WORCESTER TOWNSHIP
WORCESTER TOWNSHIP BOARD OF SUPERVISORS
MEETING
WORCESTER TOWNSHIP COMMUNITY HALL
FAIRVIEW VILLAGE, PA
MONDAY, JUNE 7, 2010 ~ 8:00 A.M.

CALL TO ORDER Arthur Bustard at 8:00 A.M.

PLEDGE OF ALLEGIANCE

ATTENDANCE
PRESENT:

ARTHUR C. BUSTARD ☒
SUSAN CAUGHLAN ☒
STEPHEN C. QUIGLEY ☒

609423

INFORMATIONAL ITEMS

Worcester Township was awarded a PECO Green Region Grant in the amount of $5,000 for improvements to Heyser Field. Matching funds, which are in the 2010 budget, are required.

An executive session will be held today to discuss personnel and real estate.

1. **Manager's Report:**

   a. **Traffic Signal Maintenance Agreement with Towamencin Township–Valley Forge & Morris Roads**

This agreement, which pertains to maintenance and costs, dates back to 2008. Upper Gwynedd and Towamencin Townships have already approved it.

After a brief discussion, the Board unanimously approved a motion by Susan Caughlan and seconded by Steve Quigley, to approve the traffic signal maintenance agreement with Towamencin Township for Valley Forge and Morris Roads.

   b. **Request for waiver of fees for re-roofing permit at Peter Wentz Farmstead**

Montgomery County and the Peter Wentz Farmstead have requested a waiver for the re-roofing permit fee of $64.

Arthur Bustard commented that this has been done in the past for the county and state and reminded the Board that it must approve fee waivers

Steve Quigley added it has also been done for the school district.

David Burman, Township Manager, warned that these items should be reviewed on a case by case basis, because larger projects may involve greater costs to the Township, in terms of reviews and inspections.

A motion by Susan Caughlan and seconded by Steve Quigley and approved by all to waive the re-roofing permit fees in the amount of $64 for the Peter Wentz Farmstead.

c. Morris Road Detour – traffic concerns

David Burman reported that there were a few resident complaints, but the traffic is being diverted to many other Township roads. On Landis Road, the Township's Speed Sentry device counted over 1800 vehicles during a 4-day period, and many were travelling over the speed limit.

Mr. Burman has requested assistance from the State Police, who indicated enforceable signage must be in place. The State Police Community Outreach officer will assist.

A quote has been requested of McMahon Associates for a traffic study for Landis Road.

Arthur Bustard asked resident Mark Landis, Schultz Road, for input on the traffic issues and requested that Mr. Burman have a report at the June 16th Board meeting concerning the speed data.

d. Noise Ordinance - status

The Manager is preparing a draft for the Board's review.

e. ATV Ordinance - status

The Manager reported the staff has collected several sample ordinances and will prepare a draft for the Board's review.

f. Zoning Hearing Board Report

The last meeting was May 25, 2010.
The next meeting is scheduled for June 22, 2010

The Solicitor requested clarification from the Board on his participation concerning application 10-05.

Conclusions/ Decisions of applications:

#09-17, 3214 Fisher Rd. Appeal from an enforcement notice dated July 28, 2009 to permit applicant to store landscaping equipment on their property as part of their landscaping nursery business; alternatively a variance from section 150-11 to permit them to operate their landscaping business. **Applicants have until June 1, 2010 to submit their findings of fact to the Zoning Hearing Board then a decision shall be rendered by July 16th.**

#10-06, 3019 W. Germantown Pk. A variance from sections 150-147(D)(F) to permit the replacement and expansion of the existing sign which is non-conforming. **Granted May 25, 2010.**

#10-07, 3111 Heebner Rd. Variance from sections 150-37(C) to permit the proposed addition to encroach 5' into the side yard setback. Variance from section 150-181 to permit the proposed chimney to project into the side yard 6 additional inches over the allowance of 18" totaling 24". **GRANTED May 25, 2010**

#10-09, 1770 Hawks Nest Lane. VARIANCE TO PERMIT THE CONSTRUCTION OF A POOL LOCATED OUTSIDE THE BUILDING ENVELOPE AND TO PERMIT THE CONSTRUCTION OF A 6' FENCE WITHIN THE REAR YARD SETBACK.**GRANTED 5/25/2010**

Continued applications:

#07-02, 1545 Kriebel Mill Rd. A variance to permit the construction of an additional single family dwelling on a new flag lot. **THE APPLICANT HAS REQUESTED TO BE REMOVED FROM THE AGENDA AND HAS AGREED TO WAIVE ANY TIME REQUIREMENTS UNDER THE PMPC AND LOCAL ORDINANCES. ADDITIONALLY, THE APPLICANT HAS AGREED TO PAY ANY COSTS**

ASSOCIATED WITH RE-ADVERTISING. AFTER LEARNING THE TOWNSHIP'S OBJECTIONS, THE APPLICANT IS CONSIDERING OTHER OPTIONS, INCLUDING SUBMISSION OF A NEW PLAN TO GET WORCESTER TOWNSHIP PLANNING COMMISSION APPROVAL.

#10-04, 2709 Township Line Rd. A variance from sections 150-11 & 150-15 to permit the property to be used for establishment of a wireless communications facility and for the installation of antennas at approx. 52' in height on an existing 40' water storage tank. **INDEFINITE CONTINUANCE REQUESTED BY APPLICANT FOR THE PURPOSE OF REVIEWING THE FEASIBILITY OF ALTERNATE LOCATIONS LOCATED WITHIN WORCESTER TOWNSHIP.**

#10-05, 2005 Valley Forge Rd. A variance from section 150-114 to permit the canopy to encroach into the front yard setback and the district yard setback for a property line with an adjacent single family residential district. A variance from 150-162.1 and 150-162.2 to permit the expansion of a non-conforming structure, including vertical expansion. **CONTINUANCE REQUESTED BY APPLICANT TO BE HEARD AT THE JUNE 22, 2010 MEETING.**

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#10-08, 3473 Stump Hall Rd. Variance from sections 150-177(B)(3) to permit the construction of a pool located outside the building envelope and section 150-182(A) to permit the construction of a 6' fence within the rear and side yard setbacks. **CONTINUANCE REQUESTED BY ZONING HEARING BOARD TO BE HEARD AT THE JUNE 22, 2010 MEETING DUE TO INSUFFICIENT TESTIMONY. APPLICANT IS TO PROVIDE EXACT MEASUREMENTS REGARDING LOCATION OF POOL AND REPRESENT LOCATION OF FENCE ON PROPOSED PLAN.**

NEW applications to be heard on June 22, 2010:
None

g. Subdivision & Land Development Report

David Burman presented a status report on the activity of active subdivisions and land developments.

2. Engineer's Report

a. Kriebel Mill Road Bridge

Joseph Nolan, township Engineer, reported that he prepared two possible layouts for the bridge located at Water Street. He asked what level of improvement the Board desired, as either layout would improve the existing conditions. He also reminded that Water Street is a state road, so Penn DOT will need to be involved.

Arthur Bustard reminded that the work is in the 2010 budget.

Susan Caughlan said she spoke with residents and they prefer minimally invasive change. The design of the new bridge abutment was discussed.

Joseph Nolan said there are standard Penn DOT guidelines and noted that the current design is not safe.

The Board consensus was for the engineer to move forward with design of a 34 foot culvert.

3. Solicitor's Report

a. Executive Session report

The Solicitor reported that no executive sessions have been held since the last Board meeting, but that one will be held today to discuss land and personnel issues.

b. Resolution – Agreement of Sale of Property to PA Turnpike Commission

James Garrity reported that he wants to discuss this agreement with the Board. The PA Turnpike Commission has provided money for trees to screen the stormwater basin.

c. Concession Agreement – Status of Review

James Garrity reported the document has been edited numerous times. He reviewed it last week and had several minor revisions. He suggested that the final document be presented to the Board at their meeting on June 16th, with a reminder that this is a living document and may need to be modified once implemented.

4. Other Business

David Burman met with the PA Turnpike Commission staff on June 4th and was informed that they were working during the day time hours only.

James Garrity also reminded the Board to put the oversight agreement for The Preserve subdivision on the June 16, 2010 agenda.

5. APPROVAL OF THE MINUTES OF APRIL 5, 2010

The April minutes were inadvertently left out of the May 3, 2010 meeting materials.
In section 2A, the word "bridge" should be replaced with road.

No public comments

A motion by Susan Caughlan and seconded by Steve Quigley and approved by all to dispense with the reading and approve as amended the minutes of the meeting of April 5, 2010 (copies were available for review).

6. APPROVAL OF THE MINUTES OF MAY 3, 2010

Susan Caughlan had a few comments.
Under Manager's report, noise ordinance, end of the section states "to pass" and it should say "continue to revise.", under the SALDO report, Terra, the county "recommends" not "approves." and the word "part" on the first page should be "party,"

James Mollick, Country View Lane, commented on the Solicitor's Report and litigation topics. James Garrity said that it is also a personnel matter.

James Mollick further commented on The Preserve at Worcester, potential conflicts of interest, public comments in the minutes, the RTK lawsuit, the list of RTK requests on the Township web site, and transparency.

Steve Quigley commented that the Board and Manager are looking into a video process for public meetings.

A motion by Susan Caughlan and seconded by Steve Quigley and approved by all to dispense with the reading and approve as amended the minutes of the meeting of May 3, 2010 (copies were available for review).

PUBLIC COMMENTS

Mark Landis, Schultz Road, commented on the Turnpike widening project and night work and requested more proactive behavior from the Board.

David Burman said that he tries to meet with the Turnpike contractors weekly for updates.

Arthur Bustard said the Township has very limited recourse with regard to the Turnpike Commission.

Rick DeLello, Stoney Creek Road commented regarding the resolution for the strip of land behind Deep Meadow Lane.

Phillip Burke, Grange Avenue, commented on speed study results. David Burman reported that no speed sign data was available prior to two weeks ago.

James Mollick commented on the recent election. Arthur Bustard reported that political issues are not relevant to the business of the Board.

James Mollick further commented on a dump and investigation and the Reimel Zoning Hearing Board file.

M. Sessa, 18th Century Restoration was present to provide an update on the Pioneer House renovation. David Burman apologized that this item was not on the agenda, and asked if Mr. Sessa could return to a future work session. Mr. Sessa agreed, and commented that the project is virtually complete. The shutters and doors have been installed.

Phillip Burke commented on a dump and wetlands.

ADJOURNMENT

There being no further business to come before this Board, Mr. Bustard, adjourned the regularly scheduled work session of the Board of Supervisor's Meeting at 9:04 A.M.

Respectfully submitted:

Eunice C Kriebel

Eunice Kriebel, Assistant Recording Secretary

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WORCESTER TOWNSHIP
WORCESTER TOWNSHIP BOARD OF SUPERVISORS
WORCESTER TOWNSHIP COMMUNITY HALL
FAIRVIEW VILLAGE, PA.
WEDNESDAY JUNE 16, 2010 7:30 P.M.

CALL TO ORDER by Arthur Bustard at 7:30 P.M.

PLEDGE OF ALLEGIANCE

ATTENDANCE
PRESENT:

ARTHUR C. BUSTARD ☒
SUSAN G. CAUGHLAN ☒
STEPHEN C. QUIGLEY ☒

INFORMATIONAL ITEMS:
NONE

1. TREASURER'S REPORTS
The Treasurer's reports for May, 2010 net change on cash basis:

May 2010 Report:

General Fund	$242,538.49
State	$166,679.31
Capital Reserve	$152,509.39

A motion by Susan Caughlan, seconded by Stephen Quigley and passed by all to accept the Treasurer's Report for May, 2010 net change on cash basis.

2. PAYMENT OF THE BILLS OF THE TOWNSHIP
A motion by Susan Caughlan, seconded by Stephen Quigley and passed by all to pay the bills of the Township in the amount of $219,626.49.

3. MANAGER'S REPORT

a. Morris Road Detour and Update on Traffic Conditions
1) Night work being done on the Morris Road Turnpike Bridge is not consistent with what the Turnpike Commission told the Township. David Burman, Manager, requested permission to draft a letter to the Turnpike Commission, with copy to State Representatives expressing the Township's opposition to night work and requesting better communication.

A motion by Susan Caughlan, seconded by Stephen Quigley, and passed by all to approve the letter be drafted as requested.

2) Mr. Burman reported excessive speed and increased traffic volume on Landis Road. He requested approval of a traffic study in the amount of $3,100 to be performed by McMahon Associates to include a comprehensive speed study and recommendations for Landis Road. Mr. Burman also requested the procurement of a second speed monitoring sign for approximately $3,700. He reported additional concerns regarding insufficient time for traffic to turn at the Valley Forge and Morris Roads intersection heading eastbound.

Arthur Bustard inquired as to the need for a study with Joseph Nolan responding.

Susan Caughlan commented on the proposal indicating that the Township has enforcement capabilities through the State police.

Stephen Quigley commented on the need for control on all roads and cautioned about setting precedents.

Joseph Nolan commented that not all controls work at all locations and the need for traffic engineering expertise.

Mark Landis, Schultz Road, commented on meetings with State Police, enforceability of speeds, and initiation of ticket writing.

William Kazimer, Germantown Pike, commented on residents outside and the use of the evidence obtained from speed monitoring equipment.

John Diesel, Landis Road, commented on prior conversations with Township Supervisors and law enforcement agents, responsibility to citizens, and sharing information with police and engineers.

Nicholas Imperial, Fisher Road, commented on increased traffic and speeding.

James Mollick, Country View Lane, commented on tabling the motion, the timing of the proposal and police monitoring.

Robert Racquet, Water Street Road, commented on children playing organized sports and solar powered signs.

Chase Kneeland, Berks Road, commented on enforcement problems.

Kurt Dietrich, Barley Lane, commented on rotation of police locations and traffic on Wentz Church Road.

A motion by Susan Caughlan, seconded by Arthur Bustard for McMahon Associates to perform a traffic study on Landis Road. The motion was withdrawn by Susan Caughlan until further information is available.

b. Noise Ordinance – Status Update

David Burman noted that the Township has reached out to neighboring townships for sample ordinances. The response showed various levels of enforcement throughout the county. He will draft an ordinance based on the Rutgers University standards. A decibel meter and training will be needed. He further noted that a sound engineer would likely be required to assist with more challenging enforcement efforts.

Susan Caughlan thanked the residents for their information and patience.

Stephen Quigley commented on the night noise at the Morris Road bridge re-construction site and commented on the lack of signage on Morris Road.

c. ATV Ordinance – Deferred to Planning Commission

Mr. Burman commented that the Solicitor has identified this as a usage issue and the Worcester Planning Commission will make it a priority. He further requested input from the Board on how they would like the new draft ordinances from the Planning Commission to be presented.

d. Park Concession Policy / Sales Permit

Mr. Burman commented that this has been in the drafting stage for months and thanked Julie Lanzillo and Susan Caughlan for their efforts. He summarized the policy, noting that the Township's Insurance agents have reviewed the policy.

Susan Caughlan commented that it provides for only one tent per activity.

David Burman stated that this is to regulate damage to the turf and suggested a change to allow additional tents with prior written approval.

Maeve Vogan, Dell Road, commented on suggested changes and consistency.

Kurt Dietrich, Barley Lane, commented on insurance concerns, turf damage and Township being named as additional insured in certificates of insurance.

William Kazimer, Germantown Pike, commented on the Dyka property and enforcement of the noise ordinance.

Nicholas Imperial, Fisher Road, commented on the proposed noise ordinance, peace and good order and enforcement.

A motion by Susan Caughlan, seconded by Stephen Quigley and passed by all to adopt the Park Concession Policy with one change to allow for multiple tents with prior written permission from the Township.

e. Zoning Hearing Board Report

The last meeting was May 25, 2010.

The next meeting is scheduled for June 22, 2010.

Continued applications:

07-02, 1545 Kriebel Mill Road. A variance to permit the construction of an additional single family dwelling on a new flag lot. The applicant requested an indefinite continuance on June 7, 2007. The applicant has requested to be removed from the agenda and has agreed to waive any time requirements under the PMPC and local ordinances. Additionally, the applicant has agreed to pay any costs associated with re-advertising. After learning the township's objections, the applicant is considering other options, including submission of a new plan to get Worcester Township Planning Commission approval.

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09-17, 3214 Fisher Road, Appeal from an enforcement notice dated July 28, 2009 to permit applicants to store landscaping equipment on their property as part of their landscaping and nursery business; alternatively a variance from section 150-11 to permit them to operate their landscaping business. Applicants have until June 1, 2010 to submit their findings of fact to the Zoning Hearing Board then a decision shall be rendered **BY JULY 16TH, 2010.**

10-04, 2709 Township Line Road, Clearwire USA, LLC, a variance to permit the installation of antennas to an existing water storage tank and place related equipment adjacent to the tank base on the subject property for the construction and operation of an unmanned fully automated wireless communications facility. **INDEFINITE CONTINUANCE REQUESTED BY APPLICANT FOR THE PURPOSE OF REVIEWING THE FEASIBILITY OF ALTERNATIVE LOCATIONS WITHIN WORCESTER TOWNSHIP.**

#10-05, 2005 Valley Forge Road, HMB Realty, LLC, a variance to permit the canopy to encroach into the front yard setback and the district yard setback for a property line with an adjacent single family residential district AND to permit the expansion of a non-conforming structure, including vertical expansion. Continuance requested by applicant to be heard at the May 25, 2010 meeting. **CONTINUANCE REQUESTED BY APPLICANT TO BE HEARD AT THE JUNE 22, 2010 MEETING.**

#10-06, 3019 West Germantown Pike, a variance to permit the replacement of the existing sign which is non-conforming. **GRANTED MAY 25th, 2010.**

#10-07, 3111 Heebner Road, a variance to permit the proposed addition to encroach 5' into the side yard setback. Variance to permit the proposed chimney to project into the side yard 6 additional inches over the allowance of 18" totaling 24". **GRANTED MAY 25th, 2010**

#10-08, 3473 Stump Hall Road, variance to permit the construction of a pool located outside the building envelope and the construction of a 6' fence within the rear & side yard setbacks. **CONTINUANCE REQUESTED BY ZONING HEARING BOARD TO BE HEARD AT THE JUNE 22, 2010 MEETING DUE TO INSUFFICIENT TESTIMONY. APPLICANT IS TO**

PROVIDE EXACT MEASUREMENTS REGARDING LOCATION OF POOL AND REPRESENT LOCATION OF FENCE ON PROPOSED PLAN.

#10-09, 1770 Hawks Nest Lane, variance to permit the construction of a pool located outside the building envelope and to permit the construction of a 6' fence within the rear yard setback. **GRANTED MAY 25th, 2010**

4. SOLICITOR'S REPORT

a. Executive Session Report

An executive session meeting was held at the end of the Work Session on June 7th, 2010 to discuss real estate and personnel issues. It was announced at the work session.

b. Preserve at Worcester Oversight Agreement

James Garrity, Solicitor, summarized the agreement and commented that it is required by DEP and adapted from their standard form.

Chase Kneeland, Berks Road, commented on the location of the property.

James Mollick commented on conflict of interest and a dormant project.

Kim McClintock, North Wales Road, commented on Stoney Creek Farms.

A motion by Susan Caughlan, seconded by Stephen Quigley, and passed by all to accept the Oversight Agreement between Worcester Township and Little Washington Wastewater Company.

c. Cognata-Dietrich Lot Consolidation – Resolution 2010-13- Preliminary / Final Approval

This is located on Barley Lane and is consolidating three lots into two.

A motion by Susan Caughlan, seconded by Stephen Quigley, and passed by all to accept Resolution 2010-13; Cognata/Dietrich Lot Consolidation Preliminary / Final Subdivision Approval.

5. ENGINEER'S REPORT

a. Project Status

Joseph Nolan, Township Engineer, submitted a monthly status report to the Board of Supervisors. This month's report lists 19 items of various projects throughout the Township.

He reported that bids for the 2010 road work will be opened June 23, 2010 and on June 22, 2010 there will be a preconstruction meeting for the Wentz Church Road Bridge.

b. Ventilation Contract at Berwick WWTP

Joseph Nolan reported that this has been advertised twice with no response and requested that the Board add it to the contract for the generator by Change Order #1. It will eliminate excessive heat in the building. The proposed cost is $7,847.

Arthur Bustard inquired about elimination of motor burnout.

A motion by Susan Caughlan, seconded by Stephen Quigley, and passed by all to approve Change Order #1 for ventilation at the Berwick Place WWTP in the amount of $7,847.

6. OTHER BUSINESS

Maeve Vogan commented on the Moran Property and the UCC Board decision.

Arthur Bustard commented that the County Commissioners agreed to fund the Moran Property and they are getting the agreement prepared.

Mr. Burman reported that the UCC Board of Appeals met to hear an appeal regarding sprinklers at a proposed Community Center. Although the official transcript of the hearing is not yet available, Mr. Burman summarized that the Central Schwenkfelder Church will install sprinklers but a different type of system to meet the intent of the Code.

James Mollick commented on procedure for "other business".

7. APPROVAL OF THE MINUTES OF May 19, 2010

Mark Landis corrected his comment on page 7 referring to the Arena property.

Nicholas Imperial commented on a potential dump.

James Mollick commented on a dump, wetlands and the content of the minutes.

John Diesel, Landis Road, commented on politics in the meeting, sewer treatment plants and alternatives.

Stephen Quigley commented on the sewer plants being on the agenda and a priority.

A motion by Susan Caughlan and seconded by Stephen Quigley and approved by all to dispense with the reading of, and approve as amended to reflect Mr. Landis's correction for the Arena property, the minutes of May 19, 2010. (Copies were available for review.)

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8. PUBLIC COMMENTS

Nicholas Imperial thanked David Burman regarding a site visit and commented regarding the status.

Kim McClintock commented on State police services, radar, and speeds in the Township.

Vico Cognata, Barley Lane, commented on speed on Skippack Pike compared to Wentz Church Road.

Gordon Todd, Bustard Road, commented on the Moran property, the UCC Board of Appeals, and ordinance revisions for sprinklers.

John Vercelli, Mill Road, commented on signage for Mill Road at Kriebel Mill Road.

David Burman reported that he is looking into civilian enforcement of parking regulations. He has contacted Lt. Buckley of the State Police and spoke with the Superintendent of Schools and requested cooperation from athletic coaches.

Mark Landis commented on the Pennsylvania Turnpike Authority, Schultz Road traffic, traffic lights, increased truck usage on road, and signage.

William Kazimer commented on meter maids, and duties of constables and deputies.

James Mollick commented on slander, RTK law suits, management of Township money, transparency in government and obstruction of justice. *

Nicholas Imperial commented on Board members' receipt of literature.

ADJOURNMENT

There being no further business brought before this Board, Arthur Bustard adjourned the regularly scheduled meeting at 9:36 P.M.

Submitted:

Eunice C Kriebel

Eunice C. Kriebel, Assistant Recording Secretary

*At the September 15, 2010 Board of Supervisors Meeting, there was a change in the minutes reflecting "obstruction of information."

Eunice C Kriebel