

WORCESTER TOWNSHIP  
 WORCESTER TOWNSHIP BOARD OF SUPERVISORS  
 WORCESTER TOWNSHIP COMMUNITY HALL  
 FAIRVIEW VILLAGE, PA  
 MONDAY, FEBRUARY 1, 2010 8:00 A.M.

**CALL TO ORDER**

The regularly scheduled work session of the Board of Supervisors was called to order by Chairman Arthur Bustard at 8:00 A.M.

**PLEDGE OF ALLEGIANCE**

**ATTENDANCE**

PRESENT:

ARTHUR C. BUSTARD       
 SUSAN CAUGHLAN         
 STEPHEN C. QUIGLEY   

**INFORMATIONAL ITEMS**

None

**1. MANAGER'S REPORT**

**a. The Conservancy of Montgomery County Signage: Discussion**

The Conservancy of Montgomery County requested installation of a 2-sided, pole mounted sign located on County View Lane to commemorate conservation of 2209 North Wales Road and requested a waiver of permit fee. Ordinance 150-147 requires Board of Supervisors approval of commemorative signs.

Arthur Bustard asked for the sign dimensions.

Steve Quigley asked for the type of construction material for the sign.

Jim Mollick, Country View Lane, commented on the sign

- A motion by Susan Caughlan, seconded by Steve Quigley and approved by all to waive the fee for the sign permit and approve the sign installation.

**b. North Penn Army Reserve Base/Park & Recreation Task Force Update: Discussion**

The North Penn Army Reserve Base on Berks Road is scheduled to be conveyed from the US Army to Worcester Township in late 2011, at the earliest. The facility and grounds can only be used for park and recreation/leisure services as part of the no-cost transfer, which was sponsored by the National Parks Service.

Susan Caughlan provided an update and noted that the environmental study is currently ongoing. At the Park and Recreation Task Force meeting on January 25<sup>th</sup>, Gordon Todd,

architect and Chairman of the Planning Commission, provided some initial suggestions on ideas for building modification or demolition.

Arthur Bustard, referencing a prior RFP, stated that once we have Gordon Todd's suggestions the Township will move forward.

Steve Quigley asked if an appraisal was performed.

Jim Mollick, Country View Lane, commented on the building, and the Park and Recreation Task Force.

**c. Charity Bike Race Proposal: Discussion**

The township has been approached by an individual who would like to hold a Township road biking event on Saturday May 22 to benefit the SPCA. John Bickel submitted the request estimating 100 riders.

Steve Quigley asked about Township involvement.

Arthur Bustard inquired about Township liability.

Susan Caughlan asked through what organization is Mr. Bickel working.

James Garrity, Township Solicitor, informed the Board that an insurance certificate would be required.

Steve Quigley suggested Mr. Bickel do a formal proposal with a suggested route for the race.

**d. Stony Creek Farm Request**

Edmund Mullin, attorney representing Stony Creek Farms' developer, noted that they are requesting an amendment to the AQRC ordinance that restricts occupancy to those aged 55 and older. They expected to sell 50 units per year but to date have sold only 31 or 15 per year. The Fair Housing Act allows an age-restricted community to have up to 20% of its occupants under age 55. Accordingly, the developer is requesting the Board to revise the ordinance to allow up to 20% of the occupants to be age 45 or older, instead of 55 or older. The ordinance will still prohibit children under the age of 19, thereby not having any impact on the school district.

James Garrity noted that the existing 31 residents who already purchased homes under the prior restriction would need to sign off on any changes.

Susan Caughlan commented on the requirements of the Federal Fair Housing Act; and stated that no children under 19 years of age would be permitted as permanent residents.

The Board suggested Mr. Mullin draft a proposed revision to the ordinance and return to the Board of Supervisors for review.

**e. Zoning Hearing Board Report**

The last meeting was January 26, 2010.

The next meeting is scheduled for February 23, 2010.

Continued applications:

07-02, 1545 Kriebel Mill Road. A variance to permit the construction of an additional single family dwelling on a new flag lot. The applicant requested an indefinite continuance on June 7, 2007. **Continuance requested by applicant to be heard at the March 23, 2010 meeting.**

09-17, 3214 Fisher Road, Appeal from an enforcement notice dated July 28, 2009 to permit applicants to store landscaping equipment on their property as part of their landscaping and nursery business; alternatively a variance from section 150-11 to permit them to operate their landscaping business. **The matter was heard by the Zoning Hearing Board on January 26. The hearing has been continued due to more testimony to be heard on February 23, 2010.**

10-01, 2112 Bustard Road, Zoned LPD. A variance from Section 150-77 (B)(1) to permit the construction of a garage located outside the building envelope. **Continuance requested by applicant to be heard at the February 23, 2010 meeting.**

NEW applications to be heard on February 23:

10-02, 2575 Muirfield Way, a variance to permit the construction of a pool located outside the building envelope, and to construct a fence within the rear and side yard setbacks.

The deadline to submit applications for the February meeting is 2/1/2010.

**2. Engineer's Report**

None

**3. Solicitor's Report**

**A .Executive Session report**

James Garrity reported one executive session was held January 29<sup>th</sup>, 2010, to discuss two real estate items. One was the purchase of a trail easement and the other a Pennsylvania Turnpike condemnation of township-owned property in conjunction

with the widening of the Northeast extension. They also discussed a personnel issue to secure a permanent township manager.

#### **READING AND APPROVAL OF THE MINUTES OF JANUARY 4, 2010**

James Mollick, Country View Lane, commented on remarks about the Sunshine Law and the manager search committee.

A motion by Susan Caughlan, seconded by Steve Quigley and approved by all to dispense with the reading of, and approve as written, the minutes of January 4, 2010. *(Copies were available for review.)*

#### **5. OTHER BUSINESS**

Arthur Bustard proposed a resolution to establish a meeting protocol for public comment at meetings, to include setting a time limit of five minutes for each comment.

Jim Mollick, Country View Lane, commented on the proposed policy.

Susan Caughlan remarked that the policy is intended to keep meetings under control and give everyone the opportunity to speak.

Jim Mollick commented on policies, the Zoning Hearing Board meetings, video cameras, family harassment, oath of office, and the former township manager.

David Brooks, Overhill Road, commented that political comments are not appropriate for public meetings and should be disregarded.

#### **ADJOURNMENT**

There being no further business brought before this Board, Mr. Bustard adjourned the regularly scheduled meeting at 8:44 a.m.

Respectfully submitted,

  
 Eunice C. Kriebel, Assistant Recording Secretary

609423

WORCESTER TOWNSHIP  
 WORCESTER TOWNSHIP BOARD OF SUPERVISORS  
 MINUTES  
 WORCESTER TOWNSHIP COMMUNITY HALL  
 FAIRVIEW VILLAGE, PA  
 WEDNESDAY, FEBRUARY 17, 2010 7:30 P.M.

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

**PLEDGE OF ALLEGIANCE**

**ATTENDANCE**

PRESENT:

ARTHUR C. BUSTARD	<input checked="" type="checkbox"/>
SUSAN G. CAUGHLAN	<input checked="" type="checkbox"/>
STEPHEN C. QUIGLEY	<input checked="" type="checkbox"/>

**INFORMATIONAL ITEMS:**

None

**1. TREASURER'S REPORTS**

The Treasurer's reports for January, 2010 net change on cash basis:

**January 2010 Report:**

General Fund	(\$229,463.70)
State	(\$11,412.65)
Capital Reserve	\$150,014.76

A motion by Mr. Quigley, seconded by Ms. Caughlan and passed by all to accept the Treasurer's Reports for January, 2010 net change on cash basis.

**2. PAYMENT OF THE BILLS OF THE TOWNSHIP**

A motion by Ms. Caughlan, seconded by Mr. Quigley and passed by all to pay the bills of the Township in the amount of \$316,280.50.

**3. MANAGER'S REPORT**

**a. Snow Storm Update**

Daniel Fox, interim manager, provided an update on the recent snow storm activity, congratulating the public works department and thanking residents for their patience. A total of 284 man hours and 238 tons of salt were utilized during the storm. The

County is working on obtaining an emergency status through PEMA, and aid money might be forthcoming.

Steve Quigley commented on the new public works building, providing a rest area for the department. He asked about salt obligations and limits. Daniel Fox responded

Steve Quigley asked about distinguishing ownership of township, county, and state roads.

Caren Segal, Green Hill Road, asked about county and state roads.

Wini Hayes, Fisher Road, asked about intersections.

Arthur Bustard reminded residents that the fire department has requested residents assist the department by shoveling snow around hydrants for safety.

**b. Receipt of 2008 Liquid Fuels Tax Fund Audit / Financial Report**

The audit of liquid fuels fund was received by the township. It is free of comments and available in the Township office for review.

Susan Caughlan inquired about the early release of funds for 2010.

**c. Meeting protocol for public comment resolution discussion**

Daniel Fox read the proposed resolution, 2010-06.

Arthur Bustard commented on the public comment period before and after the meeting. This resolution is a standard format used by other townships throughout Pennsylvania. This is a formal policy document.

James Garrity, Solicitor, confirmed the wording was from the "Township News" publication almost verbatim, except Worcester Township provides more opportunity for public comment than is required by law."

Steve Quigley commented that the chairman has the authority to rule out unimportant or redundant items but questioned a freedom of speech issue.

James Garrity said the First Amendment is not violated by this resolution because residents are given the opportunity to speak before official action is taken, as well as during board discussions and at the end of the meeting.

Susan Caughlan said PSATS has legal counsel and they reviewed it for constitutionality.

609423

Rick DeLello, Stony Creek Road, commented on the resolution.

Dorothy McGrane, Stump Hall Road, commented on the resolution.

James Mollick, Country View Lane, commented on the resolution.

Nicholas Imperial, Fisher Road, commented on procedures.

Wini Hayes, Fisher Road, commented on the resolution and timely meetings.

Kim McClintock, North Wales Road, commented on the 5-minute time limit.

A motion by Ms. Caughlan seconded by Mr. Bustard, passed with Mr. Quigley voting against, approving Resolution 2010-06: Meeting protocol for public comment

**d. Zoning Hearing Board Report:**

The next meeting is on February 23, 2010.

Continued applications:

07-02, 1545 Kriebel Mill Road. Variance to permit the construction of an additional single family dwelling on a new flag lot. The applicant requested an indefinite continuance on June 7, 2007. **This application will be heard on March 23, 2010 at the request of the applicant.**

09-17, 3214 Fisher Road, Appeal from an enforcement notice dated July 28, 2009 to permit applicants to store landscaping equipment on their property as part of their landscaping and nursery business; alternatively a variance from section 150-11 to permit them to operate their landscaping business. **A continuance was requested by the Zoning Hearing Board due to more testimony to be heard on February 23, 2010.**

10-01, 2112 Bustard Road, Zoned LPD. A variance from Section 150-77 (B)(1) to permit the construction of a garage located outside the building envelope. **Continuance requested by applicant to be heard at the February 23, 2010 meeting.**

New Applications to be heard February 23:

10-02, 2575 Muirfield Way, a variance to permit the construction of a pool located outside the building envelope, and to construct a fence within the rear and side yard setbacks.

10-03, 2536 Quail Run Road, a variance to permit the construction of a 280 S.F. addition to a single-family home allowing the maximum building coverage of a lot to be greater than 15%.

**e. Demolition Permit Request**

A demolition permit has been filed by Penn DOT for a house located at 2508 Morris Road.

Arthur Bustard stated that North Wales Road is being re-aligned at the intersection with Morris Road, which requires demolition of the house and noted that the Board must approve all demolition permits.

Susan Caughlan voiced concerns about the history of the house and inquired about rerouting the road. She requested discussion with Penn DOT and asked the Township manager or engineer to ask about alternatives to demolition, which would still allow the realignment.

Steve Quigley noted that the intersection needs to be realigned for safety reasons.

Arthur Bustard indicated he has no problem discussing with Penn DOT, but does not want the project delayed.

**f. Insurance Policy Update**

Daniel Fox stated that the 2010-2011 premium is approximately \$76,000, a saving of \$8,000 from the 2009-2010 year, plus the Township received a dividend check of approximately \$3,000. The majority of the savings was attributed to a change in the Township's Workers Compensation rates.

**4. SOLICITOR'S REPORT**

**a. Executive Session Report**

One executive session was held on February 16<sup>th</sup>, concerning the search for a permanent manager which the Board anticipates will be resolved in approximately a 2 to 4 week time frame.

James Mollick inquired about applications.

**b. Authorization to appeal OOR decision 2009-1064**

James Garrity explained the history of the appeal which involves ten items on a Right to Know request filed by James Mollick. The request was partially granted and partially denied and Dr. Mollick appealed the denial. Tuesday, February 16<sup>th</sup> was the last day for the township to file an appeal and this is the only meeting to approve the appeal. The solicitor's office filed the appeal yesterday and is requesting direction from the Board whether to continue or withdrawal the appeal. The issue involved in the appeal is emails on personal email accounts of Board

members. Mr. Garrity also noted that an inquiry by his office established that there are no such emails in existence.

Susan Caughlan inquired whether the Township's position on this issue would be compromised if we do not continue with this appeal.

Mr. Garrity responded that the Office of Open Records might appreciate it if the Township withdrew the appeal since no records exist.

Steve Quigley stated it should have been brought up at the February work session which would have given the Board time to review and authorize the appeal.

Mr. Garrity acknowledged the missed meeting and deadline and stated that the Township would not be billed for his office's fees to prepare this appeal if the appeal is withdrawn. He added that no one can predict the outcome or whether a withdrawal of the appeal will be used against the township.

Maeve Vogan, Dell Road, commented on the appeal.

Mr. Garrity responded.

James Mollick commented on honesty and the solicitor's invoices.

Herb Rothe, Bustard Road, commented on the appeal.

Wini Hayes commented on the Solicitor's comments and the issues in the appeal.

Steve Quigley commented on spending money on law suits.

A motion by Susan Caughlan, seconded by Steve Quigley and passed by all to withdraw the appeal.

## 5. ENGINEER'S REPORT

- a. **Annual equipment and materials contracts were prepared and were advertised February 10<sup>th</sup> & February 17<sup>th</sup> to be opened in March and awarded at the April Board meeting.**

Joseph Nolan explained that bids are to be opened March 10<sup>th</sup>. The contracts include seven types of stone and paving materials along with equipment on an as-needed basis.

Mr. Nolan also reported that the new Public Works building is complete but needs final grading and repaving which will include grading behind the administration building.

**b. Drainage improvements, including proposed rain garden behind the Township Administration Building**

Joseph Nolan is seeking input from Board regarding installation of a rain garden behind the Township Building which will help handle the stormwater runoff from the township parking lot which is already being directed into the area. The rain garden will consist of plantings that are conducive to wet areas. This installation will help meet the township's required activities under the MS-4 stormwater program.

Susan Caughlan commented that the plants take up excess water which reduces the outflow into streams.

Mr. Nolan suggested that the township prepare a brochure on rain gardens for resident education, which is another component of the MS-4 program requirements.

Caren Segal inquired about the roads scheduled for paving.

Mr. Nolan responded that Berks, Mill, and portions of Kriebel Mill Road are scheduled for repaving, including repairs to drainage culverts.

**6. OTHER BUSINESS**

Steve Quigley asked about the status of the Exxon Station at Routes 363 and 73.

Daniel Fox reported that the site was inspected by the Township and there are new pipes connecting to the tanks and concrete repairs. There have been questions about whether a canopy is proposed. Mr. Fox confirmed that no canopy can be installed without an application to the Zoning Hearing Board.

Steve Quigley inquired about the beer distributor proposal presented at a previous meeting. James Garrity said the Liquor Control Board will approve the license, but will give the Board opportunity for input.

Jean Mackin, Berwick Place, commented that the noise from the sewer plant at Mount Kirk and Germantown is getting louder.

Joseph Nolan responded about the generator and the operators leaving doors open for ventilation. Mr. Nolan will inspect the generator and report back to the manager whether anything can be done to alleviate the noise.

**7. READING AND APPROVAL OF THE MINUTES OF JANUARY 20, 2010**

James Mollick commented about format and preparation of the minutes.

A motion by Susan Caughlan, seconded by Steve Quigley and approved by all as corrected, (item #6 Mr. Burke's comment, adding the word "minutes" at the end) to approve the minutes of January 20, 2010. Copies were available for review.

**PUBLIC COMMENTS**

Robert Hayes, Fisher Road, inquired about the house on Morris Road for which a demolition permit has been filed.

Bruce Pancio, Ayeshire Drive, commented about enforcement and the OOR appeal.

Chase Kneeland, Berks Road, commented on the realignment at North Wales and Morris Roads and on dogs in Heebner Park.

James Phillips, North Wales Road, commented on the demolition permit and the realignment of North Wales Road.

Oliver Smith, Fisher Road, commented on the Board's microphones and a noise ordinance.

Denise Hale, Berwick Place, commented on the generator noise and the flag on the cell tower at Mt. Kirk Park.

Michael Simeone, Kriebel Mill Road, commented on the public comment policy.

Richard Allen, Whitehall Road, commented on the cell tower flag pole and the house on Morris Road

James Mollick commented on freedom of speech, the OOR appeal, severance agreements, and the Supervisor's oath of office.

Nicholas Imperial commented on the house on Morris Road.

**8. ADJOURNMENT**

There being no further business brought before this Board, Arthur Bustard adjourned the regularly scheduled meeting at 9:42 P.M.

Respectfully submitted:

  
 Eunice C. Kriebel, Assistant Recording Secretary