

**WORCESTER TOWNSHIP BOARD OF SUPERVISORS BUSINESS MEETING
WORCESTER TOWNSHIP COMMUNITY HALL
FAIRVIEW VILLAGE, WORCESTER, PA
WEDNESDAY, JUNE 15, 2016 – 7:30 PM**

CALL TO ORDER by Chair Caughlan at 7:39 PM

PLEDGE OF ALLEGIANCE

ATTENDANCE

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

INFORMATIONAL ITEMS

- Chair Caughlan noted North Penn Water Authority Executive Director Anthony Bellitto had been awarded the 2016 Governor’s Award for Local Government Excellence.
- Bob Brant, Township Solicitor, announced the Board of Supervisors had met in Executive Session immediately following the May 18 Business Meeting to discuss a matter of litigation, in specific The Cutler Group v. Worcester Township, Montgomery County Court of Common Pleas docket #15-13769; and, a matter of threatened litigation, related to the Hickory Hill Sewer project. Mr. Brant also announced the Board of Supervisors had met in Executive Session immediately preceding this meeting to discuss a matter of litigation, in specific Mollick v. the Worcester Township Board of Supervisors and individual Board members, Montgomery County Court of Common Pleas, docket number 15-13760, with an action on this matter to be taken at this evening’s meeting; and, a matter of litigation, in specific The Cutler Group v. Worcester Township, Montgomery County Court of Common Pleas docket #15-13769, with an action on this matter to be taken at this evening’s meeting.

In the matter of Mollick v. the Worcester Township Board of Supervisors and individual Board members, Tony Sherr, Counsel for this litigation, provided an overview of a proposed action against the Plaintiff to seek an award for damages incurred by the Defendants.

Supervisor Bustard motioned to authorize the filing of the action as presented by Mr. Sherr. The motion was seconded by Supervisor Quigley.

Jim Mollick, Worcester, commented on the Court of Common Pleas ruling on this litigation, and fees invoiced by the former Township Solicitor. Mr. Sherr commented on the Court of Common Pleas ruling on this litigation.

By unanimous vote the Board adopted the motion to approve.

In the matter of The Cutler Group v. Worcester Township, Mr. Brant commented on the Court of Common Pleas ruling on this litigation, and noted the Board of Supervisors consideration of an appeal to the Commonwealth Court.

Supervisor Bustard motioned to authorize the filing of an appeal to the Commonwealth Court, and the hiring of Carl Primavera, Klehr, Harrison, Harvey & Branzburg, to serve as Counsel on this appeal. The motion was seconded by Supervisor Quigley.

Bob Andorn, Worcester, commented on the appeals process and this expense. Dave Plader, Worcester, commented on the potential impact of the Plaintiff's proposed development. Dr. Mollick commented on the proposed litigation, previous court decisions, and Supervisor performance. Bill Goulding, Worcester, commented on the Plaintiff's proposed development, the Township appeal to the Commonwealth Court, and treatment of proposed development's sanitary sewage.

By unanimous vote the Board adopted the motion to approve.

PUBLIC COMMENT

- Roberta Body, owner of Palmer Tract, thanked the Board for its work on the proposed Center Point Village zoning ordinance, and commented on this project schedule.
- Mr. Andorn, commented on the permitted public comment period at public meetings, the appeal to the Commonwealth Court in the matter of The Cutler Group v. Worcester Township, the expense of this litigation, the proposed Center Point Village zoning ordinance, current and past uses in the Village of Center Point, and the use of transfer development rights.
- Dr. Mollick commented on the permitted public comment period at public meetings, current litigation, and a donation paid to the Conservatory of Montgomery County for the preservation of a property in the Township.

OFFICIAL ACTION ITEMS

- a) Consent Agenda – Chair Caughlan asked if any Member wished to remove an item from the consent agenda. There were no requests to remove an item from the consent agenda.

Supervisor Bustard made a motion to approve a consent agenda that includes (a) the Treasurer's Report and other Monthly Reports for May 2016, (b) bill payment for May 2016 in the amount of \$211,299.51, (c) the May 18, 2016 Work Session minutes; and, (d) the May 18, 2016 Business Meeting minutes. The motion was seconded by Supervisor Quigley.

Dr. Mollick commented on previous Township Solicitor work and fees, Township payment of this invoice, and an estimated value of The Cutler Group's proposed development.

By unanimous vote the Board adopted the motion to approve.

- b) Proclamation 2016-01 – This matter was tabled to the July 20, 2016 Business Meeting.
- c) Resolution 2016-24 – Bernadette Kearney, Counsel for the Applicant, provided an overview of a proposed 17,340 sf addition to an existing education and training use, the IBEW facility, at 3455 Germantown Pike. Ms. Kearney commented on relief obtained from the Zoning Hearing Board, Planning Commission consideration and approval recommendation, and Township Engineer review. Joe Nolan, Township Engineer, noted he was not opposed to a requested waiver for maximum stormwater basin dewatering time.

Supervisor Bustard made a motion to approve Resolution 2016-24, to grant Preliminary/Final approval of a plan of land development at 3455 Germantown Pike. The motion was seconded by Supervisor Quigley.

There was no public comment.

By unanimous vote the Board adopted the motion to approve.

- d) Resolution 2016-23 – Amanda Zimmerman, Assistant Manager, proposed an overview of proposed improvements, which include a parking area, pedestrian walkway and the a loading dock reconfiguration, at a manufacturing facility at 2750 Morris Road.

Supervisor Quigley commented on the installation of previously required landscape buffers, and Mr. Nolan confirmed the materials had been installed.

Supervisor Bustard made a motion to approve Resolution 2016-23, to grant Preliminary/Final approval of a plan of land development at 2750 Morris Road. The motion was seconded by Supervisor Quigley.

There was no public comment.

By unanimous vote the Board adopted the motion to approve.

- e) agreement – Mr. Ryan provided an overview of a revised agreement with Lower Providence Township and the Lower Providence Township Sewer Authority to provide sanitary sewer service to four properties at Germantown Pike.

Supervisor Bustard made a motion to approve the revised agreement with Lower Providence Township and the Lower Providence Township Sewer Authority to provide sanitary sewer service to four properties at Germantown Pike. The motion was seconded by Supervisor Quigley.

Ms. Kearney thanked the Board of Supervisors for their efforts on this matter. Dr. Mollick commented on Pennsylvania Department of Environmental Protection involvement in this matter, and the required intermunicipal agreement. Steve Lutz, IBEW, thanked the Board of Supervisors for their efforts on this matter.

By unanimous vote the Board adopted the motion to approve.

- f) Ordinance 2016-259 – Chair Caughlan opened the Public Hearing at 8:35 pm.

Mr. Ryan provided an overview of a proposed ordinance to amend Township hunting regulations as to the possession of certain weapons and the presumption of hunting activities.

Mr. Brant confirmed advertisement and distribution dates of the proposed ordinance.

Charles Pedano, Worcester, commented on the amendment proposed. Mr. Ryan read that section of Township Code proposed to be deleted.

There being no additional public comments, Chair Caughlan closed the Public Hearing at 8:40 pm.

Supervisor Bustard made a motion to adopt Ordinance 2016-259, to amend Township hunting regulations as to the possession of certain weapons and the presumption of hunting activities. The motion was seconded by Supervisor Quigley.

There was no public comment.

By unanimous vote the Board adopted the motion to approve.

- g) Ordinance 2016-260 – Chair Caughlan opened the Public Hearing at 8:42 pm.

Mr. Ryan provided an overview of a proposed ordinance to amend Ordinance 2015-254 regarding payment of the Hickory Hill Sewer Project assessments.

Mr. Brant confirmed advertisement and distribution dates of the proposed ordinance.

Dr. Mollick commented on authorization to advertise the proposed ordinance.

There being no additional public comments, Chair Caughlan closed the Public Hearing at 8:44 pm.

Supervisor Bustard made a motion to adopt Ordinance 2016-260, to amend Ordinance 2015-254 regarding payment of the Hickory Hill Sewer Project assessments. The motion was seconded by Supervisor Quigley.

There was no public comment.

By unanimous vote the Board adopted the motion to approve.

- h) waiver – Mr. Ryan provided an overview of request to install an on-lot septic system within a front yard setback at 1467 North Trooper Road. Mr. Nolan noted the property is a double-frontage lot, and he commented on the type of on-lot septic system proposed.

Supervisor Bustard made a motion to approve a waiver request to install an on-lot septic system within a front yard setback at 1467 North Trooper Road. The motion was seconded by Supervisor Quigley.

There was no public comment.

By unanimous vote the Board adopted the motion to approve.

- i) ordinance advertisement – Mr. Ryan provided an overview of an ordinance to establish a designated service area for the North Penn Water Authority.

Tony Bellitto, North Penn Water Authority Executive Director, commented on the benefits of Authority service. Supervisor Quigley noted he had toured NPWA facilities, and stated the information obtained was helpful.

Supervisor Bustard made a motion to authorize the advertisement of the proposed ordinance for a Public Hearing to be conducted at the next Business Meeting at which all three Supervisors are in attendance. The motion was seconded by Supervisor Quigley.

Mr. Andorn commented on benefits to the community, and on the mandate to utilize a public water provider. Mr. Bellitto commented on the Authority organizational structure and fees charged.

By unanimous vote the Board adopted the motion to approve.

- j) waiver – Mr. Ryan noted receipt of a request from Montgomery County to waive payment of the permit fee for proposed recognition signage to be posted at certain preserved farms. Mr. Ryan noted the permit fee is \$65 per sign.

Supervisors Bustard noted the Township had waived payment of the permit fee for similar signage installed at the Peter Wentz Farmstead. Chair Coughlan read a June 14, 2016 letter from Anne Leavitt-Gruberger, Assistant Section Chief of County Planning for Montgomery County, on this matter.

Supervisor Bustard made a motion to approve the waiver of permit fees for recognition signs installed at properties preserved through the Montgomery County farmland preservation program. The motion was seconded by Supervisor Quigley.

There was no public comment.

By unanimous vote the Board adopted the motion to approve.

OTHER BUSINESS

No other business was discussed at this evening's meeting.

ADJOURNMENT

There being no further business brought before the Board, Chair Caughlan adjourned the regularly scheduled meeting at 9:01 PM.

Respectfully Submitted:

Tommy Ryan
Township Manager