

**WORCESTER TOWNSHIP BOARD OF SUPERVISORS BUSINESS MEETING
WORCESTER TOWNSHIP COMMUNITY HALL
FAIRVIEW VILLAGE, WORCESTER, PA
WEDNESDAY, JULY 19, 2017 – 7:30 PM**

CALL TO ORDER by Chair Caughlan at 7:31 PM

PLEDGE OF ALLEGIANCE

ATTENDANCE

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

INFORMATIONAL ITEMS

- Tommy Ryan, Township Manager, announced the Board of Supervisors met in Executive Session on July 10 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; a matter of litigation, in specific The Cutler Group v. Worcester Township, Commonwealth Court, #1223 C.D. 2016, and Montgomery County Court of Common Pleas docket #15-13769; and, a matter of real estate, in specific the possible acquisition of the North Penn Army Reserve Base. Mr. Ryan noted a decision on the litigation concerning The Cutler Group was expected to be made at this evening's Business Meeting.
- Mr. Ryan noted an addition to this evening's Business Meeting, in specific the Board of Supervisors will consider a Stipulation Agreement as to The Cutler Group litigation.

OFFICIAL ACTION ITEMS

- a) Stipulation Agreement – Bob Brant, Township Solicitor, provided an overview of the Conditional Use Hearings conducted for the proposed development of Center Square Golf Course, and the subsequent litigation before the Montgomery County Court of Common Pleas and the Commonwealth Court. Mr. Brant commented on a possible appeal to the State's Supreme Court.

Mr. Brant stated that, in lieu of continued litigation, The Cutler Group had proposed a Stipulation Agreement that provides for 250 units, 125 single-family detached units and 125 townhome units not age-restricted, to be constructed at this property, in place of the 475-unit continuing care retirement community approved by the Court.

Mr. Brant provided an overview of the terms of the Stipulation Agreement, including the number of lots, type of units, possible dedication of roadways and open spaces, perimeter buffer, lot area dimensions and coverage limits, connection to the Valley Green Wastewater

Treatment Plant, sewer tapping fees and traffic impact fees to be paid by The Cutler Group, the payment of Township staff and consultant expenses, the units' projected price points, and the anticipated pace of construction.

Mr. Brant stated the proposed development would be processed in the same manner as other proposed developments, with reviews before both the Planning Commission and Board of Supervisors.

Chair Caughlan commented on timing for the consideration of the Stipulation Agreement. Mr. Brant stated if the Township wishes to accept the Stipulation Agreement, the Board must decide to do so at this evening's Business Meeting.

Supervisor Bustard made a motion to approve the Stipulation Agreement, and to authorize the Township Solicitor to effectuate the terms of the Agreement as may be needed. The motion was seconded by Supervisor Quigley.

Jim Phelan, Worcester, thanked the Board of Supervisors for their consideration of this matter. Mr. Phelan commented on the loss of open space, property rights, development preferences, and the arrangement and location of buffers, trails, open spaces and the sanitary sewer pump station in the proposed development.

Bob Andorn, Worcester, commented on a potential ordinance revision, tapping fees to be paid by The Cutler Group, and the cost to install the sanitary sewer conveyance system. Mr. Brant commented on the effect of the Stipulation Agreement and he addressed spot zoning concerns.

Jim Mollick, Worcester, commented on legal expenses for the matter to date, the developer's development preference, previous settlement offers regarding the proposed development at the Center Square Golf Course, the units' age restriction status, and the Methacton High School athletic field project and litigation.

Jay McKeever, Worcester, commented on a potential ordinance revision, and capacity at the Valley Green Wastewater Treatment Plant.

Supervisor Quigley stated the Stipulation Agreement was not perfect, but represents the best option available to the Township at this time.

Supervisor Bustard commented on the previous Township challenges to development, and the courts' current role in this process.

Chair Caughlan noted the plan will be considered at future Planning Commission meetings, and she encouraged residents to attend same.

The meeting was recessed at 8:18 pm.

The meeting was re-opened at 8:25 pm.

PUBLIC COMMENT

- Mr. Andorn commented on permitted public comment at public meetings, business profiles published in the Township newsletter, 2018 Budget transfers, sewer capacity at the Valley Green Wastewater Treatment Plant, sewer costs for the proposed development at the Center Square Golf Course, and the Stipulation Agreement with The Cutler Group.
- Dr. Mollick commented on previous settlement offers regarding the proposed development at the Center Square Golf Course, plans for the development of the former North Penn Army Reserve Base, environmental conditions at the former North Penn Army Reserve Base property, and the Phase II study conducted for the former North Penn Army Reserve Base property.

OFFICIAL ACTION ITEMS

- b) 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 June 2017, (b) bill payment for June 2017 in the amount of \$190,805.87; (c) the June 21, 2017 Work Session minutes; and, (d) the June 21, 2017 Business Meeting minutes. The motion was seconded by Supervisor Quigley.

Dr. Mollick commented on year-to-date Right-to-Know legal expenditures, and the Township’s past Right-to-Know request procedures. Mr. Andorn commented on budgeted and actual transfers from the General Fund to the Capital Fund.

By unanimous vote the Board adopted the motion to approve.

- c) Resolution 2017-15 – Joe Nolan, Township Engineer, provided an overview of the Planning Module for the proposed Whitehall Estates development.

Mr. Nolan noted the Planning Module had been approved by the Worcester Township Planning Commission, Montgomery County Planning Commission and the Montgomery County Department of Health.

Mr. Nolan noted the Planning Module had been advertised for public inspection. Mr. Nolan noted four comments were received and that these comments, and responses to each, were included in the final version of the document.

Mr. Nolan stated he had reviewed the Planning Module, and he found this document ready for submission to the Pennsylvania Department of Environmental Protection.

Chair Caughlan commented on the public comments received, and the inclusion of the public comments in the Planning Module.

Chair Caughlan commented on consideration given to the installation of on-lot septic systems at the development. Tara Bernard, Sanitary Sewer Engineer for the Applicant, commented on site conditions at the property.

Supervisor Bustard made a motion to approve the submission of the Whitehall Estates Planning Module to the Pennsylvania Department of Environmental Protection. The motion was seconded by Supervisor Quigley.

Les Schmalbach, Worcester, commented on directional drilling, contamination of wetlands, and the potential to expand the system to accommodate additional connections to the public sewer system. Carl Weiner, Counsel for the Applicant, commented on the public sewer extension and connection process. Dr. Mollick commented on the inspection of the improvements. Mr. Nolan noted the inspections to be conducted by his office, and on the oversight position of the Pennsylvania Department of Environmental Protection.

Cheryl Brumbaugh, Worcester, thanked the Board of Supervisors for their consideration of this matter. Ms. Brumbaugh commented on the Oversight Agreement between the Township and Aqua.

Bill Goulding, Worcester, commented on the Oversight Agreement between the Township and Aqua, Township approvals required to expand the service area of the Stony Creek Wastewater Treatment Plant, the potential to expand the service area to accommodate additional connections to the public sewer system, and the assignment of obligations to future system owners.

By unanimous vote the Board adopted the motion to approve.

- d) Resolution 2017-16 – Mr. Ryan provided an overview of a proposed grant application for the installation of sound barriers along a portion of the Pennsylvania Turnpike to the Commonwealth Financing Authority Multimodal Transportation Fund Grant Program. Mr. Ryan noted a previous grant applicant included sound barriers at three locations, and the current applicant includes sound barriers at these three locations and two additional locations.

Mr. Ryan noted the Commonwealth's 2017-2018 Fiscal Code provides for a potential waiver of the municipal match to this grant.

Supervisor Bustard made a motion to approve Resolution 2017-16, to authorize the submission of a grant application for the installation of sound barriers along a portion of the Pennsylvania Turnpike to the Commonwealth Financing Authority Multimodal Transportation Fund Grant Program. The motion was seconded by Supervisor Quigley.

Dr. Mollick commented on barrier locations, the timing of the grant announcement, and the amount of the grant.

By unanimous vote the Board adopted the motion to approve.

- e) bid award – Mr. Nolan provided an overview of bids received for the replacement of a culvert on Green Hill Road. Mr. Nolan noted the lowest responsive and responsible bidder was BP Paterson, Inc.

Supervisor Bustard made a motion to award a bid for the replacement of a culvert on Green Hill Road to BP Paterson, Inc., in the amount of \$117,656.00. The motion was seconded by Supervisor Quigley.

There was no public comment.

By unanimous vote the Board adopted the motion to approve.

- f) contract award – Mr. Ryan provided an overview of a request for proposals issued for professional planning services for the Center Point Village Zoning Ordinance project. Mr. Ryan noted six proposals were received by the Township, and five firms had confirmed the proposals will include the potential “by right” development of the Palmer property.

Supervisor Bustard made a motion to award a contract to Urban Research & Development Corporation in the amount of \$12,400.00. The motion was seconded by Supervisor Quigley.

Mr. Andorn commented on the fee amount and the proposal review and selection process. Chair Caughlan and Supervisor Bustard commented on the proposal review and selection process. Dr. Mollick commented on the fee amount, the proposal review and selection process, and the potential “by right” development of the Palmer property.

By unanimous vote the Board adopted the motion to approve.

- g) MS4 Permit application – Supervisor Bustard made a motion to advertise the MS4 Permit application for public inspection, and to authorize the submission of this application to the Pennsylvania Department of Environmental Protection. The motion was seconded by Supervisor Quigley.

There was no public comment.

By unanimous vote the Board adopted the motion to approve.

OTHER BUSINESS

- There was no other business discussed at this evening’s Business Meeting.

ADJOURNMENT

There being no further business brought before the Board, Chair Caughlan adjourned the Business Meeting at 9:47 PM.

Respectfully Submitted:

Tommy Ryan
Township Manager