WORCESTER TOWNSHIP BOARD OF SUPERVISORS MEETING
WORCESTER TOWNSHIP COMMUNITY HALL
FAIRVIEW VILLAGE, WORCESTER, PA
MONDAY, MARCH 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]

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INFORMATIONAL ITEMS

Chairman Bustard announced that that, due to a possible email problem, the U.S. Army had extended period for public comment regarding the Environmental Assessment of the North Penn Army Reserve Base. The period for public comment will close on March 29, 2011. A brief discussion among the Board of Supervisors ensued. No formal action was taken.

1. MANAGER'S REPORT

a. Township Manager Burman requested approval of a Maintenance Agreement with the "Enclave at Worcester Homeowners Association" pursuant to Ordinance 150-148F(2), covering the mowing of grass on Township owned land at Deep Meadow Lane off Bethel Road, for the purpose of allowing the HOA to apply for a sign permit for erection of a neighborhood sign. Mr. Burman described the proposed agreement, in which the HOA would maintain the sign and the area in the vicinity on two parcels of land owned by the Township on either side of Deep Meadow Lane at Bethel Road. Mr. Burman stated that this request is for approval of the agreement only, and that the HOA would still need to go through the application process for any sign they intend to erect. Supervisor Caughlan moved to approve the agreement. Supervisor Quigley seconded the motion. There were no comments from the Board. Maeve Vogan, Worcester, commented on the agreement. Mr. Burman reported that the area has been maintained by the HOA for many years, saving the Township money, and that the proposed agreement would save additional money in the future. Chairman Bustard called the question and the motion passed unanimously.

b. Mr. Burman reported on winter weather operations, as requested by the Board. The Township budgeted approximately $14,000 for public works' overtime in 2011, and has spent approximately $7,500 year-to-date. Mr. Burman also reported on increased salt usage, noting the increased frequency, duration and severity of storms over the past two years. Mr. Burman noted that the public works department would be considering a mix of anti-skid and other materials with salt in future years. Mr. Burman also reported on the costs of contract snow removal services in some of the developments. These costs are less than ½ of what they were last year (due primarily to the back-to-back heavy storms last year). Chairman Bustard asked whether recent concerns in some of the developments had been addressed. Mr. Burman reported that the contractor has been advised of the level of service expected in Worcester.

c. Mr. Burman provided a report on current Zoning Hearing Board activity. The Zoning Hearing Board approved three applications in February. The Zoning Hearing Board will consider two applications at their March meeting.

Application #11-03 will be heard. It is related to 3009 Germantown Pike, in which the Ambler Savings Bank has raised several appeals regarding the Zoning Officer's determination and interpretation of the Township's Zoning Ordinance, relative to an application for a sign permit. The Board discussed the need to support the Zoning Officer's determination without spending significant sums of money, and seemed to arrive at a consensus that the Solicitor should send a letter. Jim Phillips, Worcester, commented on the matter. Jim Mollick, Worcester, commented on the matter. Supervisor Caughlan moved to have the Solicitor send a letter supporting the Zoning Officer's determinations in this matter. Supervisor Quigley seconded the motion. Rick DeLello, Worcester, commented on the matter. Chairman Bustard called the question and it passed unanimously.

Application #11-04, related to 1900 Hollow Road, will be heard. Here, the Applicant has requested a variance to permit decorative entrance columns 69 inches in height along the driveway in the front and side yard setbacks, in excess of the allowable heights in Ordinance Sections 150-182(A) and (B). No formal action was taken.

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

On February 24, 2011, the Worcester Township Planning Commission provided a recommendation for final approval, with conditions, of a 4-lot subdivision known as JAJOPE, located in the vicinity of Morris Road and North Wales Road. Consideration for final approval will appear on the Board's Agenda for March 16, 2011.

Mr. Burman also reported that the March 16, 2011 Agenda will include a Conditional Use hearing, required for three (3) riparian corridor crossings, for the proposed 12-lot subdivision at 2160 Berks Road. With input from the Township Solicitor, it was decided that final approval consideration would be included on a subsequent agenda.

2. ENGINEER'S REPORT

Mr. Nolan fielded questions from the Board concerning sanitary sewer inflow and infiltration issues. In particular, Mr. Nolan reported that improvements have been achieved on Adair Drive, but additional actions will be planned later this year to address inflow and infiltration concerns in various parts of the Township. Such planned activities will be included on the Township's annual reports to DEP, which the Engineer prepares.

Mr. Nolan also fielded questions from the Board concerning potholes and the condition of the roads, in general. Mr. Nolan reported that this has been a difficult winter and, in the coming weeks, he and Public Works Director Tom Bookheimer will need to inspect and develop a list of priorities related to the annual road improvement program.

3. SOLICITOR'S REPORT

Mr. Garrity reported that one Executive Session was held since the last meeting, the subject of which was the appeal of the Zoning Hearing Board Decision and the subsequent enforcement action concerning 3214 Fisher Road.

Mr. Garrity reported on the Pennsylvania Office of Open Records matter at docket 2011-0023, in which a Requester appealed the Township's denial of access to records under Pennsylvania's Right-to-Know law. In the appeal, the Township denied access to records because the Requester admits that he had previously requested the same documents repeatedly. The Office of Open Records found that the requests did not present an unreasonable burden for Township Staff. Mr. Garrity reported that the Board of Supervisors has several options, including the option to take an appeal on this matter. The Board took no formal action, indicating that it was not the Board's inclination to take an appeal.

4. OTHER BUSINESS

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Supervisor Quigley commented on the status of the Methacton School District's School Resource Officer Program, in the absence of a public discussion or public decision by the Board of Supervisors. The Board discussed a variety of issues concerning the communication between the Township and the School District related to the School District's decision to utilize the Lower Providence Police Department in providing the SRO Program, rather than the Pennsylvania State Police. Jim Phillips, Worcester, commented on the matter. Kim Woodring, Worcester, commented on the matter. Jim Mollick, Worcester, commented on the matter. Mark Landis, Worcester, commented on the matter. Charles Venezia, Worcester, commented on the matter. No formal action was taken by the Board of Supervisors.

Supervisor Quigley questioned the other Board Members concerning communication to the County regarding his position regarding the Moran property and the Township's participation in the project. The Board discussed this issue. Supervisor Quigley clarified his position on the matter. No formal action was taken by the Board of Supervisors.

Supervisor Quigley commented with regard to an email thread he received concerning the Worcester Golf Course and transferrable development rights. Supervisor Quigley further commented on the other Board Members' involvement in this email exchange. The Supervisors discussed this matter. No formal action was taken by the Board of Supervisors.

Supervisor Quigley commented with regard to attorney's invoices concerning the McGrane property. Supervisor Quigley further commented on the other Board Members' involvement, current or prior, in legal representation of various residents. The Board discussed this matter. No formal action was taken by the Board of Supervisors.

Supervisor Quigley commented on the Township's prior receipt of private funds and subsequent discussion of proposed village planning that may appear to represent potential conflicts. The Board discussed this issue. No formal action was taken by the Board of Supervisors.

Supervisor Quigley commented on the Township's position regarding residents' concerns regarding the proximity of trails to their property lines. Supervisor Quigley further commented on the position of the Montgomery County Lands Trust regarding the attractiveness of such trails and their relationship to residential properties.

Mr. Burman requested approval of the Board to proceed with a professional services contract with Eagle Hygeine out of Horsham, PA for the appropriate treatment of lead based paint on the windows of Worcester Community Hall, in advance of painting. The Board expressed no objection.

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.

6. PUBLIC COMMENTS

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

   Mark Landis, Worcester, commented on Pennsylvania Turnpike widening and reconstruction project. Supervisor Bustard reported that the Board would communicate with elected officials regarding this matter, but the legal remedies are very slim.

   Rick DeLello, Worcester, commented on the procedure for increasing the Board of Supervisors from three members to five members.

   Jim Mollick, Worcester, commented on the Township's receipt of private funds and on the discussion of the Worcester Golf Club under other business; on his opinion regarding potential conflicts of interest; on his opinion regarding Supervisors' emails; on Office of Open Records decision at docket 2010-1186; and, on Office of Open Records 2011-0023.

   Jim Phillips, Worcester, commented on the discussion of the Worcester Golf Club under other business and on the discussion of trail easements under other business.

2. **Adjournment**

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

Respectfully submitted:

David R. Burman

David R. Burman, Recording Secretary

WORCESTER TOWNSHIP BOARD OF SUPERVISORS MEETING
WORCESTER TOWNSHIP COMMUNITY HALL
FAIRVIEW VILLAGE, WORCESTER, PA
WEDNESDAY, MARCH 16, 2011 AT 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]

609423

INFORMATIONAL ITEMS

Chairman Bustard announced that Boy Scout Troop 133 would be holding their annual egg hunt in Heebner Park at 11:00 A.M. on April 16, 2011.

1. TREASURER'S REPORT

Chairman Bustard read the Treasurer's Report for the month of February, 2011 – Net Change on Cash Basis

General Fund	$171,995.22
State Fund	($34,706.90)
Capital Reserve Fund	$150.62

Supervisor Caughlan moved to accept the Treasurer's Report. Supervisor Quigley second the motion. There were no comments from the Board. James Mollick, Worcester, commented on the Treasurer's Report. Chairman Bustard reported that the category for "fines" includes a portion of the revenue from motor vehicle violations ticketed by the state police. Chairman Bustard called the question and the motion passed unanimously.

2. PAYMENT OF BILLS OF THE TOWNSHIP

Supervisor Caughlan moved to pay the bills of the Township in the amount of $411,669.86. Supervisor Quigley second the motion. There were no comments from the Board or the public, and the motion passed unanimously.

3. MANAGER'S REPORT

a. **Conditional Use Hearing: Kibblehouse-Rotelle Subdivision at 2160 Weber Road –** Township Manager Burman introduced the application and turned things over to Township Solicitor Garrity to handle the formality of the public hearing. Mr. Garrity noted that the applicant needs conditional use approvals pursuant to Worcester Township Zoning Ordinance Section 146.7 related to the Riparian Corridor District. Bernadette A. Kearney, Esquire, represented the applicant. Nicholas Feola, P.E. testified as a witness

on behalf of the applicant. The Board of Supervisors asked questions during the proceedings. James Phillips, Worcester, and William Kazimer, Worcester, commented and asked questions during the proceedings. Township Engineer, Joe Nolan, P.E. commented during the proceedings. A court reporter was present and has produced a transcript of the proceedings. Near the conclusion of the public hearing, Supervisor Caughlan moved to approve the conditional use of the riparian corridor crossing Zone 1 and Zone 2, and a Zone 2 encroachment for a storm water basin --- Zone 1 and 2 for the driveways and Zone 2 for the basin --- consistent with the plans, the review letters and the testimony received this evening. Supervisor Quigley seconded the motion. There were no additional comments from the Board or the public, and the motion passed unanimously.

b. **Final Approval Consideration: JAJOPE Subdivision at North Wales and Morris Roads** – Mr. Burman introduced the Applicant, represented by William Benner, Esquire and Ron Klos from Boehler Engineering. This is a request for final approval of a proposed four-lot subdivision. Preliminary approval was granted in February of 2007. Mr. Benner stated that detail has been added to the Plans, but there have been no substantial changes from that which was granted preliminary approval. CKS has issued a review letter and the planning commission has examined it. The applicant has indicated a willingness to comply with all substantive comments in the CKS review letter. Chairman Bustard asked the applicant to explain the plan for the residents in attendance. Supervisor Quigley asked how the realignment of the intersection would impact the project. Mr. Klos indicated that this has already been taken into consideration. Mr. Klos reported that the plan was to tie-into the off-site sidewalks that would be installed by PennDot. Supervisor Caughlan expressed concerns with regard to the removal of trees from the area during the development of the four parcels, in the hopes that tree removal could be restricted to the building envelopes. The applicant reported that the grading required for stormwater management facilities will likely result in damage to remaining trees, resulting in the falling of trees at, near or on the proposed structures. Chairman Bustard reported that the Montgomery County Planning Commission representative had provided a sketch showing a proposed development in which more trees could be saved. Mr. Benner reported that the applicant has agreed to use best efforts to preserve as many trees as possible. Supervisor Quigley acknowledged that during development, nearby trees may be undermined or weakened. Mr. Benner noted that the building permit process provides a later opportunity to fine-tune the plan and identify trees that can be saved, but again the applicant will use best efforts to minimize damage to those trees that are not necessarily removed as a result of the proposed development. Mr. Garrity read the following condition: the applicant has agreed to work with the grading plan received from the Montgomery County Planning Commission and the Township Engineer in an attempt to reduce the number of trees proposed to be removed on the existing plans prior to final plan reporting. Supervisor Caughlan moved to provide final approval in accordance with the CKS review letter, including one additional waiver, and the aforementioned condition as read by Mr. Garrity. Supervisor Quigley seconded the motion. There were no additional comments from the Board or the public, and the motion passed unanimously.

c. **Request for Authorization to Advertise the "Grading & Excavations Ordinance"** – Mr. Burman reported that the draft ordinance has been posted on the website, in accordance with to the Board's direction. Township Engineer Nolan described the ordinance, which addresses the existing lack of permits required for extensive grading or earth disturbance. There are a significant number of properties that have been modified, and there is little that the Township can do in cases where problems may have been created. The proposed ordinance provides a permitting and inspection process, giving the Township Engineer discretion with regard to

the amount of detail required on the plan submission. It also provides for a final inspection by the Township Engineer. Supervisor Caughlan expressed concern with regard to Best Management Practices (BMP's) as well as the appeals and enforcement process. Township Engineer Nolan reported that BMP's could be included prior to advertising. Supervisor Caughlan moved to authorize advertising of the Grading and Excavations Ordinance, to include language related to Best Management Practices in stormwater management. Supervisor Quigley seconded the motion. James Phillips, Worcester, commented on the matter. William Kazimer, Worcester, commented on the matter. James Mollick, Worcester, commented on the matter. Mr. Nolan reported that the fees would be addressed via Resolution of the Board of Supervisors, after passage of the ordinance. Mr. Nolan also reported that there is an exemption for farmland in the ordinance. Chairman Bustard called the question and it passed unanimously.

d. **Request for Authorization for the Township Engineer to Draft Specifications and Bid Documents for the Replacement of the Roof at Worcester Community Hall** – Mr. Burman reported that the budget for 2011 includes the replacement of the roof at WCH, which is at least 20 years old, approximately. In 2010, the public works crew had done some patchwork in several areas, noting that the entire roof needed to be replaced. Having a professional set of engineered plans and specifications would maintain the integrity of the bid process. In addition, Mr. Nolan reported that, under the second class code, projects with costs in excess of $10,000 are required to follow the sealed bid process. Mr. Burman requested authorization for the Engineer to engage a sub-consultant, at a cost not to exceed $5,000. Supervisor Caughlan moved to authorize the Township Engineer to prepare specifications and bid documents for the replacement of the roof at Worcester Community Hall, at a cost not to exceed $5,000. Supervisor Quigley seconded the motion. Mark Landis, Worcester, commented on the matter. David Plager, Worcester, commented on the matter. William Kazimer, Worcester, commented on the matter. After further discussion among the Board Members, it was decided to table the motion.

e. **Update on PA Turnpike and PennDot Projects in the Area** – Mr. Burman reported that the Morris Road Bridge Replacement Project is scheduled for completion in mid-May. The PA Turnpike reconstruction and widening project, from Mid-County to Berks Road, is beginning shortly. A kick-off meeting for residents is scheduled for March 21 at Colonial Middle School in Plymouth Township. Work in the right-of-way will be starting imminently. The Morris Road-North Wales Road realignment is ongoing, with a potential re-sequencing of activities.

4. ENGINEER'S REPORT

Mr. Nolan provided his annual report on the MS-4 General Permit for stormwater discharges within the Township. The eight year was completed on March 15th. There are six activities required: public education, public involvement, inspect and eliminate potentially illicit discharges, inspect construction stormwater management, post construction stormwater management inspection, and pollution prevention and good housekeeping at Township facilities. Mr. Nolan reported on the progress the Township has made in each of the elements of the program.

5. SOLICITOR'S REPORT

6. OTHER BUSINESS

Supervisor Quigley commented on the position of Open Space Coordinator and the determination and location of trails on open space in the Township. Supervisor Quigley also expressed his feelings with regard to potential conflicts of interest related to several open space and farmland preservation projects in recent years, as well as the Township's involvement in other parcels within the Township. The Board discussed this matter. No formal action was taken.

7. APPROVAL OF THE MINUTES OF FEBRUARY 16, 2011

Prior to hearing a motion to approve the minutes, Supervisor Caughlan introduced several changes. Solicitor Garrity noted that the changes were not actually corrections to the minutes, but represented clarifications that could be noted in the current minutes.

Supervisor Caughlan asked that the current minutes clarify Item 1, Page 1, Manager's Report, Item 1a to indicate that farmland is preserved by paying the owner for an agricultural conservation easement.

Supervisor Caughlan also asked that the current minutes clarify in Item 1b under the Manager's Report, in which Chairman Bustard should have explained the restriction on Nike Park to be a deed restriction by the Federal Government that the parcel was to remain a park. Supervisor Caughlan noted that this clarification also applies to Mr. Garrity's comments in the 9th paragraph of the same section.

Supervisor Caughlan asked that the February 16, 2011 minutes be corrected in Item 1c under the Manager's Report, to reflect her comment that that lights from the Turnpike's construction work should be shielded and not directed into residents' homes.

Supervisor Quigley asked that the February 16, 2011 minutes be corrected, in Item 1b under the Manager's Report, paragraph 7, to indicate that Mr. Chambers expressed opposition to the proposed cell tower.

Supervisor Caughlan moved to approve the minutes, as amended. Supervisor Quigley seconded the motion. There were no additional comments from the Board.

James Mollick, Worcester, commented on the matter.

The Board asked the Secretary to be consistent in identifying residents who comment during the meeting. Specifically, the Board asked the Secretary not to list specific street addresses.

Chairman Bustard called the question. The motion passed by a vote of two to one, with Supervisor Quigley being the only dissenting vote.

8. PUBLIC COMMENTS

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

Caren Sigel, Worcester, commented on potential development of the Worcester Golf Course.

Mark Landis, Worcester, commented on the Pennsylvania Turnpike's widening and reconstruction project, the Methacton School District's School Resource Officer Program.

James Phillips, Worcester, commented on the Montgomery County Lands Trust, the Township's Open Space Coordinator, his opinion concerning potential conflicts of interest, on former Township Supervisors, and on enforcement of ordinances.

Kim David, Worcester, commented on the preservation of open space.

Grant Schanbacher, Worcester, commented on the Methacton School Districts' School Resource Officer Program and the detailed study and work that went into this program.

Supervisor Quigley noted that the Township Board of Supervisors never made any public decision concerning the School Resource Officer Program.

Rick DeLello, Worcester, commented on the Open Space Coordinator position.

Herbert Rothe, Worcester, commented on the Methacton School Districts' School Resource Officer Program, the discussions that took place between the School District and the Board of Supervisors, and the fact the School District is open to the Township's involvement, financial or otherwise.

Supervisor Quigley again noted that the Township Board of Supervisors never made any public decision concerning the School Resource Officer Program.

James Mollick, Worcester, commented on his opinion concerning potential conflicts of interest, the Township's filing system, on various Township open space projects, and on appointments to the Zoning Hearing Board.

Dorothy McGrane, Worcester, commented on the agricultural easement on her property.

9. Adjournment

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

Respectfully submitted:

David R. Burman

David R. Burman, Recording Secretary

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