

**WORCESTER TOWNSHIP BOARD OF SUPERVISORS MEETING  
WORCESTER TOWNSHIP COMMUNITY HALL  
FAIRVIEW VILLAGE, WORCESTER, PA  
Monday, February 3, 2014 AT 9:00 A.M.**

**WORK SESSION CANCELLED**

130105

WORCESTER TOWNSHIP  
 WORCESTER TOWNSHIP BOARD OF SUPERVISORS  
 WORCESTER TOWNSHIP COMMUNITY HALL  
 WORCESTER, PA  
 WEDNESDAY, FEBRUARY 19, 2014 ~ 7:30 P.M.

Call to Order by Arthur Bustard at 7:38pm.

**PLEDGE OF ALLEGIANCE**

**ATTENDANCE**

PRESENT:

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

**INFORMATIONAL ITEMS:**

Chairman Bustard announced the following:

The Joint Meeting of February 3, 2014, cancelled due to weather, will be held on March 3, 2014 at 8am.

**MOTIONS & RESOLUTIONS**

**APPROVAL OF THE MINUTES OF JANUARY 15, 2014**

Supervisor Caughlan made a motion to dispense with the reading of, and approve as written the minutes of January 15, 2014. Supervisor Quigley seconded the motion, and it was passed by all.

**Public Hearing – Proposed Ordinance 2014-249 – Historic Preservation Overlay District**

A Court reporter was present to record the proceedings.

James Garrity, Solicitor, opened the public hearing at 7:41pm.

He gave a background on the ordinance, governing the treatment of historic resources in the Township.

John Iacovetti, Worcester, asked if the ordinance included barns, or just a residence. Mr. Garrity explained it could include a barn, and theoretically, it could also include a cornfield. A historic place could be included, not just a structure.

Robert Andorn, Worcester, expressed he was against the ordinance. He does not need the Board to tell him what he can do with his property and expressed concerns this ordinance will lead to additional rules and restrictions. The additional uses granted under this ordinance, in his opinion, are not of any benefit to him.

Mary Grace Sparango, Worcester, said that her family owns 8 of the properties this ordinance would affect. She believes this is against everything America stands for. She stated Worcester is trying to change the definition of real estate so that the Board has the control and the property owner does not.

William Bondi, Skippack Township, serves on the Board at Fairview Village Church in Worcester, which has a property designated in the ordinance. He feels the criteria is very broad reaching and that the Board could take any property and put it into this group, under this ordinance. He feels this is enabling spot zoning, by identifying specific properties.

R. Douglas Shank, Harleysville, PA owns 3027 Skippack Pike which he purchased in 2001. His goal was to bring the four buildings on the property up to code, and keep it as an on going rental property. Mr. Shank said his goal is not to demolish anything, but he objects to bureaucrats telling him what he can do with these properties.

Gordon Todd, Chairman of the Planning Commission, tried to clear up misconceptions noting it is an overlay district. The restrictions only apply if you want to take advantage of the opportunities outlined in the ordinance.

Supervisor Caughlan asked Mr. Todd to address the criteria for putting properties on the list.

He stated the Montgomery County Planning Commission went through the titles of properties and provided pictures of most of the buildings built between 1930 and 1940. When they reached 1920, they found properties they felt were of historic significance. He said it was the Planning Commission's intention that if someone wanted to get on the list, or get removed from the list, the Planning Commission could hear their argument and could make a recommendation to the Board.

Supervisor Caughlan noted there are two Worcester properties on the National Register of Historic Places. She further asked him to discuss the historic district. Most municipalities have concentrated areas of properties, unlike Worcester, where the properties are spread throughout the Township.

Chairman Bustard confirmed with Mr. Todd that the Board can ask the property owner to consider saving the property, and if they disagree, the Board must sign the demolition permit.

Charlie Watson, Worcester, asked who determined that these properties on the list are historic and if the historical society was involved.

Vincent Arena, Worcester, said he is in total disapproval of this ordinance and this appears to be the start of something with rights limited now, but he feels that in the future, there could be more control coming forth.

James Phillips, Worcester, lives in a property about 175 years old. "The only thing that works in an old house is the owner," he said. Mr. Phillips said back when Growing Greener was considered, the public was against it generally, but the Supervisors had a prepared statement and knew what was going to happen. He is now asking the Board, this time, to listen to the

public, the owners of these properties being impacted. He said that the ordinance refers to parcels, not structures. He asked if he wants to demo a property on this list, is he required to go through the process in the ordinance, even if he does not want the incentives. He further inquired about the penalty and fine if someone inadvertently demos an old shed. Mr. Phillips asked if the property is on a 50 acre parcel, what amount of land is tied to the structure. Mr. Phillips urged the Board to table this ordinance and take some time, and give property owners the opportunity to have their attorneys review the ordinance and get on the record.

Mr. William Fox, attorney for JP Mascaro and Sons and its real estate partnership entity, MB Investments gave out a letter and asked Mr. Garrity to make it part of the record. MB Investments owns three of the properties listed in the ordinance. He said that the property owners should be told why they were designated, which criteria caused them to be designated. If a property is restricted, he thinks it is incumbent that they designate what criteria landed them on the list. He noted Section 146.37, applying to "properties in their entirety." He said the ordinance is weak and not well drafted.

William Kazimer, Worcester, did not know this was on the agenda tonight.

James Mollick, Worcester, said he did not have an ordinance to review but the hall is packed, and that should tell the Board something about the public sentiment. Dr. Mollick asked if Mr. Todd is the expert. The impression to him is that the ordinance is voluntary, but after listening to other speakers, it really does not seem that way. Dr. Mollick said the Board has a recent history of passing flawed ordinances and should not pass this one.

John Heyser, Worcester, commented that Worcester is Worcester and it should remain that way.

Wini Hayes, Fisher Road, Worcester, lives in a house built in 1760, with an 1832 addition. Her barn was built in the 1800s, with no precise date known and stated these types of properties are really special. There are probably parts of the ordinance that require fine tuning, but the intent is to slow down the process to allow for discussion of options to the preservation of a historic structure. She is worried about some of the incentives, such as changing the use to provide an incentive to save it, noting she may not want an office next to her house.

Steve Rock, Worcester, stated that he thinks at times we get a little out of focus, and we forget the reason government was designed. It was designed to support and help people, not hurt them. A small group of people can't make decisions for the people that own those properties.

Kim David, Worcester, spoke in favor of the ordinance, but he has also heard some good things from the people in the audience. Everyone is worried about their house and he thinks time devoted to explaining the benefits to property owners would be beneficial.

William Moran, Worcester, after confirming with the Board that this was in planning for five years, asked Mr. Mangan when notices were sent to property owners. Mr. Moran asked for the inventory or properties map to be displayed on the overhead. Mr. Moran thinks most of the people in the Township that own these places do a nice job of maintaining them. Mr. Moran further asked if the Township has any properties that fall under the inventory and do they have

to abide by the ordinance? He agrees that the ordinance should be tabled until property owners can get more information.

Public hearing closed at 9:21 pm.

Chairman Bustard asked if the Board has any recommendations. Supervisor Quigley said that after hearing words like restrictive, over-reaching, etc., and the phrase that "if the property owner pushes enough", he can obtain something, he is concerned. He does not think property owners should have to push against their local government. He further commented that he thinks the meetings should be videotaped and made available online, as that would help residents be better informed. He wants to see the ordinance tabled.

Supervisor Caughlan said that she does believe the property owners do take good care of these structures and the intent of the ordinance is to provide incentives to help those property owners take care of them. She only knows of three properties taken down in the last few years, because they were structurally unsound. The other historic structures that have been taken down, were not taken down by the property owner that lived there, they were taken down by a developer to put up a more modern home. She is saddened to hear the level of distrust expressed tonight about the intent of the ordinance.

Supervisor Quigley made a motion to table the ordinance.

Supervisor Caughlan would like to consider the letter submitted by Mr. Fox.

Chairman Bustard is in favor of tabling it.

Supervisor Caughlan seconded the motion. Approved by all.

**Preliminary / Final Lot Line Change – Southfield Farms/3117 Stump Hall Road**

Mr. Garrity explained this was a lot line adjustment. All review letters have been taken into account and a draft resolution has been prepared. It was amended late today and given to the property owner's attorney for review.

Supervisor Quigley asked about the trail easement. Mr. Garrity said the trail easement has been recorded against the property and is valid and binding. The resolution does not change any of the rights related to the trail.

Joseph Kuhls, attorney for the property owner, said that they are in agreement with surveying and pinning the trail easement.

Supervisor Quigley asked if Mr. Kuhls' client wanted to put anything toward the construction of the trail. Mr. Kuhls said no. They have volunteered to survey it and nothing more.

Supervisor Caughlan asked Mr. Nolan about dedicating part of the road to the Township. Mr. Nolan said the Township has the ultimate right of way.

Supervisor Caughlan made a motion to approve the Resolution and the Preliminary / Final Lot Line Change – Southfield Farms/3117 Stump Hall Road. Seconded by Supervisor Quigley, and approved by all.

**Resolution 2014-18 – Fixing the Tax Rate for the Year 2014**

Supervisor Caughlan made a motion to approve Resolution 2014-18 – Fixing the Tax Rate for the Year 2014. Seconded by Supervisor Quigley, approved by all.

**TREASURER’S REPORTS**

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

**January Report:**

General Fund	\$12,194.20
State	(\$16,665.95)
Capital Reserve	\$59.22

Supervisor Caughlan commented that liquid fuels from the state are not deposited until April 1<sup>st</sup>, which is why there is a negative balance in the state fund.

Supervisor Caughlan made a motion to approve the Treasurer’s Report for January 2014. Seconded by Supervisor Quigley and approved by all.

James Mollick asked about sewer receipts. He is concerned that the treasurer’s report does not reflect all of the transactions occurring in the Township.

**PAYMENT OF THE BILLS OF THE TOWNSHIP**

Supervisor Caughlan made a motion to approve the payment of the bills of the Township in the amount of \$ 376,443.33. Seconded by Supervisor Quigley and approved by all.

James Mollick commented on the absence of a bill from Wisler Pearlstine. He asked if this month’s amount is one or two bills. Eunice Kriebel, Township Treasurer, said it is December and January. Dr. Mollick asked what amount is related to the conditional use hearing.

**Manager’s Report**

**Zoning Hearing Board Update – current activity only**

Tiffany Loomis, Zoning Officer, provided the report.

The next meeting of the Zoning Hearing Board is February 25, 2014. The only items are application #13-11, 3427 Germantown Pike and application #13-15, for the same property. There are two appeals and a variance request for fencing. The applicant has obtained counsel and been in contact with the Township.

Mr. Garrity said that the Board has already authorized the solicitor to attend the hearing. There is an executive session tonight to discuss communications with Mr. Garrity and the attorney for the property owner at 3427 Germantown Pike.

**Subdivision Update – current activity only**

Tiffany Loomis, Zoning Officer, provided the report.

The Worcester Township Planning Commission is having their meeting next Thursday, February 27, 2014 reviewing Trinity Lutheran Church plan revision.

Mr. Mangan also brought up information from McMahon Associates in a joint project with Towamencin Township. There is a proposal for a fee of \$3,500 to move forward with a study to establish a permanent four way stop sign at Wentz Church and Fisher Roads. He would like authorization to sign this proposal.

Chairman Bustard said that Towamencin had problems with Morris Road and closed it and a temporary four way stop sign was installed at this intersection, where that traffic was diverted. Since it was installed as a temporary measure, there have been requests from residents to make that four way stop sign permanent.

Supervisor Caughlan made a motion to authorize a traffic study at Wentz Church Road and Fisher Road, seconded by Supervisor Quigley and approved by all.

Chairman Bustard asked for a report on snow removal.

Mr. Mangan reported that he has received nothing but compliments, as recently as tonight.

**ENGINEER'S REPORT**

Joseph Nolan reported the two generators recently installed at the Township buildings were put to good use during recent power outages. The weather has put the final paving of the bridge on Hollow Road on hold.

Valley Green Wastewater Treatment Plant contractors are in the process of submitting shop drawings to his office for review.

Supervisor Caughlan asked about pothole repair. Mr. Nolan said he believes there is more money in the budget this year for roads, but we will have to work within that budget to address potholes and road damage.

**SOLICITOR'S REPORT**

Mr. Garrity had no report. Chairman Bustard confirmed an executive session after the meeting.

**OTHER BUSINESS**

Supervisor Quigley said it is time again to discuss putting the Board meeting video online or on cable television. He also asked about the road master. He thinks it is important to hear from him at a meeting to help inform the Board on issues related to that department. He also said that there has been no mention about the lights at the football field and he wants to make a motion to get people together on a Saturday and have a marathon meeting to move this lighting issue forward.

Supervisor Caughlan said that several residents tonight said to her it would have been helpful to have a more relaxed meeting to explain the historic structure overlay district ordinance. She asked the Board to consider having staff look into having such a presentation to give residents more information.

Chairman Bustard asked about expenses to televise meetings. Supervisor Quigley made a motion to have staff look into the possibility of having meetings on cable access. Supervisor Caughlan said she had other items that she thought were more pressing, including informal meetings to inform residents. Supervisor Quigley said that putting meetings on television would keep all residents informed.

Chairman Bustard said he would meet with the manager to discuss. He also said that the manager should meet with the road master, and then come to the Board with issues.

Supervisor Quigley said you only get information when you ask questions, and information does not always come to the Board. Supervisor Caughlan trusts the manager to work with the road master, and does not want to micro-manage. Supervisor Quigley said the problem is that we have 6 road crew employees and 2 were out during recent storms. He was not aware that 1/3 of the staff was out, and he does not feel informed of things that are going on.

Chairman Bustard said he wanted the manager to provide a public works report at the next meeting.

Chairman Bustard also said that Mr. Garrity is working on dates for the conditional use hearings.

Chairman Bustard agreed that in the future, public information sessions are a good idea. He agreed to put it on the agenda for the work session.

Mr. Mangan asked for clarification on what is expected for the work session agenda.

#### **PUBLIC COMMENTS**

James Phillips explained what would be needed to have video put on the school district channel. He thanked the Board for tabling the historic structures ordinance and regarding the road master, as a member of the school district, having department heads in to give reports at public meetings is a normal activity.

Ronald Evans, Worcester, asked about the next meeting dates for the conditional use hearing and Board meeting.

Robert Andorn wanted to request having input specifically from residents affected by the proposed ordinance. He is very pleased that they tabled it, and disagrees with Supervisor Caughlan about his ability to understand the ordinance. He lives in an old house, bought it for that reason and has invested a significant amount of money into the house. When he is done with it, he wants to be able to do with it what he wants, not necessarily just sell it, as Supervisor Caughlan earlier said.

James Mollick said that the Township could put videos on YouTube for no cost. He commented on right to know requests, specifically the Paone email. He was told the email was not in the Township's control. He knows that Ms. Loomis sent the email to Mr. Garrity, and that Mr. Mangan also had it in his control.

He further commented on contact between Mr. David Brooks and Mr. Garrity. He was told that the records sent to Mr. Garrity are not Township records, they are Mr. Garrity's records. How is the Township paying him to review Township records that we now do not control? He stated the entire right to know process here is a fiasco.

Steve Rock commented about public communication. He thinks there is an older population that may not be computer literate, but posting the video online for them to see is a wise move. He further said that there could be a little better finesse with communicating to the residents about issues like sewer expansion and ordinance hearings. He commented on the budget and that people have the right to have information, and the Township should have money in the budget related to the right to know law. He said that the treasurer's report could have more information included. He also said that comments made by the Board tonight made him feel like he was not being heard.

#### **ADJOURNMENT**

There being no further business brought before this Board, Chairman Bustard adjourned the regularly scheduled meeting at 10:27 P.M.

Respectfully submitted:



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**F. Lee Mangan, Secretary**

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