

**WORCESTER TOWNSHIP BOARD OF SUPERVISORS MEETING
WORCESTER TOWNSHIP COMMUNITY HALL
FAIRVIEW VILLAGE, WORCESTER, PA
MONDAY, FEBRUARY 6, 2012, 9:00A.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

Chairman Bustard had no informational items.

1. Manager's Report

a. Moran Property Trail Update

Lee Mangan, Township Manager, informed that Board that the layout for the trail would be defined this week, as the result of a walkthrough of the property, involving the township engineer and a survey crew.

b. Subdivision & Land Development Update (current activity only)

3110 Heebner Road

Joe Nolan, Township Engineer, provided a summary of the minor 2-lot subdivision application.

1074 Grange Avenue

Mr. Mangan informed the Board that new trees have been planted, and the matter is closed.

c. Zoning Hearing Board Update

Mr. Mangan reported that the February 28th meeting has been cancelled

d. Sign Ordinance Update

Mr. Mangan reported that policies and procedures are being implemented, and provided a handout that will be provided to applicants with permit applications concerning the application process.

e. Preliminary discussion – U.S. Army Reserve Center

Mr. Mangan discussed a timeline handout provided to the Board, commenting that staff has discovered that things that should have been done by DEP on behalf of the army and the township, have not been done, perhaps due to the recession, and the retirement of key individuals. He plans to make a full presentation on February 15th, outlining a recommendation to the Board, after a forthcoming review of DEP files.

Ms. Caughlan thanked Mr. Mangan, and asked which party was responsible for not doing necessary tasks, DEP or the Army?

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Supervisor Caughlan corrected the spelling of a name, and removed "required" match under the tree vitalization grant to "proposed".

James Mollick commented that Section H-DePhillippo decision did not include the Commonwealth Court Decision, Section 5-Solicitors report did not included the case and docket number he sited, and Section 7-Approval of Minutes did not included DePhillippo doing business with the Township.

Supervisor Caughlan moved to approve as amended, the minutes of December 21, 2011. Supervisor Quigley seconded the motion. Chairman Bustard called the question and the motion passed unanimously by all to dispense with the reading of and approve as amended, the minutes of December 21, 2011.

PUBLIC COMMENTS

Supervisor Quigley inquired if the Staff received any updates from State Officials regarding sound barriers along the area of the Turnpike widening.

James Mollick commented on the Times Herald RTK article, money spent on e-mails, wasted money, destroying e-mails, and supervisor's citing the pledge of allegiance.

Mauve Vogan, Worcester, inquired about the update on the Army Reserve Base and the need for an environmental report on the property. She further commented about the status of Township parks and the Task Force's recommendations with no action be taken on their suggestions.

Bruce Panco, Worcester, commented on the TDR Ordinance being half a action with no receiving area and suggested a complete ordinance.

Gordon Todd, Worcester Township Planning Commission Chairman, noted that the receiving area is an important part and the Planning Commission is working on it for the Cedars, Fairview Village and Center Point areas.

James Phillips commented about TDRs and property values increasing being equal to spot zoning and the loss of transfer tax.

ADJOURNMENT

There being no further business brought before this Board, Chairman Bustard adjourned the regularly scheduled meeting at 9:02 P.M.

Respectfully submitted:



F. Lee Mangan, Secretary

Mr. Mangan replied that he felt both may be responsible, perhaps due to the recession, and retirements of key personnel at DEP. However, until a review of DEP files takes place by township staff, he cannot say for certain what may or may not have been done recently.

Supervisor Quigley thanked Mr. Mangan for the US Army Reserve Base timeline, and commented on the Moran Trail project status.

2. ENGINEER'S REPORT

a. Road Improvement Project – 2012 Authorization

Joseph Nolan, Township Engineer, commented on the mild winter, and moving ahead with the Roadmaster to survey potential roads for the 2012 project.

Chairman Bustard commented on the timing, due to the weather, and replacement of a traffic light at Center Point.

3. SOLICITOR'S REPORT

a. ZHB Application #11-14 - Pectrecz

James Garrity, Township Solicitor, commented on a meeting held with the applicant, and a new application will be submitted.

4. OTHER BUSINESS

None

5. Approval of the Minutes of January 3, 2012

Supervisor Caughlan moved to approve the minutes of January 3, 2012. Supervisor Quigley seconded the motion.

James Mollick, Worcester, commented on the public comments in the January 3, 2012 minutes

Chairman Bustard called the motion and the motion passed unanimously.

6. PUBLIC COMMENTS

Rick DeLello, Worcester, commented on the document Mr. Mangan handed out to the Board during item 1d. Tiffany Loomis, Zoning Officer, replied. Mr. Garrity commented that the handout included a calendar of meeting dates, so applicants would be aware of when their applications might be discussed at a public meeting.

Chairman Bustard provided an update on the new sound system.

Oliver Smith, Worcester, asked about the process should the Township decide not to accept the US Army Reserve Base. Chairman Bustard replied. Mr. Bustard said he will not accept the property, unless it is clean.

Supervisor Caughlan remarked that there are two environmental issues: what is on the ground now and groundwater contamination and off-site migration. She commented that the Army is responsible, under Federal Law, to remove anything that is a hazardous substance that they have put there. She commented on Act 2, the Land Recycling Act, which allows the Army to get DEP's permission to convey property, with environmental liability, if they follow certain protocols for remediation and testing, and remarked that the Army did not pursue that route.

Supervisor Quigley commented on the concern for taking the Army at its word.

Chairman Bustard commented on his displeasure with the lack of thoroughness of the Environmental Assessment completed by the Army.

James Mollick, Worcester, commented on the Army's liability concerning the environmental issues at the US Army Reserve Base, Solicitor activity, and zoning enforcement policies obtained from former Manager David Burman via Right to Know.

Supervisor Caughlan commented that the Army is responsible for environmental contamination at the US Army Reserve base, and that under Act 2, the landowner, even after conveyance of the property, the landowner is liable.

7. 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
 FAIRVIEW VILLAGE, PA
 WEDNESDAY, FEBRUARY 15, 2012 7:30 P.M.

CALL TO ORDER by Chairman Bustard at 7:30 p.m.

PLEDGE OF ALLEGIANCE

ATTENDANCE:

PRESENT:

ARTHUR C. BUSTARD [X]

STEPHEN C. QUIGLEY [X]

SUSAN G. CAUGHLAN [X]

INFORMATIONAL ITEMS:

Lee Mangan, Township Manager, indicated that the public hearing would be moved to the top of the agenda.

TREASURER'S REPORTS

The Treasurer's reports for January, 2012 net change on cash basis:

January 2012 Report:

General Fund	\$28,013.11
State	\$0.03
Capital Reserve	\$45.22

James Mollick, Worcester, inquired about posting Treasurer's Reports on the internet.

William Kazimer, Worcester, asked for clarification on the Capital Reserve amount.

Supervisor Caughlan moved to accept the Treasurer's Report. Supervisor Quigley seconded the motion. There were no comments from the Board. Chairman Bustard called the question and the motion passed unanimously.

PAYMENT OF THE BILLS OF THE TOWNSHIP

James Mollick inquired about posting bills on the Township website prior to the meeting.

Supervisor Caughlan moved to pay the bills of the Township in the amount of \$273,125.08. Supervisor Quigley seconded the motion. There were no comments from the Board. Chairman Bustard called the question and the motion passed unanimously.

MANAGER'S REPORT

Public Hearing: Motion to approve Ordinance 12-234, Transferable Development Rights (TDRs)

The public hearing opened at 7:38pm.

James Garrity, Township solicitor, gave an explanation of the ordinance.

A court reporter was present to record to proceedings.

The public hearing closed at 9:02pm.

Supervisor Caughlan moved to approve Ordinance 12-234. Chairman Bustard seconded the motion. Supervisor Quigley recused himself from the vote, stating that his family owns more than 30 acres in Worcester, and there could be a potential conflict.

Chairman Bustard called the question and the motion passed 2-0 (Supervisor Quigley recused) to approve Ordinance 12-234, Transferable Development Rights (TDRs).

Zoning Hearing Board Update provided by Lee Mangan

The meeting on January 24, 2012 was cancelled.
The meeting on February 28, 2012 will be cancelled.

Land Development and Subdivision Update provided by Tiffany Loomis

Tiffany Loomis informed the Board that the Planning Commission will review the Evans 2-lot subdivision at the February 23, 2012 meeting.

Discussion and Possible Action, Deer Creek Road Request

A petition had been received from residents of Deer Creek Road requesting that the Township assume ownership of the road.

Joe Nolan, Township engineer, commented that he did not believe the road was built to Township specifications.

Supervisor Caughlan asked why some roads are private and some are owned by the Township.

Chairman Bustard requested Mr. Nolan review the original subdivision plan and determine the date of the build and what would be required to bring the road up to Township specifications.

Discussion & Possible Action – Army Reserve Base, Berks Road

Lee Mangan provided a background on the property. He referenced a letter from June 11, 2007 from DEP to the Army, concerning 2001 sampling of sites through Pennsylvania.

Mr. Mangan is suggesting that the Board retain the services of an Environmental Law firm, to do an evaluation on the process. He recommended the Philadelphia firm of Manko, Gold, Katcher & Fox. He believes that the initial review would be approximately \$30,000, and would be money well spent, to protect the interests of the Township.

Chairman Bustard commented that he wants a clean site before the Township accepts it.

Supervisor Quigley remarked that Mr. Garrity prepared a letter years earlier, reminding the Board of Supervisors at the time, that the property was going to be given to the Township “as is.”

James Phillips, Worcester remarked about experience with Mr. Manko’s firm and agreed it was money well spent.

James Mollick, Worcester, commented on the timing of this action, who was overseeing the project up until now, what was Susan Caughlan’s position with the Township during the acquisition process.

Mark Landis, Worcester, commented that when the federal government established the BRAC, they never allocated money.

Bruce Pancio, Worcester, asked if the Township can still back out of the property if the site is found to be contaminated.

Chairman Bustard again stated he will not take the property unless it is clean.

Floyd Nellet, Worcester, commented on impact to neighbors, protection for Township from other potential possibilities for the site and the progress on the process. He suggested that at least one resident should be on any Board deciding the fate of the property.

Supervisor Quigley moved to authorize the Manager to retain the law firm of Manko, Gold, Katcher and Fox to review the files on behalf of the Township. Supervisor Caughlan seconded the motion. Chairman Bustard called the question and the motion passed unanimously.

ENGINEER'S REPORT

Monthly Report:

Joseph Nolan noted that his report was sent to the Township, and he would be happy to answer any questions from the Board.

SOLICITOR'S REPORT

Executive Session Report - None

OTHER BUSINESS

None

APPROVAL OF THE MINUTES OF JANUARY 18, 2012

As required by the Pennsylvania Sunshine Act, the minutes of Township meetings must include the date, time and place of the meeting; the names of the members present; the substance of all official actions; a record of any roll call votes taken by individual board members; and the names of all citizens who appeared officially and the subject of their comments. Is there a motion to approve the minutes?"

Supervisor Caughlan moved to approve as written, the minutes of January 18, 2012. Supervisor Quigley seconded the motion. Chairman Bustard called the question and the motion passed unanimously by all to dispense with the reading of and approve as written, the minutes of January 18, 2012.

PUBLIC COMMENTS

Maeve Vogan, Worcester, commented on the need for courtesy and respect from the Supervisors when residents are speaking at the meeting.

James Phillips, Worcester, commented on the need for aquifer testing near the Army Reserve Base site.

Mark Landis, Worcester, inquired about the status of the sign ordinance and commented on the size of the sign at Routes 73 and 363.

William Kazimer, Worcester, commented on the storage of materials at the former Transicoil site, near the Army Reserve Base.

Aldo Cuce, Worcester, thanked the Board for approving the TDR ordinance.

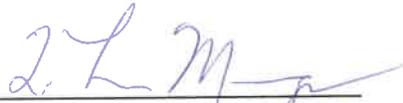
James Mollick, Worcester, commented on the statement from Maeve Vogan, emails related to the TDR ordinance and policy on solicitor spending.

Dorothy McGrane, Worcester, commented on contamination related to the Transicoil property and Army Reserve base.

ADJOURNMENT

There being no further business brought before this Board, Chairman Bustard adjourned the regularly scheduled meeting at 10:17 P.M.

Respectfully submitted:



F. Lee Mangan, Secretary

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