

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

1. MANAGER'S REPORT

- a. Zoning Hearing Board Report. Mr. Burman reported on recent Zoning Hearing Board Activity. The next meeting is April 26, 2010, at which one continued application and one new application will be heard.

Application #11-03 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. Ms. Catherine M. Harper, Esquire of Timoney Knox, LLP spoke to the Board of Supervisors on behalf of the Applicant. Ms. Harper indicated that the Applicant would like to replace an existing sign that had been there when the property was occupied by Wachovia Bank. Ms. Harper indicated that the proposed sign, in height and size, is less intrusive than the sign being replaced and is somewhat smaller than a neighboring sign. Chairman Bustard reported that the previous Wachovia sign was erected without a permit. Supervisor Quigley referenced Worcester's rural heritage and characteristics particularly with regard to signage. Supervisor Caughlan referenced the village planning concept that the Planning Commission has been working on. Supervisor Caughlan asked whether the Applicant would reduce the height to 10 feet instead of 12 feet. Roger Zacharia of Ambler Savings Bank indicated that the reduced height would be acceptable. Supervisor Caughlan also reminded Ms. Harper that Worcester does not allow internally illuminated signs, although signs may be externally illuminated. Ms. Harper indicated that the sign is intended to be internally illuminated and, in particular, there is value in having the smaller ATM sign illuminated. However, Ms. Harper indicated that the internal illumination is something the Applicant could take another look at. Chairman Bustard reiterated his position that internally illuminated signs are not desirable in Worcester. Supervisor Caughlan expressed concern with the fairness of allowing one property owner to have an illuminated sign. Ms. Harper again stated that the Applicant would reduce the height to 10 feet, would review the issue of internal illumination, and would go to the Zoning Hearing Board for the remaining issues. Mr. Garrity reported that the Board of Supervisors would need a response before April 20, 2010, which would be the last opportunity for the Board to instruct the Solicitor on what to do with regard to this Application.

- b. Mr. Burman provided a report on recent Subdivision and Land Development Activities. With regard to the Land Development Application related to 1074 Grange Avenue, the Applicant has

requested to be placed on the Planning Commission's April 28th Agenda.

Mr. Burman also reported that Final Approval Consideration of the Kibblehouse-Rottelle 12-Lot Subdivision at 2160 Weber Road would appear on the Board's April 20th Agenda. The Planning Commission recommended approval, with conditions, back in September of 2010.

Mr. Burman reported that Preliminary and Final Approval Consideration of the Land Development Application for 3481 Germantown Pike, Terra Landscaping, would appear on an upcoming Agenda. The Planning Commission recommended preliminary and final approval back in March.

- c. Mr. Burman reported on the request to utilize Heyser Field as deed restricted parkland. The Township received Nike Park from the Federal Government back in the 1970's, with a deed restriction for perpetual use as parkland. Last month, the Board of Supervisors approved a conditional lease with T-Mobile to utilize a portion of Nike Park for a cell tower. Previously, the Board publicly discussed a swap of deed restricted parkland with a portion of Heebner Park. The Federal Government has indicated that this would not be possible because Heebner Park had been received by the Township prior to April of 2009. The only property that Staff is aware of that meets the requirements of the Federal Government for the swap of deed restricted parkland would be Heyser Field. Mr. Garrity indicated that the appraised value must exceed the value of the portion of Nike Park that would no longer be used as parkland. Supervisor Caughlan moved to authorize staff to take the necessary steps to explore the use of an appropriate portion of Heyser field that are available for use as parkland, as a swap for the portion of Nike Park that would no longer be utilized as parkland. Supervisor Quigley seconded the motion. Charles Venezia, Worcester, commented on the motion before the Board. Chairman Bustard called the question and the motion passed unanimously.
- d. Mr. Burman requested authorization for a Phase I Environmental Assessment, to be completed by Del Val Soils, at a cost of \$2,700. Mr. Nolan has indicated that this cost is quite reasonable. Supervisor Caughlan moved to approve Del Val Soils to perform the Phase I Environmental Study at a cost of \$2,700. Supervisor Quigley seconded the motion. There were no comments from the Board or the public, and the motion passed unanimously.
- e. Mr. Burman reminded the Board of the Board's request to obtain cost estimates on the replacement of the roof at Worcester Community Hall. The age of the roof is unknown, but estimated to be at least eighteen years old, and probably much older. The Department of Public Works had repaired some leaky areas last year, and the Director of Public Works recommends replacement of the entire roof. This was included in the budget for this year. The three cost estimates range from approximately \$15,000 to \$20,000. The Second Class Township Code requires this type of work to go through the sealed bid process when the cost is in excess of \$10,000. The Second Class Code also references plans and specifications. Therefore, Mr. Burman again recommends and requests the Board's authorization to proceed with the development of full plans and specifications for the replacement of the roof at Worcester Community Hall. Mr. Burman reported that the estimated cost is expected not to exceed \$4,000. However, the Board could choose to wait until a formal proposal is received for this work. Supervisor Quigley questioned the range in price. Mr. Burman indicated that the sealed bid, while required by law, could also result in a more competitive bid process. Supervisor Caughlan moved to authorize staff to engage a roofing consultant to prepare the plans and specifications for the replacement of the roof at Worcester Community Hall at a cost not to exceed \$4,000. Supervisor Quigley seconded the motion. Mark Landis, Worcester, commented on the motion before the Board. Chairman Bustard called the question and the motion passed unanimously.

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- f. Chairman Bustard asked Mr. Burman about the painting of the windows. Mr. Burman reported that Eagle Hygiene of Horsham has been engaged to appropriately remove the loose lead based paint from the windows at Community Hall. The Director of Public Works has obtained three bids for the painting of the windows. Mr. Burman reported that, when the cost of work is between \$4,000 and \$10,000, the Township may award a contract after obtaining three telephone or written bids. The lowest of the three bids was received from George D. Lentz Painting, who has performed work at this location in the past. The price for the painting of the windows and the doors would be \$4,200. Mr. Burman reported that some initial carpentry repairs will be performed outside of this contract. All of this work was included in the budget for this year. Supervisor Caughlan moved to award the contract to George D. Lentz Painting for the painting of the windows and doors at Worcester Community Hall at a cost of \$4,200. Supervisor Quigley seconded the motion. There were no comments from the public, and the motion passed unanimously.

2. ENGINEER'S REPORT

Bryan McAdam of CKS Engineers reported that the bids for road materials and equipment were opened last week. Recommendations for award of both contracts will be on the Board's agenda for April 20, 2011.

3. SOLICITOR'S REPORT

No Report.

4. OTHER BUSINESS

None.

5. APPROVAL OF THE MINUTES OF MARCH 7, 2011

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.

Charles Venezia, Worcester, commented on signage, vacant buildings and the viability of businesses within the Township. The Board discussed the matter. No formal action was taken.

2. Adjournment

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

Respectfully submitted:



David R. Burman, Recording Secretary

**WORCESTER TOWNSHIP BOARD OF SUPERVISORS MEETING
WORCESTER TOWNSHIP COMMUNITY HALL
FAIRVIEW VILLAGE, WORCESTER, PA
WEDNESDAY, APRIL 20, 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]

INFORMATIONAL ITEMS

Chairman Bustard announced that the Supervisors and the Township Manager attended the annual conference of the Pennsylvania State Association of Supervisors in Hershey, Pennsylvania.

1. TREASURER’S REPORT

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

| | |
|----------------------|---------------|
| General Fund | \$98,371.66 |
| State Fund | (\$55,338.47) |
| Capital Reserve Fund | \$311.39 |

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.

2. PAYMENT OF BILLS OF THE TOWNSHIP

Supervisor Caughlan moved to pay the bills of the Township in the amount of \$219,289.17. 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. **Final Approval Consideration: Kibblehouse-Rotelle Subdivision at 2160 Weber Road –** Mr. Burman reported that the Planning Commission recommended final approval, with conditions, back in September. The Board of Supervisors gave conditional use approval for riparian corridor crossing in March. The Applicant was represented by Bernadette Kearney, Esq. and Nicholas Feola, P.E.

Ms. Kearney reported that the plan had received approval back in October of 2009. Ms. Kearney reported that she, along with Mr. Feola and the Applicant, Mr. Rotelle, had

attended the August 26, 2010 Planning Commission Meeting and that, at that meeting, the Planning Commission reviewed the then-current plan for the conditional use only. Ms. Kearney further reported that, at the August 26, 2010 meeting, the Planning Commission advised the Applicant and the Applicant's representatives that their presence would not be necessary at the September Planning Commission meeting, at which time the Planning Commission expected to review and make a recommendation concerning final approval by the Board of Supervisors. Ms. Kearney reported that the minutes of the Planning Commission meeting of September 9, 2010 included a recommendation that the final plans include language to the effect that demolition and/or damage of the existing structures would be prohibited. Ms. Kearney reported that the Applicant does not agree that the existing structures can never be demolished. Ms. Kearney further reported that there is no language in any Township Ordinance that permits such a requirement. Mr. Bagley, the Township Solicitor, agreed that there is nothing in any Township Ordinance that he is aware of that would allow require such terms. The Board Members discussed the possibility that the Applicant may wish to return to the Planning Commission to obtain clarification on the desired language. Ms. Kearney reported that the desired language was not part of the preliminary approval, and there is no legal basis for it. The Board also discussed the time requirements under the MPC with Township Staff.

Ms. Kearney and Mr. Feola will attempt to contact the Applicant via cell phone to discuss the Applicant's feelings on the matter. The Board will hear the next item on the Agenda and will subsequently revisit this issue later in the meeting.

- b. Preliminary and Final Approval Consideration: Terra Landscaping One-Lot Land Development Plan at 3481 Germantown Pike** – Mr. Burman reported that the Planning Commission recommended preliminary and final approval, with conditions, back in March. The Applicant is represented by Bernadette Kearney, Esq. and Anthony Hibbeln, P.E. A court reporter was present and has produced a transcript of the proceedings. Ms. Kearney distributed an updated waiver letter to the Board of Supervisors. Mr. Hibbeln noted that only two requests for waivers of the Subdivision and Land Development Ordinance remain. The first is a waiver of Section 130-3.C.(1) regarding existing features to be surveyed for a distance of 400 feet outside the boundary of the tract to be developed. Mr. Hibbeln noted that existing features have been surveyed for approximately 50' outside the property boundaries, and that an aerial photograph has been provided to depict existing features 200' from the subject tract. The second is a waiver of Section 130-16, 130-18A and 130-18B regarding roadway improvements, roadway widening, curbing and sidewalks. Lower Providence Township is not requesting the widening of North Grange Avenue, which is currently 20' wide, due to the preservation of the existing two story house at the corner of North Grange Avenue and Germantown Pike. Widening the road an additional 10' with curbing and sidewalk for approximately 135' would provide no benefit to the surrounding community or the safety of vehicular traffic. The Board of Supervisors and Township Solicitor commented and asked questions. Mr. Hibbeln and Ms. Kearney noted that no approvals have yet been granted by Lower Providence Township concerning this property and the subject application. The Applicant, Fred Oskanian noted that he intends to keep equipment and supplies inside the building, none of which is on the Worcester side of the property. He stated that the parking spaces are intended for employees. He stated that loading dock is intended for future use. He stated that the paved area adjacent to the loading dock, on the Worcester side of the property, is intended for ingress and egress, and not parking. All materials and equipment are intended to be stored in the building. The Applicant has no intention of bringing landscaping debris and/or yard waste back to this site.

Mr. Oskanian reports that he is in compliance with the consent order from 2007. Ms. Caughlan noted that there is a typographical error in paragraph 4 of the Draft Resolution. The Zoning Hearing Board Decision should be dated November 23, rather than November 13. The Township Engineer reports that there are no known stormwater runoff issues; there is an existing stormwater basin on the site, which will need to be modified as part of the proposed plan. Supervisor Quigley moved to grant preliminary and final approval of the one-lot land development application for Terra Landscaping, pursuant to Resolution 2011-08 as prepared by the Township Solicitor, and as corrected in paragraph 4 as noted herein. Supervisor Caughlan did not second the motion. Chairman Bustard seconded the motion. James Mollick and Gordon Todd, both of Worcester, commented on the matter of preliminary and final approval of this land development application. The motion passed unanimously.

- a. Mr. Feola reported that he was able to make contact with his client. The Applicant is a partnership that currently rents the main structure on the property to a long-term tenant. There are no current plans to demolish any structures on the parcel, but the Applicant does not wish to limit the rights to revisit that decision in the future.

Supervisor Caughlan moved to grant final approval of the Kibblehouse-Rotelle Subdivision, in accordance with Resolution 2011-07, which has been drafted by the Township Solicitor, including paragraph 2 requiring that all lots be deed restricted from further subdivision, but deleting paragraph 3 prohibiting demolition and/or damage to the structures on the property. Supervisor Quigley seconded the motion. There were no additional comments from the Board. Gordon Todd, Rick DeLello and Jim Mollick, all of Worcester, commented on the motion. Chairman Bustard called the question and the motion passed unanimously.

c. Public Hearing for Consideration of Grading & Excavations Ordinance #2011-229 –

Mr. Burman introduced this item and turned things over to Solicitor Bagley to handle the formality of the public hearing. Mr. Bagley opened the public hearing. A court reporter was present and has produced a transcript of the proceedings. Township Engineer gave a brief introduction to the Ordinance and the rationale behind it. The Board discussed the need for such an Ordinance and questioned Mr. Nolan concerning the details of the proposed Ordinance. William Kazimer, Mark Landis, Rick DeLello, Caren Segal, James Phillips and Kim McClintock, Worcester, commented and asked questions during the public hearing.

Supervisor Caughlan moved to close the public hearing. Supervisor Quigley seconded the motion and it passed unanimously.

Supervisor Caughlan moved to adopted Ordinance #2011-229, the Grading & Excavations Ordinance. Supervisor Quigley seconded the motion and it passed unanimously.

- d. **Consideration to Adopt Resolution #2011-06 to Amend the Township's Fee Schedule –** Mr. Burman reported that the newly adopted Grading & Excavations Ordinance includes fees to be adopted by Resolution of the Board of Supervisors. The estimated cost to the Township for administration of the Ordinance is a base fee of \$200, which includes three inspections, and an additional fee of \$70 per additional inspection, if needed. There are no other proposed changes to the existing fee schedule at this time. Supervisor Caughlan moved to adopt Resolution #2011-06. Supervisor Quigley seconded the motion. There were no comments from the Board or the public, and the motion passed unanimously.

- e. **Zoning Hearing Board Update** – Mr. Burman reported that one application was granted at the March meeting of the Zoning Hearing Board. The next meeting is scheduled for April 26, 2011, at which time the Zoning Hearing Board will hear one continued application and one new application. The new application is #11-05 at 3050 Conrad Way, requesting a variance from the required front yard setbacks for a corner lot for the construction of an attached garage. The continued application is #11-03 at 3009 Germantown Pike, relating to a sign application for the Ambler Savings Bank. The Board of Supervisors had previously directed the Solicitor to inform the Zoning Hearing Board, in writing, that the Board of Supervisors expresses its support for the Zoning Officer's determinations and interpretations, as well as the Board's objection to the requested variance. Mr. Burman reported that, since the Board's last meeting, the Applicant's attorney had informed the Township that the Applicant will be able to reduce the height of the proposed sign to 10 feet, which the Applicant believes is in compliance with the Township's Ordinance. However, the Applicant intends to pursue a challenge and/or variance for internal illumination of the proposed sign. Supervisor Caughlan produced a PowerPoint presentation consisting of photographs of signs at various bank locations for Ambler Savings Bank, in an attempt to demonstrate the lack of consistency in style, height, illumination and overall design. No formal action was taken.
- f. **Discussion and possible authorization to renew the Township's request to Upper Gwynedd Township for amendment to public sewer coverage map related to the "Preserve at Worcester"** – Mr. Burman provided a timeline of activities concerning sanitary sewer service in this portion of the Township. Act 537 requires the Township to provide for planning and treatment of sanitary sewage. In 2007, Worcester's Board of Supervisors sent a request to Upper Gwynedd Township to request that the "Preserve at Worcester" be included in Upper Gwynedd's public sewer coverage map. Upper Gwynedd denied that request. Subsequently, Worcester amended its Act 537 Plan to provide for a package wastewater treatment plant to serve the "Preserve", which would be a public sewer system operated by Little Washington Wastewater. In 2010, DEP approved the Act 537 Amendment, with an initial capacity of 39 EDU's representing the "Preserve", which DEP required expandable capacity to 67 EDU's. The 67 EDU's included the "Preserve", and 26 adjacent homes, plus two additional EDU's for an existing church. Any expansion of the initial 39 EDU capacity would require another Amendment of the Act 537 Plan, if requested by the Board of Supervisors. Late in 2010, Upper Gwynedd indicated a possible interest in considering the 2007 request from Worcester. At this time, Mr. Burman asked whether the Board of Supervisors wished to renew its request to Upper Gwynedd Township to accept the portion of the Township representing the "Preserve at Worcester" in Upper Gwynedd's Act 537 coverage map for sanitary sewer facilities. The Board discussed the merits and logic of renewing this request to Upper Gwynedd Township. Supervisor Caughlan moved to authorize the Township Engineer to draft a letter asking Upper Gwynedd Township to modify their Act 537 Plan and official map to accept the 39 EDU's at the Preserve at Worcester. Supervisor Quigley seconded the motion. Township Engineer Joe Nolan stated that DEP will be involved and may attempt to require the coverage area to be extended and include the additional 28 EDU's as had been done with the package plant option. The Supervisors expressed an objection to such a stipulation by DEP. Mark Landis and Caren Sigel, both of Worcester, commented on the motion. Chairman Bustard called the question and the motion passed unanimously.

4. ENGINEER'S REPORT

Mr. Nolan reported that bids were opened on March 30th for the annual road materials and equipment rental contracts. The lowest responsible bidder for stone, items 1 through 7, was

Mount Materials, LLC of Fairless Hills, PA. The lowest responsible bidder for paving materials is Highway Materials, Inc. of Blue Bell, PA. The itemized unit prices and bid tabulations are as reported in Mr. Nolan's April 1st letter to the Township. The Board commented and asked questions of Mr. Nolan. Mr. Nolan reported that he is not directly familiar with Mount Materials, but he is aware of this firm. There are two prices: one for pickup and one for delivery. There is no fuel surcharges included in the delivery price. Supervisor Caughlan moved to accept the bids from Mount Materials, LLC for stone and Highway Materials for paving materials. Supervisor Quigley seconded the motion. There were no comments from the Board or the public, and the motion passed unanimously.

Mr. Nolan reported that the lowest responsible bidder for the equipment rental contract was submitted by Harris Gramm Contractors of Collegeville, PA. The unit prices submitted by this contractor are the same as they were in 2010 and 2009. Supervisor Caughlan moved to accept the bid from Harris Gramm Contractors. Supervisor Quigley seconded the motion. There were no comments from the Board or the public, and the motion passed unanimously.

5. SOLICITOR'S REPORT

None

6. OTHER BUSINESS

Supervisor Quigley reported that he attended the School Board meeting last night, but that he did not see any School Board Members in attendance this evening.

7. APPROVAL OF THE MINUTES OF MARCH 16, 2011

Supervisor Caughlan moved to approve the minutes of March 16, 2011. Supervisor Quigley seconded the motion. James Mollick and James Phillips, both of Worcester, commented on the approval of the minutes. Chairman Bustard called the question and the motion passed.

8. PUBLIC COMMENTS

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

Mark Landis, Worcester, commented on the noise from the Turnpike before, during and after the widening and reconstruction project.

Dominic Serrao, Worcester, commented on the noise and the lack of sound barriers planned for the South side of the Turnpike in the vicinity of Skippack Pike and North Wales Road.

Lee Venziale, Worcester, commented on the noise from the Turnpike.

By consensus, the Supervisors asked the Township Solicitor to prepare a memo on the possibilities of legal action to compel the Turnpike to install sound barriers, including an analysis of any case law that exists in Pennsylvania relative to this matter.

Maeve Vogan, Worcester, commented on the future acquisition of the U.S. Army Reserve Base on Berks Road, and the status of recommendations from the park & recreation task force. Ms. Vogan also commented on the signage issue.

James Phillips, Worcester, commented on the parking problems near the ballfield on School District property at Mill Road and Kriebel Mill Road. Mr. Phillips also commented on suspicious activity in parking areas near Methacton High School and the signage issue.

Rick DeLello, Worcester, commented on Township communications, cable access, the Township budget, and his opinion concerning the number of elected Supervisors in the Township.

Fred Oskanian, Worcester, commented his perception of the Township's treatment of residents and businesses.

James Mollick, Worcester, commented on the 14th amendment, the Township's financial position, cable access, legal costs associated with Right-to-Know Requests and other legal matters.

Dorothy McGrane, Worcester, commented on legal costs associated with Right-to-Know Requests, and other Right-to-Know concerns.

9. Adjournment

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

Respectfully submitted:



David R. Burman, Recording Secretary