn Army Reserve Base, and the use of funds expended for the possible acquisition of the North Penn Army Reserve Base for other purposes.

OFFICIAL ACTION ITEMS

- a) Consent Agenda – Chair Caughlan asked if any Member wished to remove an item from the consent agenda. There were no requests to remove an item from the consent agenda.

Supervisor Bustard made a motion to approve a consent agenda that includes (a) the Treasurer's Report and other Monthly Reports for September 2016, (b) bill payment for September 2016 in the amount of \$399,905.19; (c) the September 21, 2016 Work Session minutes; and, (d) the September 21, 2016 Business Meeting minutes. The motion was seconded by Supervisor Quigley.

Dr. Mollick commented on salt storage building construction costs, financial management by the Board of Supervisors, and fees billed by the previous Township Solicitor.

By unanimous vote the Board adopted the motion to approve.

- b) Public Hearing – At 7:50 PM Chair Caughlan opened a Public Hearing as to the consideration of Resolution 2016-33, to consider approval of the issuance of a tax-exempt bond by the Hatfield Township Industrial Development Authority to the Church of the Nazarene of Fairview Village.

Marc Davis, Counsel for the Hatfield Township Industrial Development Authority, stated Federal Law required Township approval of the borrowing because the subject property was situated outside Hatfield Township. Mr. Davis commented on the purpose of the borrowing. Mr. Davis noted Worcester Township would not be responsible for repayment of the debt, and he stated the borrowing would not affect the Township's borrowing capacity. Mr. Davis noted approval of the resolution would not entitle the Church to receive building permits or any other municipal approvals required to construct the proposed improvements.

Mr. Brant provided a summary of the funding arrangement.

Chair Caughlan noted Township approval is required by Federal Law, in specific Internal Revenue Service requirements.

Chair Caughlan requested public comment, and there was none.

Chair Caughlan closed the Public Hearing at 7:56 PM.

- c) Resolution 2016-33 – Supervisor Bustard made a motion to approve Resolution 2016-33, to approve the issuance of a tax-exempt bond by the Hatfield Township Industrial Development Authority to the Church of the Nazarene of Fairview Village. The motion was seconded by Supervisor Quigley.

There was no public comment.

By unanimous vote the Board adopted the motion to approve.

- d) waiver – Tim Woodrow, Engineer for the Applicant, provided an overview of a proposal to enclose a second-floor outdoor dining area at one of the buildings at the Meadowood community, 3205 Skippack Pike. Joe Nolan, Township Engineer, stated the proposal does not increase building or impervious coverage, and is appropriate for consideration for a waiver of land development.

Supervisor Bustard made a motion to approve a waiver of land development to allow the enclosure of a second-floor outdoor dining area at one of the buildings at the Meadowood community, 3205 Skippack Pike, as presented. The motion was seconded by Supervisor Quigley.

Mr. Andorn commented of the Township’s waiver of land development procedures.

By unanimous vote the Board adopted the motion to approve.

- e) waiver – Roger Lehman, Consultant for the Applicant, provided an overview of a waiver request to install an on-lot septic system in the front yard and in a setback at 1335 Merrybrook Road. Mr. Lehman noted the area proposed was the only suitable area on the property to accommodate the on-lot system. Mr. Nolan concurred.

Supervisor Bustard made a motion approve a waiver to allow the installation of an on-lot septic system in the front yard and in a setback at 1335 Merrybrook Road. The motion was seconded by Supervisor Quigley.

There was no public comment.

By unanimous vote the Board adopted the motion to approve.

- f) waiver – Robert McGuckin, Counsel for the Applicant, provided an overview of a proposal to raze and rebuild the Black Horse Tavern, 3223 Germantown Pike. Mr. McGuckin stated the restaurant would be rebuilt in the existing building footprint, absent a small addition at the rear of the building that will be slightly shifted along the rear façade.

Tommy Ryan, Township Manager, noted that he, Mr. Nolan and Mr. Brant had discussed the proposed improvements, and all concur the project is appropriate for a waiver of land development, subject to certain conditions, including the Applicant (1) obtaining any required relief from the Zoning Hearing Board; (2) submitting a site plan to the Township Engineer for his review, and providing improvements as required by Township Code; (3) obtaining all outside approvals, including but not limited to a highway occupancy permit from the Montgomery County Department of Roads & Bridges; (4) paying traffic impact fees for any additional PM peak hour trips created, as determined by the Township Traffic Engineer; (5) entering into required developers agreements and the posting of improvement securities; and (6) obtaining all Township building and zoning permits and other approvals.

Supervisor Bustard made a motion to approve a waiver of land development to allow the Black Horse Tavern, 3223 Germantown Pike, to be razed and rebuilt, conditioned upon the Applicant (1) obtaining any required relief from the Zoning Hearing Board; (2) submitting a site plan to the Township Engineer for his review, and providing improvements as required by Township Code; (3) obtaining all outside approvals, including but not limited to a highway occupancy permit from the Montgomery County Department of Roads & Bridges; (4) paying traffic impact fees for any additional PM peak hour trips created, as determined by the Township Traffic Engineer; (5) entering into required developers agreements and posting of improvement securities; and (6) obtaining all Township building and zoning permits and other approvals. The motion was seconded by Supervisor Quigley.

Mr. Andorn commented on property non-conformities. Mr. Brant commented on the abandonment of non-conforming uses.

Dr. Mollick commented on the Township's waiver of land development procedures.

By unanimous vote the Board adopted the motion to approve.

- g) waiver – Mr. Ryan provided an overview of a proposal to add a second-floor addition to the Wentz United Church of Christ, 3246 Skippack Pike. Mr. Ryan noted that proposed includes an approximate 400 sf increase to the property's impervious surface.

Supervisor Bustard made a motion to approve a waiver of land development to allow construction of a second-floor addition to the Wentz United Church of Christ, 3246 Skippack Pike. The motion was seconded by Supervisor Quigley.

There was no public comment.

By unanimous vote the Board adopted the motion to approve.

- h) waiver – Mr. Ryan provided an overview of a proposal to install a storage shed at the Methacton High School, 1001 Kriebel Mill Road. Mr. Ryan noted the 12'x44' shed would replace an existing 12'x14' shed, and this would be located in the approximate area of the existing shed.

Mr. Ryan noted the Applicant had also requested a waiver of required permit fees.

Supervisor Bustard made a motion to approve a waiver of land development to allow the installation of a 12'x44' storage shed at the Methacton High School, 1001 Kriebel Mill Road, and to approve the waiver of required permit fees. The motion was seconded by Supervisor Quigley.

There was no public comment.

By unanimous vote the Board adopted the motion to approve.

- i) settlement agreement – Mr. Brant provided an overview of a proposed property assessment settlement agreement as to Christina Marie, Inc. v. Montgomery County Board of Assessment Appeals, et al., Montgomery County Court of Common Pleas Docket #14-30980, with payment to the Plaintiff in the amount of \$7.

Supervisor Bustard made a motion approve a settlement agreement as to Christina Marie, Inc. v. Montgomery County Board of Assessment Appeals, et al., Montgomery County Court of Common Pleas Docket #14-30980, with payment to the Plaintiff in the amount of \$7. The motion was seconded by Supervisor Quigley.

There was no public comment.

By unanimous vote the Board adopted the motion to approve.

- j) settlement agreement – Mr. Brant provided an overview of a proposed property assessment settlement agreement as to Trotter v. Montgomery County Board of Assessment Appeals, et al., Montgomery County Court of Common Pleas Docket #11-26797, with payment to the Plaintiff in the amount of \$22.

Supervisor Bustard made a motion approve a settlement agreement as to Trotter v. Montgomery County Board of Assessment Appeals, et al., Montgomery County Court of Common Pleas Docket #11-26797, with payment to the Plaintiff in the amount of \$22. The motion was seconded by Supervisor Quigley.

There was no public comment.

By unanimous vote the Board adopted the motion to approve.

- k) Public Hearing – At 8:31 PM Chair Caughlan opened a Public Hearing to consider Ordinance 2016-262, to consider an amendment to Township Code Section 150-11.B as to permitted uses and development standards for single-family detached dwellings.

Mr. Ryan noted he had recently issued a zoning determination as to the utilization of conservation subdivision procedures for certain parcels eight acres and larger. Mr. Ryan noted this determination found the conservation subdivision procedure was optional for these parcels. Mr. Ryan noted he believed the Township’s intent was to require the conservation subdivision procedure for these parcels, and he stated the proposed ordinance would require such.

Maeve Vogan commented on developments processed under the conservation subdivision requirements to date.

Dr. Mollick commented on public comment duration during public hearings, information reviewed by the Township Manager in preparation of the proposed ordinance, and the ability to construct accessory uses at the Preserve at Worcester community.

Supervisor Bustard stated he believed the conservation subdivision procedure was required for parcels eight acres and larger at the time the “Growing Greener” ordinance was adopted. Supervisor Bustard noted the Planning Commission supports the proposed ordinance.

Mary Sparango, Worcester, commented on Planning Commission preference for the development of smaller parcels under conventional subdivision procedures.

Joseph Pacholski, Worcester, commented on stenographer use at the 2006 public hearing for the Growing Greener ordinance, and providing developers the option to utilize the conservation subdivision procedure.

Mr. Andorn commented on the restrictiveness of the proposed ordinance.

Chris David, Worcester, commented on her support for the proposed ordinance. Ms. David noted the Planning Commission had voted to recommend the Board of Supervisors approve the proposed ordinance.

Supervisor Quigley commented on excessive government regulations, spot zoning concerns and the ability to develop smaller properties. Supervisor Quigley stated he will abstain from voting on the proposed ordinance as he is the owner of a larger property in the Township.

Supervisor Bustard commented on consideration for the Growing Greener ordinance in the 2006 public hearing, and owner preference for maintaining smaller properties.

Mr. Brant stated his office had not assessed the spot zoning issue.

Supervisor Bustard commented on other municipalities that have adopted like ordinances. Chair Caughlan noted the Natural Lands Trust had reviewed Worcester’s ordinance.

Ms. Sparango commented on homeowner association expense at smaller developments.

Chair Caughlan requested additional public comment, and there was none.

Chair Caughlan closed the Public Hearing at 9:14 PM.

- 1) Ordinance 2016-262 – Mr. Bustard motioned to approve Ordinance 2016-262, to consider an amend Township Code Section 150-11.B as to permitted uses and development standards for single-family detached dwellings. The motion was seconded by Chair Caughlan.

Mr. Andorn commented on his dissatisfaction with the Board of Supervisors.

Mr. Pacholski commented on the Township Solicitor review of the proposed ordinance, and previous Supervisors’ consideration of the Growing Greener ordinance.

Mr. Dreher commented on the importance of public comment, and Member consideration of public comment.

Ms. Vogan commented on the number of meeting attendees who support and oppose the proposed ordinance, other residents' comments received by the Members, and the televising of public meetings.

Mr. Mollick commented on the vote to adopt the Growing Greener ordinance in 2006, the opinion of the previous Township Solicitor in this matter, and providing development options preferred by the marketplace.

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

- m) Resolution 2016-34 – Mr. Ryan provided an overview of a resolution to authorize submission of a grant application to the Commonwealth Financing Authority Small Sewer & Water Program to fund improvements to the sanitary sewer system in the Adair neighborhood.

Supervisor Quigley commented on the televising of sanitary sewer lines. Mr. Nolan noted the grant would provide for line inspection and needed repairs in this neighborhood.

Supervisor Bustard made a motion approve Resolution 2016-34, to authorize submission of a grant application to the Commonwealth Financing Authority Small Sewer & Water Program to fund improvements to the sanitary sewer system in the Adair neighborhood. The motion was seconded by Supervisor Quigley.

There was no public comment.

By unanimous vote the Board adopted the motion to approve.

OTHER BUSINESS

- There was no other business discussed at this evening's meeting.

ADJOURNMENT

There being no further business brought before the Board, Chair Caughlan adjourned the regularly scheduled meeting at 9:29 PM.

Respectfully Submitted:

Tommy Ryan
Township Manager