

**WORCESTER TOWNSHIP BOARD OF SUPERVISORS MEETING
 WORCESTER TOWNSHIP COMMUNITY HALL
 FAIRVIEW VILLAGE, WORCESTER, PA
 MONDAY, FEBRUARY 7, 2011 AT 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 CAUGHLAN	[X]

INFORMATIONAL ITEMS

Mr. Joseph P. Serbu, P.E., a Senior Engineer Project Manager with the Pennsylvania Turnpike Commission was in attendance to provide information on the Morris Road Bridge Replacement project. Mr. Serbu announced the work had been temporarily suspended due to extreme weather conditions, and that approximately three weeks of work remained under ideal weather conditions of temperatures above forty degrees and no precipitation, in order for Morris Road to be reopened. However, there will be additional work taking place through at least mid-May. Mr. Serbu fielded questions from the Board and the floor regarding the project.

Mr. Burman advised that the Limerick Generating Station would be conducting two concurrent siren tests today at 2:00 P.M., for a total of approximately six minutes.

1. MANAGER'S REPORT

- a. Mr. Burman requested authorization from the Board to finalize the sale of the 1998 Ford Explorer which has been duly advertised through an online auction on "municbid" in accordance with the Second Class Township Code. Mr. Burman advised that 28 bids were received during the auction, with the highest bid coming from Thomas Marx of Downingtown, PA in the amount of \$1,755. Supervisor Caughlan moved to sell the vehicle in accordance with Mr. Burman's report. Supervisor Quigley seconded the motion. There were no comments from the public. The motion passed unanimously.
- b. Mr. Burman requested approval of the conceptual design of a rain garden in the rear of the Township Administration Building and authorization to apply for a grant from PA DEP. Although the Board had previously authorized the Engineer to do so, a resident has provided a revised concept plan to the Township. Mr. Nolan fielded questions from the Board concerning the size, capacity and design of the rain garden, stating that no adverse impacted was anticipated from the revised design, which is smaller in scale than the original design. Supervisor Caughlan moved to approve the conceptual design and authorize the application for a grant as requested. Supervisor Quigley seconded the motion. There were no comments from the public. The motion passed unanimously.

- c. Mr. Burman provided a report on current Zoning Hearing Board activity. The following applications will be considered at the next meeting on February 22, 2011:

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.

Application #11-01, related to 2017 Wentz Church Road, will be heard. In this Application, the Applicant has requested a variance to permit decorative entrance columns 10' feet in height located in front yard setback. The allowable height is 30", and a previous variance had been granted to allow six foot columns (ZHB 08-15). Mr. Bustard expressed concerns regarding the width of the entrance, especially for fire department vehicles. Mr. Burman and Ms. Loomis, Zoning Officer, will review and provide pertinent information to the Zoning Hearing Board. Chairman Bustard asked for clarification on the process of ensuring residents comply with decisions of the Zoning Hearing Board. Ms. Loomis reported that the primary mechanism for ensuring compliance relates to those applications that are accompanied by a building permit, in which the Building Code Official makes a final determination with regard to compliance with applicable codes.

Application #11-02, related to 1920 Landis Road, is a request for a Special Exception to permit cooking facilities in the approved addition for the purpose of an in-law suite. Rick DeLello, Stony Creek Road, commented on the Application. Mr. Garrity stated that his office has provided guidance to staff such that an agreement with the Township, as required by Section 150-9, will be executed by the Applicant and recorded with the Recorder of Deeds of Montgomery County, at the owners' cost prior to the issuance of a building permit, which provides for the immediate removal of the separate cooking facilities at such time as they are no longer being used by the relative of the owner of the property.

- d. Mr. Burman provided a report on current Subdivision and Land Development issues.

The Worcester Township Planning Commission tabled its review of the Mandracchia 3-Lot Subdivision adjacent to 3425 Stump Hall Road, pending submission of a revised plan to clarify unresolved issues. The Applicant has granted an extension until June 30, 2011.

The Township has just recently received and distributed revised preliminary plans for land development at Terra Landscaping, 3481 Germantown Pike.

2. ENGINEER'S REPORT

Mr. Nolan provided the Engineer's Report and fielded questions. With regard to the Kriebel Mill Road Bridge, Mr. Nolan reported that bidding should take place in the spring with construction to follow over the summer, after schools close.

Mr. Nolan reported that the generator project at the Berwick Place Wastewater Treatment Plant is complete. Chairman Bustard asked whether any noise complains had been received in recent months. Mr. Nolan reported that no complaints had been received.

Work on the MS-4 program has already commenced, including field work and sampling. This is an ongoing project. Mr. Nolan provided a detailed overview of the MS-4 program, including an explanation of the DEP permitting requirements for the Township's stormwater management

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systems. Any outfall that discharges directly to a stream is part of the permit. The Township adopted a stormwater management ordinance. The Township is required to sample a percentage of the outfalls each year, and to provide educational outreach to residents, businesses and schools. The MS-4 report is due to the state each year. The program, which was originally 5 years, has been extended into its eighth year now. The rain garden that was discussed earlier in the meeting helps with this program. Supervisor Quigley asked about the stormwater outfalls that were tied into the sanitary sewer system. Mr. Nolan reported that Township staff had identified two downspouts and one sump pump that were improperly tied into the stormwater system, and they have been disconnected.

Supervisor Quigley asked about snow removal operations. Mr. Burman reported that the Township had used 795 tons of salt this season, and that he would prepare a more comprehensive report at a future meeting. Mr. Burman reported on the difficult storms recently, in which the forecast changed rapidly. During the unusual circumstances with that particular storm, the snow and ice bonded to the roadway, making it very difficult to break that bond in a timely fashion. Mr. Burman reported that salt supplies have been sufficient, although it is becoming increasingly difficult to procure salt as supplies throughout the region are exhausted. However, the Township has not experienced any shortages. Mr. Bookheimer, Director of Public Works, advised that supplies are currently sufficient for any upcoming storms.

3. SOLICITOR'S REPORT

Mr. Garrity reported that no Executive Sessions took place since the last meeting.

4. OTHER BUSINESS

5. APPROVAL OF THE MINUTES OF JANUARY 3, 2010

Supervisor Caughlan moved to approve the minutes. Supervisor Quigley seconded the motion. There were no comments from the public and the motion passed unanimously. Supervisor Caughlan expressed appreciation to Eunice Kriebel for her years of service as Secretary.

6. PUBLIC COMMENTS

1. Chairman Bustard asked members of the public to limit their comments to five minutes.

Mark Landis of Schultz Road commented on the Turnpike project and the February 16 meeting. Mr. Landis also commented on the Board of Supervisors' meeting schedule.

Craig Eberbach of Mill Road commented on televising of Board of Supervisors Meetings. Mr. Eberbach also commented on recycling.

Oliver Smith of Fisher Road commented on a solar energy initiative in Lower Providence Township.

Phillip Burke of Grange Avenue commented on the Terra Landscaping land development application.

2. **Adjournment**

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

Respectfully submitted:



David R. Burman, Recording Secretary

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**WORCESTER TOWNSHIP BOARD OF SUPERVISORS MEETING
 WORCESTER TOWNSHIP COMMUNITY HALL
 FAIRVIEW VILLAGE, WORCESTER, PA
 WEDNESDAY, FEBRUARY 16, 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

The current issue of the township newsletter, The Worcester Crier, is at the printer and will be at the post office in the next few days. An electronic version is available on our web site.

Standard agenda format has been modified tonight to allow for special presentations.

1. MANAGER'S REPORT

- a. **Presentation of formal Recognition from the Montgomery County Farm Board** – Elizabeth Emlen, Montgomery County Farmland Preservation program, recognized Worcester Township for its contributions to the program. Farm land is preserved by paying the owner, through a statewide program and the land must always stay in farming. Worcester has contributed over \$2.7 million to this program preserving nine farms for a total of 387 acres.
- b. **Introduction, discussion and consideration of proposed lease agreement with T-Mobile regarding a cell tower on a portion of Nike Park on Trooper Road** – Joseph Bagley, from the Solicitor's office, presented the details to the Board. The proposed lease is part one of a two-step process. The lease would be conditioned on the Township's application to the Department of the Interior to move a restriction on a portion Nike Park to another property owned by the township, and the approval of that application. Once that has been completed, the 5-year lease would go into effect. The lease can be extended for up to 4 additional 5-year terms for a maximum of 25 years.

Chairman Bustard explained that when Nike Park was acquired, it was understood that it would remain a park forever, so other suitable land must replace the portion of land that is no longer being utilized as parkland in order to accommodate that agreement. The lease was pursued first, so that the township did not spend money on the land transfer without guarantee of the lease income.

Mr. Bagley explained that this is a routine process with the Federal Government.

James Garrity, Township Solicitor, explained that the motivation behind this lease is that the location in Nike Park is a high point in the township, allowing for the possibility of co-

locators for different carriers on this one tower. This would avoid the proliferation of cell tower requests throughout the township.

Supervisor Caughlan explained that the location selected for the tower was purposely chosen to be on the perimeter so that possible future park development would not be impacted.

Supervisor Caughlan moved that the Board approve the lease with T-Mobile, as proposed. Supervisor Quigley seconded the motion.

John Chambers, 1539 Potshop Road, owns the property across the street, and his father, a former supervisor, was instrumental in the township acquiring this property.

James Mollick, 2114 Country View Lane, commented on the land trade off.

Mr. Garrity explained that the easement transfer needs to be put on another piece of ground already owned, which will be done in Heebner Park.

Dr. Mollick commented on the location of other cell towers in the township.

Chairman Bustard called the question and the motion passed unanimously.

- c. **The Pennsylvania Turnpike Commission will discuss the Reconstruction and Widening Project – Southern Section from Mid-County to Berks Road (approximately) - scheduled to begin March 2011** – Mimi Doyle, Public Involvement Specialist from the PA Turnpike's Eastern Regional Office, recapped the widening project. She introduced members of the construction team. Representing the general contractor, Walsh Construction, was Brian Neckermann, Project Manager; representing the Project Management Consultant, McTish, Kunkel & Associates, was Richard Cochrane, Construction Project Manager. Representatives from the PA Turnpike's Eastern Regional Office were Ira Luke, project engineer and Joe Serbu, Senior Engineer Project Manager.

Mr. Neckermann explained the project timeline. Mr. Cochrane explained the community resources including construction hotline and electronic signage.

Chairman Bustard reminded that the township has an ordinance against working at night and asked how the project team was going to handle that. Supervisor Caughlan reiterated that the township was assured at the beginning of the project that night work would not take place, but in fact, it has taken place.

Mr. Neckermann explained that Walsh's contract with the Turnpike has provisions in it for decibel levels for night work, and did not specifically exclude night work altogether. He remarked that excavation work along the 6-mile stretch will take place at night, but will be coordinated not to be in the vicinity where houses are located. There is no blasting involved for this project.

Chairman Bustard asked about the lights used during night work.

Supervisor Quigley commented on the noise during the night work, and how it travels in a rural area.

Supervisor Caughlan asked about the utilities and relocation. Chairman Bustard asked how confident they are on the project schedule.

Supervisor Caughlan asked about the decibel levels in the contract and how that would be enforced, if complaints were made.

Wini Hayes, Fisher Road, commented on the authority of the township's zoning ordinances on state projects.

Mr. Garrity reported that the most leverage the township has on Penn DOT and the Turnpike Commission is political as opposed to legal, stating that the Township seeks cooperation, which the Turnpike Commission is doing by being here.

Mrs. Hayes further commented on noise barriers.

William Kazimer, West Germantown Pike, commented on night work and asked about the bridges and possible detours.

Mr. Cochrane indicated there would be no detours, and that flaggers would be used instead, with the roads remaining open to traffic.

Rick DeLello, 2533 Stoney Creek Road, commented on the North Wales/Skipack Pike overhead turnpike bridge and its relationship to the project going on at North Wales and Morris Roads with Penn DOT.

Chairman Bustard noted that the two projects are not coordinating with each other.

Lee Veneziale, 2217 Schultz Road, commented that the noise and the lack of sound barriers.

d. Introduction of DRAFT "Grading and Excavations Ordinance" and request to post on website for public review prior to advertising

Chairman Bustard remarked that the introduction attempts to reach out to the public on this matter, before advertising costs are incurred.

James Garrity commented that the township's intention is to post all proposed ordinances on the township web site, but it is not a requirement.

2. TREASURER'S REPORT

Supervisor Quigley commented that it was brought to his attention that the Methacton School District complained about excessive costs from the township building department.

Eunice Kriebel, Assistant Township Manager, encouraged the School District to call the township office with any questions, but explained that it is the Township's understanding the modules being constructed are part of a plan that is no longer acceptable since adopting the Uniform Construction Code and there needed to be engineering revisions in order for the plan to meet current code.

The Treasurer's report for January, 2011 net change on cash basis:

January, 2011 Report:

General Fund	(\$23,474.35)
State Fund	(\$17,300.04)
Capital Reserve Fund	\$86.12

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.

3. PAYMENT OF THE BILLS OF THE TOWNSHIP

Supervisor Caughlan moved to pay the bills of the Township in the amount of \$211,447.17. Supervisor Quigley second the motion. There were no comments from the Board.

William Kazimer, West Germantown Pike, commented on the costs for a recent letter written by the Solicitor relative to a Right-to-Know request.

Chairman Bustard called the question, and the motion passed unanimously.

4. ENGINEER'S REPORT

Nothing to report.

5. SOLICITOR'S REPORT

Nothing to report.

6. OTHER BUSINESS

None.

7. APPROVAL OF THE MINUTES OF JANUARY 19, 2011

Supervisor Caughlan noted two corrections. Paragraph 3a, Manager's Report, at the end, Supervisor Caughlan's name is both making and seconding the motion, which should be corrected. Paragraph 4b, Engineer's Report, the applicant's name is spelled incorrectly in the text.

Supervisor Caughlan moved to approve the minutes of January 19, 2011 as corrected. Supervisor Quigley seconded the motion. There were no comments from the Board. Chairman Bustard opened the floor to public comments.

James Mollick, 2114 Country View Lane, commented on the minutes of January 19, 2011, stating his opinion that, in several places, comments from the public have been condensed.

Caren Segal, 1650 Green Hill Road, expressed her disappointment with the minutes and suggested the meeting be videotaped.

Chairman Bustard called the question and it passed unanimously.

8. PUBLIC COMMENT

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

Kim McClintock asked who sets the sewer rates for the township and wondered why he was paying more than what is posted on the web site. Chairman Bustard explained that Mr.

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McClintock lives in an area served by another sewer authority. Mr. Garrity further explained that their rates also have to be approved by the PUC.

William Kazimer, West Germantown Pike, spoke about his comment from the January 19, 2011 minutes, indicating it was incorrect that he only spoke about one supervisor.

Philip Burke, Grange Avenue, remarked on the lack of detail in the public comments section of the minutes. He further commented on his Right to Know request response being incorrectly addressed to another resident. Subsequently he was denied access to one of the files but was granted access to his own property file but stated that items were missing. He commented on the township circumventing Zoning Hearing Board notice and decisions, court hearings upholding this decision, and lack of enforcement of the zoning board decision violations.

Chairman Bustard remarked he did not know why his right to know request was denied, and said he would look into it.

Mr. Burke suggested a five-member Board for more equal representation of the township residents.

James Mollick, 2117 Country View Lane, discussed the petition for reconsideration which was denied, township filing responses late, alleged Sunshine Law violations in the vote concerning the appeal. Dr. Mollick remarked that items were missing from his property file.

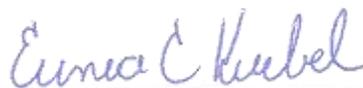
Supervisor Quigley commented on who has access to the property files.

Supervisor Caughlan commented that property files are owned by the township, not the property owners.

9. **ADJOURNMENT**

Supervisor Caughlan moved to adjourn the meeting at 8:55 P.M. Supervisor Quigley seconded the motion. There were no comments from the Board or the public, and the motion passed unanimously.

Respectfully submitted:



Eunice C. Kriebel, Assistant Secretary