

**WORCESTER TOWNSHIP BOARD OF SUPERVISORS MEETING
WORCESTER TOWNSHIP COMMUNITY HALL
FAIRVIEW VILLAGE, WORCESTER, PA
MONDAY DECEMBER 3, 2012, 9:00 A.M.**

CALL TO ORDER by Arthur Bustard at 9:00 A.M.

PLEDGE OF ALLEGIANCE

ATTENDANCE

PRESENT:

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

INFORMATIONAL ITEMS

None

APPROVAL OF THE MINUTES OF NOVEMBER 5, 2012

Supervisor Caughlan made five wording changes and moved to approve the minutes as amended of November 5, 2012 and Supervisor Quigley seconded the motion. All approved and the motion was passed.

MOTIONS AND RESOLUTIONS

Cedars Village Ordinance – Authorization to advertise

Supervisor Caughlan suggested amending the provision for open space to read “Shall” instead of “Should” for five acre lots and moved to authorize for advertisement the amended Cedars Village Ordinance. Supervisor Quigley seconded the motion. All approved and the motion was passed

1. MANAGER’S REPORT

Mr. Lee Mangan announced that the notice for budget review was advertised and will be adopted at the December 19, 2012 meeting.

a. Township Traffic Engineer Appointment

Supervisor Caughlan moved to approve the appointment of McMahon Associates as Township Traffic Engineers. Supervisor Quigley seconded the motion. All approved and the motion was passed.

Lee Mangan, Township Manager, acknowledged the receipt of proposed Act 209 updated from McMahon Associates dated June 13, 2012. He recommended the Board approve services totaling approximately \$26,000, incorporating items 1 – 3 of the proposal.

Susan Caughlan inquired if the traffic study would include a.m. and p.m. peak hours and if the committee has the option of using both results.

Supervisor Caughlan moved to accept McMahon Associates proposal for Items 1 – 3b. Supervisor Quigley seconded the motion. All approved and the motion was passed.

b. Waiver of Land Development: Meadowood

Timothy Woodrow of Woodrow Associates presented a master plan of the Meadowood Development. The need for campus improvements were presented to the Board and because of the minor nature of the improvements, Mr. Woodrow requested a waiver of Land Development.

Joseph Nolan, Township Engineer, has reviewed the plan of improvements and had no objections to the waiver but requested plans for proposed grading and landscaping.

Supervisor Caughlan inquired about posting escrow.

Mr. Woodrow responded that Meadowood would enter into a professional agreement with the Township for reimbursement for legal and engineering fees.

Supervisor Caughlan moved to approve Meadowood waiver of Land Development with requirement for professional services agreement in place for reimbursement of professional fees. Supervisor Quigley seconded the motion. All approved and the motion was passed.

2. ENGINEER'S REPORT

Joseph Nolan, Township Engineer, presented the Board with a summary of the Valley Green WWTP project to include improvements required by DEP. A Corrective Action Report was presented and approved by DEP. An upgrade to the plant will be required and Mr. Nolan presented pictures of the existing conditions at the plant and the proposed improvements.

Supervisor Quigley inquired about the calculations for the holding tank capacity and availability of grant money and time frame required by DEP.

Mr. Nolan proposed partial demolition of the existing facility, building temporary tanks and bypass facilities to allow a new treatment plant to be built. The projected costs including contingencies are estimated to be approximately \$2 million dollars. These actions would keep the Township current with the DEP Correction Action Report. Mr. Nolan requested authorization from the Board to proceed with final design and preparation of bid packets.

Chairman Bustard inquired about financing.

Manager Mangan noted that bonding or borrowing would be necessary. He will provide details at the December 19th meeting.

James Garrity, Township Solicitor, noted that a Financial Advisor might be present at the December meeting.

Supervisor Caughlan commented on the best product to be integrated with the existing facility and noted complaints about odors and possible elimination with the new plant.

Supervisor Caughlan moved to authorize final design for the Valley Green Wastewater Treatment Plant. Supervisor Quigley seconded the motion. All approved and the motion was passed.

3. SOLICITOR'S REPORT

Mr. Garrity informed the Board that a draft ordinance for proposed lighting was ready.

Supervisor Caughlan commented it is not ready for advertising. It needs additional technical specifications and professional standards. She proposed that the Manager be authorized to obtain a lighting Engineer to include technical specifications along with cost proposals to assure no off site visibility.

Chairman Bustard noted the ordinance provides parameters for lighting and that it's not necessary to spend money on a professional lighting engineer.

Supervisor Quigley noted that common sense determines that glare and illumination are inevitable and the ordinance is providing the best guidance available.

Supervisor Caughlan stated that an expert is needed now citing the change when a professional was involved in the preparation of the Cedars Village Ordinance.

Supervisor Quigley noted that the Cedars professional used common sense and commented on small groups of residents overseeing ordinances.

Chairman Bustard recommended the ordinance be tabled until the December 19, 2012 meeting.

4. PUBLIC COMMENTS

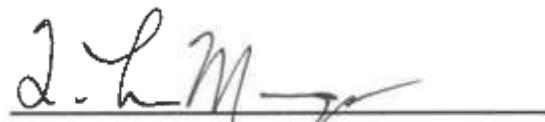
Rick DeLello, Worcester, requested that the Montgomery County Planning Commission review letter regarding the Cedars Overlay Ordinance be posted on the web and appreciates the lighting ordinance be moved forward.

James Mollick, Worcester, commented that he could not find the agenda on the web, inquired as to who wrote the lighting ordinance and further commented that a professional already reviewed it and spending additional money is not necessary to make it so specific that it is not usable.

ADJOURNMENT

There being no further business to come before this Board, Chairman Bustard adjourned the regularly scheduled Board of Supervisors Meeting at 10.32 a.m.

Respectfully submitted:


F. Lee Mangan, Secretary

WORCESTER TOWNSHIP
 WORCESTER TOWNSHIP BOARD OF SUPERVISORS
 WORCESTER TOWNSHIP COMMUNITY HALL
 WORCESTER, PA
 WEDNESDAY, DECEMBER 19, 2012 - 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 [X]

INFORMATIONAL ITEMS:

Chairman Bustard read a prepared statement:

"I have several informational items for tonight's meeting. Under the managers report we are deleting the Governmental Process Presentation and will reschedule it in January due to the length of tonight's meeting.

As you will notice from the agenda tonight we have an item for consideration on the advertisement of an ordinance permitting Stadium lights for the Methacton School District. The Times Herald incorrectly reported several days ago that a school board member told the school board and the audience at their meeting, that we will be voting on the lights for the football field tonight and that he wanted as many people as possible to attend tonight's meeting. This report was an incorrect interpretation of the process that state law requires us to follow in passing a change in our ordinances. If we can achieve agreement on the proposed ordinance presented we can vote to advertise it tonight for a public hearing, which will be at our next nightly meeting in January. The Supervisors discussed the proposed ordinance at our work session on December 3rd. At that time there was significant disagreement on the language and I tabled it until tonight. The Solicitor has made some changes to the proposal in order to try to narrow some of the concerns expressed during our work session. By state law we cannot vote tonight on approving the ordinance, we have to advertise at least 30 days before holding the hearing. Further, if we decide at that public hearing to change any portion of the proposed ordinance we can't approve it, instead we have to vote to re-advertise and hold another hearing at least 30 days later. It is thus incumbent on the supervisors to make sure that the ordinance we vote to advertise represents at the least a good faith effort and has a possibility of being passed in the form advertised, rather than wasting hundreds of dollars in fees for repeated advertising. That repeat advertising does happen, which is why we try to talk out the issues at our work sessions before voting at the general meeting. I am sorry that the Times Herald did not contact the Township about this action, before publishing.

We have a large agenda tonight and I want to move as expeditiously as possible through it. Accordingly I am adjusting the placement of the agenda items and moving the motion to advertise the ordinance for the Methacton School District to the first item discussed tonight. Thank you."

Advertisement of Methacton School District Light Ordinance

Chairman Bustard read a prepared statement providing a summary of the ordinance details:

"We have in front of us an ordinance that has been changed to accommodate some of the various criticisms made during our work session. We have focused our attention on making sure the illumination is focused on the fields and the glare from that illumination is minimized to the extent possible. Under section B 2 we have placed the setback for the lighting standards to insure that it cannot fall onto a neighboring property if some sort of disaster would befall it. In B3 we have made sure that the illumination is designed by a certified lighting professional, so we have someone who knows what they are doing in designing the fixtures. In addition, we have specified that they incorporate the maximum cutoff possible to eliminate the spillover of light onto neighboring properties. We specify the technical means that can be used to achieve this control, so that the designer knows just how serious we are in our concerns.

Section b 4 specifies the footcandles of illumination that is allowable at the property line. We have specified that the controls of the lights need to be both automatic and have a manual override control. We have further limited the intensity of the illumination to the minimum safe level that is appropriate for the type of activity on the fields. We specified the Illuminating Society of North America as the authority on this. We have suggested that these levels be provided by the applicant during the conditional use hearing. We have further indicated that the township will hire its own lighting professional to review the application to verify that the design meets all the specifications, including the minimum safe level of illumination for the respective use, requested by the Township.

There are a few general requirements but these are the ones that we have highlighted for your review. As the ordinance is currently written, the School District will need to make an application for a conditional use hearing before the Supervisors, asking for approval to erect the lights on the athletic fields. At that conditional use hearing the Supervisors can approve the application if the applicant has proved his case in meeting the conditions specified in the ordinance. In addition, the Supervisors can place certain restrictions on the School District at that hearing, in terms of use and general conditions, appearance of the fields and activities, as part of their approval.

Moving forward, the process is the following: Tonight we will go over the ordinance and vote to advertise or not advertise the current ordinance draft. Assuming the ordinance is advertised it will be at least 30 days before we can hold a public hearing. At that public hearing the ordinance will be open to comments from the public. The Supervisors can then vote to approve, deny or decide to consider it further. If they vote to deny they can then rework the ordinance and start the process over again, or simply let it drop.

If they vote to consider it further they can bring it up at a later meeting, to vote on it. Assuming the ordinance eventually passes it will be up to the School District to decide if it makes sense for them to make an application to put lights on the fields. It is expected that if the School District makes application for the conditional use they will provide the Township with what they consider a reasonable field use policy to which they will adhere going forward. In that regard I should note that Superintendent Quinn has been meeting with the immediate neighbors of the High School to draft an agreement that will possibly govern those conditions as part of their conditional use application. So today we have a draft ordinance that our Solicitor has prepared that he feels addresses the issues needed in an ordinance for stadium lights at the High School, with the understanding that application will be through the conditional use process. On that note I will open the floor for any comments from the board about a motion to authorize the ordinance for advertisement."

Supervisor Caughlan remarked that the ordinance has been discussed at length. She said that she believes all interested parties need to see the ordinance at this point.

Supervisor Quigley commented that to this point, there has been a small group of residents involved in the discussion, setting agenda and writing this policy, and fears it is a slippery slope with setting

precedent in the township. He wants to stress the word "all" used by Supervisor Caughlan, in terms of who should be involved in the process related to this ordinance.

He continued that the money being used by the school district and township represents all, not just a few residents. When you live near a facility, certain things come with living near a facility. A motion was made by Supervisor Caughlan, seconded by Supervisor Quigley. Chairman Bustard called the question and it was passed by all to advertise Methacton School District Light Ordinance.

William Kazimer, Worcester, commented that he had not had a chance to review the ordinance, but commented on item B2. Mr. Bustard reminded him the item on the floor is whether or not to advertise the ordinance for a public hearing. Mr. Kazimer further commented that many of the residents lived there before the high school was there and someone told him the properties there will depreciate 20%.

Frank Batsen, Worcester, commented that he is a 46-year resident of Hollow Road. He read a letter that he sent to the Board on May 26, 2008, a copy of which was sent to School Board and the Times Herald.

Ron Evans, Worcester, commented that it is time to "get off your fat butts" and make this happen. He is 100% in favor of the lights. Please do it now.

Chairman Bustard commented that some members of the AP Government Class from Methacton High School were in the audience.

APPROVAL OF THE MINUTES OF NOVEMBER 14, 2012

A motion by Supervisor Caughlan seconded by Supervisor Quigley and approved by all to dispense with the reading of, and approve as written, the minutes of November 14, 2012.

PUBLIC HEARINGS:

Jim Garrity, Solicitor, announced that there were three ordinances for public hearing tonight.

A court reporter was on hand to record the proceedings of the public hearings.

Minor Subdivision and Land Development Plan Requirements

The public hearing was opened at 7:55. It was closed at 7:57. Mr. Garrity commented that it is to expedite the approval process for minor subdivisions and land development in the township. The types of development are specifically defined in the ordinance.

Supervisor Caughlan asked Joe Nolan, Engineer, if requirements for wetlands, and steep slopes will exist in the minor subdivision ordinance. Mr. Nolan indicated that this is for things such as lot line adjustments, or a reverse subdivision. Supervisor Caughlan expressed concern that the applicants will need to provide the township with appropriate information on environmental considerations. Mr. Nolan said they are required. Mr. Garrity referred to item C1C for water courses and wetlands on the next page and flood plains on page 3.

A motion by Supervisor Caughlan, seconded by Supervisor Quigley and passed by all to approve Ordinance 2012-238 Minor Subdivision and Land Development Plan Requirements.

Agricultural and Accessory Uses and Structures Ordinance

The public hearing opened at 8:02pm.

Mr. Garrity remarked that this ordinance collects from various places all of the regulations regarding agricultural buildings, accessory uses and structures and puts them in one place, and addresses some inconsistencies in the zoning ordinance. Most of the ordinance is probably text from the existing ordinance, but it is now collected in one place.

Supervisor Caughlan remarked this was the product of a lot of work from the Planning Commission.

A motion by Supervisor Caughlan, seconded by Supervisor Quigley and passed by all to approve Ordinance 2012-239 Agricultural and Accessory Uses and Structures Ordinance.

Amendments to Cedars Village Overlay District

The public hearing opened at 8:04PM.

Mr. Garrity remarked that the Cedars Village Overlay ordinance was adopted and afterwards the Montgomery County Planning Commission (MCPC) sent a new set of recommendations. There were 9 or 10 suggestions from the MCPC for amendments. The Worcester Township Planning Commission (WTPC) reviewed the letter and decided that 4 of the recommendations were worthy, and the Board agreed. The 4 amendments are to make appropriate provision for common open space, insert a new parking setback and provide that there could not be a multiplicity of single family dwellings on a large lot.

Rick DeLello, Worcester, commented on the changes relative to common open space and how much that would actually be, what criteria would determine appropriate, and if it is following a guideline. Supervisor Caughlan responded that the WTPC wanted the ability to require a certain amount of open space, but wanted that to be a discussion item at the land development phase.

The Public hearing was closed at 8:08pm.

A motion by Supervisor Caughlan, seconded by Supervisor Quigley and passed by all to approve Ordinance 2012-241 Amendments to Cedars Village Overlay District.

MOTIONS AND RESOLUTIONS**TREASURER'S REPORT**

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

November 2012 Report:

General Fund	\$1,190,586.80
State	\$229,280.28
Capital Reserve	\$2,569.20

A motion by Supervisor Caughlan, seconded by Supervisor Quigley and passed by all to accept the Treasurer's Report for November, 2012.

PAYMENT OF THE BILLS OF THE TOWNSHIP

A motion by Supervisor Caughlan, seconded by Supervisor Quigley and passed by all to pay the bills of the Township in the amount of \$605,757.96.

2013 Budget

Mr. Lee Mangan, Township Manager provided a summary.

A motion by Supervisor Caughlan, seconded by Supervisor Quigley and passed by all to approve the 2013 Budget.

Jim Mollick, Worcester, commented on page 1, revenues, charges for services, and what it represented. Eunice Kriebel, Treasurer, responded. He further asked what WWTP represented.

He commented on \$170,000 in increased revenue and asked what the spending offset is for that increased revenue, specifically salaries and benefits in certain departments. Eunice Kriebel explained the reallocation of salaries and benefits across different departments to illustrate the perceived change. He further asked about LRA Army Base expenses.

Sewer Rate

A motion by Supervisor Caughlan, seconded by Supervisor Quigley and passed by all to approve Ordinance 2012 - 240 Sewer Rate.

Authorize to advertise an ordinance for Montgomery County Collection of Delinquent Real Estate Taxes

Chairman Bustard said this was a request from the County. Mr. Mangan further explained the county is trying to streamline the process. Eunice Kriebel commented that the county has instituted a fee which will be passed on to townships and this ordinance allows the township to collect those fees.

A motion by Supervisor Caughlan, seconded by Supervisor Quigley and passed by all to advertise an ordinance for Montgomery County Collection of Delinquent Real Estate Taxes

Preliminary/Final Subdivision Approval – Ianella Subdivision

A motion by Supervisor Caughlan, seconded by Supervisor Quigley and passed by all to provide preliminary/final approval for Ianella Subdivision, Resolution 2012-24

Preliminary/Final Subdivision Approval Mandracchia Subdivision

A motion by Supervisor Caughlan, seconded by Supervisor Quigley and passed by all to provide preliminary/final approval for Mandracchia Subdivision, Resolution 2012-25

MANAGER'S REPORT

a. Zoning Hearing Board Update

Tiffany Loomis, Land Use and Zoning Officer, provided the report. Ms. Loomis said the Dubner application heard on 12/18/12 was continued to January.

The application for 2272 Valley Forge Road has also been continued to January.

The application for 3117 Stump Hall Road was heard and approved at the prior meeting.

Supervisor Quigley asked if there was a demo permit in front of the township for that property and asked about the types of structures. Supervisor Quigley commented on taxpayer money spent on preserving properties and what happens when a landowner comes in and starts making changes on that property, unless there are structural problems.

Chairman Bustard asked if the Zoning Officer could go back to the applicant and request that they keep the silo on the property.

b. Land Development and Subdivision Update

Tiffany Loomis, Land Use and Zoning Officer, provided the report.

c. Sign Ordinance Update

Mr. Mangan reported that Mr. Joe Gambone, owner of the Center Point Shopping Center, came in for a presentation and would like to install a monument sign. The WTPC is reviewing that and will report back to the BOS.

d. Governmental Process Presentation

Tabled

ENGINEER'S REPORT

a. Monthly Activity

Mr. Nolan reported the road program has been completed and final report has been submitted to PennDOT to utilize liquid fuels.

Supervisor Quigley asked about the latest development concerning the sewer study in the Hickory Hill area. Mr. Mangan plans to have a full report at the January meeting. He feels that there is a well-informed populous with strong opinions.

SOLICITOR'S REPORT

Mr. Garrity had no report.

OTHER BUSINESS

None

PUBLIC COMMENTS

Bill Kazimer asked about the commercial sewer rates. Mr. Nolan replied the amount of usage by commercial properties is extensive. By contrast, a normal residential property uses 15,000-18,000 gallons per 90 days.

Mr. Kazimer further commented on overflow pumping in the Adair Drive area in excessive rain circumstances.

Cheryl Brumbaugh, Worcester, requested information on the plantings in phases 1 and 2 in Stony Creek Farms. Mr. Nolan reported they are ongoing. Further, she asked about any money held in escrow at the completion of tree plantings to cover anything. Mr. Nolan said that once his firm guarantees the work, the developer must post a maintenance bond for the trees.

Jim Mollick commented on the lighting ordinance and how quickly it went through. After numerous concerns were expressed by Supervisor Caughlan, it was tabled. Tonight, Supervisor Caughlan had no comments, so what happened between the last meeting and now? Mr. Bustard said that he talked with the solicitor and that changes were made. Mr. Bustard said that no discussions were between the Board members on this ordinance. Mr. Mollick further asked if the Board talked to any residents. Mr. Bustard said yes, it is his job to talk to residents. Mr. Mollick asked about Dr. Quinn. Mr. Bustard said it is part of his job to talk to people, and that he did talk to Dr. Quinn (Methacton School Superintendent).

Jim Mollick further commented on an email he sent to Mr. Mangan about cable access and archiving videos on YouTube. He offered to give a free unedited DVD to the township.

ADJOURNMENT

There being no further business brought before this Board, Chairman Bustard adjourned the regularly scheduled meeting at 8:49 P.M.

Respectfully submitted:



F. Lee Mangan, Secretary