

**WORCESTER TOWNSHIP BOARD OF SUPERVISORS MEETING  
WORCESTER TOWNSHIP COMMUNITY HALL  
FAIRVIEW VILLAGE, WORCESTER, PA  
MONDAY FEBRUARY 4, 2013, 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**

Chairman Bustard announced that the Township is cooperating with neighboring communities on an electronic recycling day that is scheduled for March 23, 2013.

**APPROVAL OF THE MINUTES OF JANUARY 7, 2013**

Chairman Bustard called the motion. Supervisor Caughlan made a motion, Supervisor Quigley seconded, and all approved.

**MANAGER'S REPORT**

**Zoning Hearing Board Update**

Tiffany Loomis, Zoning Officer, provided the report.

There are two new applications for the February 26th meeting.

Application 13-01, 2293 Weigner Road. The applicant is looking for a 12 foot projection into the front yard setback.

Application 13-02, 3025 West Germantown Pike. The applicant is looking for office and yoga studio space. They are also requesting signage to be located in ultimate ROW.

**Subdivision & Land Development Update**

Tiffany Loomis, Zoning Officer, provided the report.

A new application was received for the property located at 3110 Heebner Road. They are currently approved for 2 lots, and applied for a third lot. The applicant executed an extension of time.

Supervisor Caughlan made a motion to accept the open-ended extension of time. Supervisor Quigley seconded the motion and all approved.

The Roman Brothers subdivision at 2845 Potshop Road has been reviewed by the Worcester Planning Commission and they recommended preliminary approval.

The Planning Module has been reviewed and recommended for signature by the Board. Joseph Nolan, Township Engineer, confirmed that he is satisfied with the Planning Module.

Supervisor Caughlan made a motion to approve the planning module for submission to DEP. Supervisor Quigley seconded the motion and all approved.

#### **Zacharias Trail Concept Plan**

Dr. Julie Lanzillo, Director of Parks and Recreation, provided a report on the planned route of the Zacharias Trail extension, as approved in the 2013 Township Budget.

#### **Act 209 Progress Report**

Lee Mangan, Township Manager, informed the Board that the committee would consist of seven to twelve individuals, with 40% being developers. It involves approximately eight months of work and the applicants should be appointed at the February 20<sup>th</sup> meeting, so they can begin coordinating with McMahon Associates by March, 2013.

Steve Quigley inquired if additional safety equipment was purchased for the Public Works Department.

Chairman Bustard announced that there would be an executive session at the concluding of the Board meeting. Mr. Mangan affirmed that it had been purchased.

#### **PUBLIC COMMENTS**

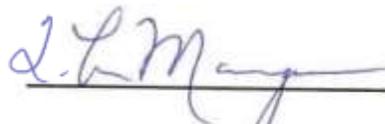
James Mollick, Worcester, inquired about the Dubner property. Chairman Bustard said there would be an executive session later in the meeting and the Board can report on the property at the February 20<sup>th</sup> meeting.

Mr. Mollick further inquired about filing an injunction on the property, the chain of command regarding the Solicitor, and three-ring binders that the Board possessed at previous meetings.

#### **ADJOURNMENT**

There being no further business to come before this Board, Chairman Bustard adjourned the regularly scheduled Board of Supervisors Meeting at 9.27 a.m.

**Respectfully submitted:**

  
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 F. Lee Mangan, Secretary

WORCESTER TOWNSHIP  
 WORCESTER TOWNSHIP BOARD OF SUPERVISORS  
 WORCESTER TOWNSHIP COMMUNITY HALL  
 WORCESTER, PA  
 WEDNESDAY, FEBRUARY 20, 2013 - 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] |

609684

**INFORMATIONAL ITEMS:**

Chairman Bustard announced an electronics recycling event with Skippack Township will be held on March 23<sup>rd</sup>. Details will be on the web site.

**Public Hearings**

**Lighting Ordinance – Methacton High School - Continued**

A court reporter was present to record a transcript of the proceedings.

Mr. James Garrity, Township Solicitor, provided a recap of the initial public hearing on January 16, 2013.

Mr. Garrity explained that attorneys representing Methacton School District and high school neighbor John Harris attempted to meet to discuss possible ordinance revisions. Unfortunately, an agreement was not able to be reached. Mr. Garrity reopened the public hearing at 7:38pm.

Robert Cannon, Worcester, asked for clarification on the conditional use proceedings versus the lighting ordinance and stated he is against the ordinance in its current form.

Ronald Evans, Worcester, expressed his desire for the lights.

Joyce Cantando, Worcester, read a prepared statement against the lights at the high school.

Lois Byrne, Lower Providence, indicated she was here to represent 1,025 people who had signed a petition in favor of the high school stadium lights and requested the Board represent the majority.

Wini Hayes, Worcester, indicated she has been a resident for about 26 years, her home is not near the high school and has children who graduated from Methacton High School and is a former school board member. She expressed support for athletics and music, but indicated the neighbors of the school should also be considered. She asked the Board to find middle ground, with minimal impact lighting, frequency of the lights use, thinking about the neighbors that live there, and their quality of life.

Frank Senk, Worcester, reminded the Board about the 600 people that showed up at a school board meeting a year ago in favor of the lights and indicated that his children at the high school express a lack of spirit at the school.

Greg Pellicano, Lower Providence, President of Audubon Recreation Association, expressed his hope that a compromise can be met and the lights installed.

Mr. Garrity closed the public meeting at 8:11pm.

Supervisor Quigley remarked that he has not been involved in any of the negotiations and indicated that the two sides come together so the Board can vote. His biggest concern is the safety issue, in terms of the lights.

Chairman Bustard commented he is committed to moving the lights forward with neighbors having the least intrusion as possible.

Supervisor Caughlan remarked she intends to listen fully to the property owners around the high school and the district should work to protect the neighbors. She is interested in seeing the ordinance proposals received by Mr. Garrity's office and requested that Mr. Garrity circulate the revised ordinance proposals.

Chairman Bustard replied that he did not think that was beneficial and that this ordinance should be acted upon with section B1 height moved from 100 feet to 85 feet and changes to the foot candles.

Mr. Garrity stated that an independent review of plans would take place after the design is submitted to the Township and before a conditional use is granted, the Township will hire an expert to review the proposed design. The school district will be required to escrow \$5000 to pay for said expert.

Supervisor Caughlan asked about an as-built review. Mr. Garrity said that is not currently included.

John Harris, Worcester, spoke about the foot candles and expressed concern over the total illumination of the field and how many nights a week they will be used.

Chairman Bustard agreed the ordinance needs to move forward, but definitions need to be included and asked the solicitor to prepare them and then hold a special meeting next week.

Mr. Garrity asked for a motion to conclude this hearing and suggest there will be a special meeting of the Board next week to authorize advertisement of the new text of the ordinance. Mr. Garrity suggested Feb 27<sup>th</sup> for the special meeting and April 2<sup>nd</sup> for another meeting.

Chairman Bustard made a motion, Supervisor Caughlan seconded it, and all approved, to hold two special meetings, one on February 27 to authorize advertisement of proposed ordinance 2013-242, Lighting Ordinance and one on April 2, 2013 for public hearing and possible adoption.

Chairman Bustard called a short recess at 8:41pm and reconvened the meeting at 8:46pm.

### **Motions & Resolution**

#### **APPROVAL OF THE MINUTES OF January 16, 2013**

A motion by Supervisor Caughlan seconded by Supervisor Bustard and approved by all to dispense with the reading of, and approve as written, the minutes of January 16, 2013.

James Mollick, Worcester, asked about the adjournment portion of the minutes and said the minutes do not reflect what actually happened. He alleged that the Board adjourned the meeting twice.

Lee Mangan, Township Manager, interjected that there were not two adjournments, as Dr. Mollick objected to the initial attempt to end the meeting.

#### **TREASURER'S REPORT**

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

##### January 2013 Report:

|                 |              |
|-----------------|--------------|
| General Fund    | \$110,344.70 |
| State           | (\$5,274.24) |
| Capital Reserve | \$56.84      |

A motion by Supervisor Caughlan, seconded by Supervisor Quigley and passed by all to accept the Treasurer's Report for January, 2013.

#### **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 \$277,714.30.

#### **Kumpf Bell/Stables Subdivision: Acceptance of Dedication Resolution 2013-15**

Supervisor Caughlan asked Joseph Nolan, Township Engineer, about the public trail in the final approval. Mr. Nolan said there were provisions for the Township to construct a trail through open space C, and that is not affected by this acceptance.

A motion by Supervisor Caughlan and seconded by Supervisor Quigley and approved by all to approve Resolution 2013-15, Kumpf Bell/The Stables Subdivision Acceptance of Dedication.

#### **Designation of Agent Resolution 2013-16**

Supervisor Caughlan said it was for the purpose for accepting federal funding from FEMA for Hurricane Sandy.

A motion by Supervisor Caughlan and seconded by Supervisor Quigley and approved by all to approve Resolution 2013-16, Designation of Agent, Eunice Kriebel.

#### **TCC Delegate Appointment Resolution 2013-17**

Chairman Bustard corrected the school delegate from Dennis McCall to Stuart Whiteleather.

A motion by Supervisor Caughlan and seconded by Supervisor Quigley and approved, as amended, by all to approve resolution 2013-17, TCC Delegate Appointment.

#### **Roman Subdivision, 2845 Potshop Road, Preliminary Subdivision Approval Resolution**

A motion by Supervisor Caughlan, seconded by Supervisor Quigley and approved by all to approve Resolution 2013-18, Roman Subdivision, 2845 Potshop Road, Preliminary Subdivision Approval.

**Appoint Caesar Gambone to unexpired term of George Stauffer on the Zoning Hearing Board**

A motion by Supervisor Caughlan and seconded by Supervisor Quigley.

James Mollick inquired about the resignation of George Stauffer and expressed concerns about elevating Mr. Gambone from an alternate to a sitting Zoning Hearing Board member.

Chairman Bustard called the question and approved by all to appoint Caesar Gambone to the unexpired term of George Stauffer on the Zoning Hearing Board, which expires January 2015.

**Appoint Bradford Smith to the alternate position on the Zoning Hearing Board**

A motion by Supervisor Caughlan and seconded by Supervisor Quigley.

James Mollick inquired how the open position is filled.

Maeve Vogan, Worcester, expressed her support for Bradford Smith, but that he should have been named to the permanent position.

Chairman Bustard called the question and approved by all to appoint Bradford Smith to the alternate position on the Zoning Hearing Board.

**Traffic Impact Fee Advisory Committee**

Mr. Mangan informed everyone that this was originally established in 2001 and McMahon Associates were the engineers. Act 209 develops how traffic impact fees are established. State law dictates the structure of the committee with 40% coming from the real estate/development community. Mr. Mangan said these individuals were approached by his office as to their willingness to serve for a minimum 3 month process.

A motion by Supervisor Caughlan and seconded by Supervisor Quigley to appoint the following members to the Traffic Impact Fee Advisory Committee:

- Carol Allen
- Sheila Bello
- Robert Cannon
- Michael Evans
- Joseph Gambone
- Robert Hayes
- Sal Paone
- Margie Sherr
- John Westrum
- Paul Ziegler

Maeve Vogan commented on Mrs. Allen.

Rick DeLello, Worcester, asked if they were all residents.

James Mollick asked how these people were chosen. Mr. Mangan responded they are real estate developers who reside or practice in the Township and the rest are residents.

Chairman Bustard called the question and approved by all to appoint the preceding members to the Traffic Impact Fee Advisory Committee.

**MANAGER'S REPORT**

Mr. Mangan reported that there is a need for an executive session at the conclusion of tonight's meeting.

**Governmental Process Presentation**

Mr. Mangan reported on a governmental process procedure requested by the Board.

His report emphasized the duties of the Board of Supervisors, and distribution of duties to the Planning Commission and responsibilities of the Zoning Hearing Board.

Maeve Vogan asked about the other communities that have Planning Commission liaisons from the Board of Supervisors. Mr. Mangan reported that Lower Merion Township has 15 board members, and is a first class township. Ms. Vogan asked if any of them were second class townships with 3 board members. Mr. Mangan reported he could get that information.

In reference to the Zoning Hearing Board, Mr. Mangan reminded there can be no interference from the Board, as they are a quasi-judicial body.

Mr. Mangan touched on how information is presented to the residents and reported that a full presentation will be made at the March business meeting on the township's use of social media, emphasizing that every draft of a proposed ordinance will not be posted on the web site.

He concluded by suggesting that Worcester, in partnership with the Montgomery County Association of Township Officials (MCATO) can be a leader in providing training opportunities to Supervisors, Planning Commission and Zoning Hearing Board members.

Chairman Bustard said that the MCATO Board is discussing training offerings.

**ENGINEER'S REPORT**

Mr. Nolan has been working with the Public Works Director to prepare the 2013 road program specifications and should have details in a few weeks for the Board.

Mr. Nolan also reported that his office had prepared the road materials and equipment bid and provided the documents to the Township with the legal ads. He requested a motion to authorize advertisement of that bid announcement.

A motion by Supervisor Caughlan and seconded by Steve Quigley and approved by all to approve Advertising of the 2013 Equipment Rental and Materials Bid.

**SOLICITOR'S REPORT**

Mr. Garrity said that he was going to give the Board a litigation update in an executive session, but due to the hour, suggested moving the executive session to February 27<sup>th</sup> after the special meeting.

**OTHER BUSINESS**

None

**PUBLIC COMMENTS**

Kim David, Worcester, asked about groundwater contaminants at the US Army Reserve Base. He wondered if the township could provide him with a list of potential contaminants that he should test for on his property.

Supervisor Caughlan asked Mr. Mangan if that is not the responsibility of the Army. Mr. Mangan said he thought it was 11 private wells that the Army was testing. He asked for Mr. David's permission to submit his name to the Army.

Nick Imperial, Worcester, referenced code chapter 102, and asked for explanation about dumping.

Supervisor Quigley asked about Mr. Imperial's comment about 35 loads of topsoil being hauled from Worcester.

James Mollick, asked why Chairman Bustard referred Mr. Imperial to the staff but offered to help the Friends of Worcester Chairman, Mr. David? He further asked about signage and commented that there is not uniform enforcement in the Township. He referenced an opinion letter Mr. Garrity wrote about Supervisor Caughlan's driveway.

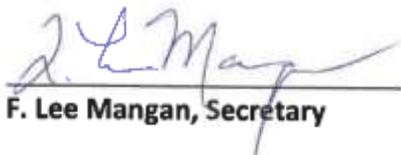
Wini Hayes thanked the Board for managing and approaching the zoning ordinance for the lights. She further commented on the presentation process and the importance of civility and respectfully requests the Board of Supervisors revisit how public comments are handled. She said that people have roles in the township, and people seem to forget it would be chaos if the Supervisors ran around and enforced zoning code. The discussions around Sunshine, requires that deliberations to decisions should be made in public and that it does not involve discussion. She asked that the Board consider a retreat to discuss process, so we can continue to make advances to work effectively. Lastly, as chair of the Worcester Township Republican Committee, her role is to provide communication from constituents to the party and vice versa and part of that includes trying to find candidates for vacant positions.

Lois Imperial, Worcester, submitted a RTK request, concerning a violation with her neighbor and a state law that prohibited the staff from going on private property. She put in another RTK for a different township property, where the township allegedly researched and went on private property to investigate.

**ADJOURNMENT**

There being no further business brought before this Board, Chairman Bustard adjourned the regularly scheduled meeting at 10:06pm.

Respectfully submitted:



**F. Lee Mangan, Secretary**

WORCESTER TOWNSHIP  
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 WORCESTER TOWNSHIP COMMUNITY HALL  
 WORCESTER, PA  
 WEDNESDAY, FEBRUARY 27, 2013 - 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] |

609684

**MOTION TO AUTHORIZE ADVERTISEMENT OF TOWNSHIP LIGHTING ORDINANCE 2013-242**

A court reporter was present to record a transcript of the proceedings.

Chairman Bustard provided a brief history of the ordinance stating there have been two public hearings held for input on this ordinance and the meeting tonight is to have a vote to authorize advertising after the Board reviews the three changes presented to the Solicitor at the previous meeting to add definitions, change standard heights and foot-candle distance.

Supervisor Caughlan suggested several changes to the ordinance including music restriction from practices, as-built inspection clarification, shielded fixtures and insertion of the IESNA table. She further commented that over lighting is a safety issue.

Mark Landis, Worcester, commented on the restrictions in the ordinance permitting on one company to bid therefore being a disservice to residents. James Garrity responded. Mr. Landis further commented on lighting being determined by the size of the spectator area.

David Brooks, Worcester, commented on industry standards for light degradation and stated that IES will not impose standards on schools.

James Mollick, Worcester, commented on ordinance being a guideline, change of light standards and the definitions. He further commented that the lighting standards should be left to the experts.

Robert Cannon, Worcester, expressed concerns about protecting neighbors rights and suggested addressing times and seasons for usage.

Julie Von Spreckelsen, Esquire, of Eastburn & Gray, PC, commented favorably on Supervisor Caughlan's suggested additions.

Chairman Bustard noted the three changes to the ordinance and suggested moving ahead.

Eric Frey, representative for Methacton School District, stated that the school never agreed to the height of the standards being reduced to 85' but it was workable.

Ron Evans, Worcester, commented on the school district having a good design standard.

Supervisor Quigley commented on the three minor changes and suggested finalizing the ordinance.

A motion by Supervisor Quigley, seconded by Supervisor Caughlan, approved by all to advertise Ordinance 2013-242.

**PUBLIC COMMENTS**

None

**ADJOURNMENT**

There being no further business brought before this Board, Chairman Bustard adjourned the special meeting at 8:55 pm into executive session to discuss a potential litigation matter.

Respectfully submitted:

  
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F. Lee Mangan, Secretary