

WORCESTER TOWNSHIP  
 WORCESTER TOWNSHIP BOARD OF SUPERVISORS MEETING  
 WORCESTER TOWNSHIP COMMUNITY HALL  
 FAIRVIEW VILLAGE, PA  
 MONDAY, AUGUST 2, 2010 ~ 8:00 A.M.

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

**PLEDGE OF ALLEGIANCE**

**ATTENDANCE**

PRESENT:

ARTHUR C. BUSTARD	<input checked="" type="checkbox"/>
SUSAN CAUGHLAN	<input checked="" type="checkbox"/>
STEPHEN C. QUIGLEY	<input checked="" type="checkbox"/>

**INFORMATIONAL ITEMS**

Today's Joint Meeting of the Board of Supervisors and Planning Commission has been cancelled to accommodate the agenda for the Board of Supervisors Meeting. The next Joint Meeting is scheduled for October 4, 2010.

Today's Agenda Item #4, State Police SRO report, will be moved to #1, to allow them to make their presentation earlier.

**1. Pennsylvania State Police Presentation: school resource officer**

Lt. Buckley and Trooper Hulstine of the PA State Police Skippack Barracks made a presentation on the School Resource Officer Program offered by the PA State Police. They outlined program goals, SRO Duties, Program Guidelines, a required letter of agreement, and estimated an average overtime rates. The SRO can be full or part time, one officer, or a rotating schedule of a core group. Hours can be customized to the needs of the school.

Arthur Bustard asked if the State Police have offered this program elsewhere. Lt. Buckley responded they have the experience to do it.

Stephen Quigley asked if other places had used the full or part time option. Lt. Buckley responded that in Delaware County and Dauphin County, both had used a core rotation of officers. Mr. Quigley further asked if State Troopers really wanted to do this as part of their duties.

Susan Caughlan commented on the potential for gender diversity when using a core group of rotating officers.

Arthur Bustard asked about the necessary timeline to implement. Lt. Buckley remarked that they would need a commitment to move ahead, post the positions, and a January 2011 start date is possible at this time.

Stephen Quigley noted that he's been in the Township 36 years and his last experience with the State Police involved an encounter at the Worcester Golf Course where he had to

inform the office that was parked there about recent problems and the office responded indifferently.

Trooper Hulstine requested that Mr. Quigley's impression of the State Police not be that of one incident that occurred and base it on the response of his last 36 years.

Mark Landis, Schultz Road, commented on the impact to regular on-duty officers working in the Township. Lt. Buckley replied that an SRO does not take any officers off the road. They are in addition to the force.

James Mollick, Country View Lane, commented on the SRO having firearms.

Rick DeLello, Stoney Creek Road, commented on them working since Lower Providence Township already has an SRO in the other school district buildings, a school district or township issue, continuity with the middle school/Lower Providence SRO, and lack of a school district representative at this meeting.

Lieutenant Buckley remarked that he has already shared his information with Superintendent Dr. Quinn of the school district.

## 2. Manager's Report:

### a. Resolution 2010-16, Designation of Agent for Execution of PEMA Grant Application

David Burman, Township Manager, explained this authorizes the Treasurer to prepare a grant application that could provide reimbursement for the most expensive 48 hours related to the February 2010 snowstorm.

A motion by Steve Quigley and seconded by Susan Caughlan and approved by all to pass Resolution 2010-16 Designation of Agent for Execution of PEMA Grant Application.

### b. Resolution 2010-14, Disposition of Public Records as Listed

David Burman explained the resolution is necessary to destroy outdated records, which were itemized in the resolution, and copies available for public review.

Susan Caughlan asked if records from 1925 could be provided to the Historical Society.

Mr. Burman said he would check with State law.

A motion by Susan Caughlan and seconded by Steve Quigley and approved by all to pass Resolution 2010-14, Disposition of Public Records as Listed.

### c. Resolution 2010-18, Opposition to House Bill 2431

This proposed bill in the State House, would force local government mergers and consolidation. It would establish the county as the basic level of local government.

Arthur Bustard remarked that the PA State Association of Township Supervisors (PSATS) is recommending local municipalities oppose this bill noting that the people's voice should be heard at the local level.

A motion by Steve Quigley and seconded by Susan Caughlan and approved by all to pass Resolution 2010-18, Opposition to House Bill 2431.

### d. Authorization to Advertise Zoning Ordinance Amendment

This amendment includes the first round of amendments from the Worcester Planning Commission, including revisions to fencing requirements, light industrial and the definition of agricultural.

James Garrity, township solicitor, commented that if even one word is changed, it would have to be re-advertised.

Arthur Bustard asked if there was time to review before the Board's September meeting and before it goes to the County.

Mr. Bustard tabled the authorization and requested the Amendment not be forwarded at this time to the County Planning Commission.

**e. Noise Ordinance**

David Burman sent another draft to the Solicitor's office last week, and is waiting for the review before formal consideration to advertise.

**f. Morris Road Bridge replacement**

David Burman sent a letter to the contractor and project manager telling them a) The Township wants consistency between action and what we are being told and b) the Township objection to night work.

Traffic concerns on Schultz Road, a County road, were discussed with the County, and the Township asked for formal documents on the establishment of speed limits. He will defer to the engineer and solicitor for direction.

Arthur Bustard asked David Burman for an update at August 18<sup>th</sup> meeting.

David Burman recommended a speed study for Landis Road, between Potshop and Skippack Pike. The Board requested further information.

Arthur Bustard commented there is a dangerous stream crossing.

Joseph Nolan, Township Engineer, remarked on a proposal submitted by McMahon Associates, traffic engineer.

Arthur Bustard tabled the study until the next meeting.

**g. Zoning Hearing Board Report**

The last meeting was July 27, 2010.

The next meeting is scheduled for August 24, 2010

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. **A decision was rendered at the July 27<sup>th</sup> hearing. The decision allowed for use but with several conditions. James Garrity said they have 30 days to appeal the decision and can ask the court for a "stay".**

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.**

**#10-10**, North Grange LLC, 3481 Germantown Pike. VARIANCE TO PERMIT A NON-RESIDENTIAL USE OF THE PROPERTY REGARDING THE CONSTRUCTION, OPERATION, AND MAINTANENCE OF IMPROVEMENTS INCLUDING STORMWATER MANAGEMENT FACILITY & APPURTENANCES, TRASH & RECYCLABES, PAVED INGRESS, EGRESS AND REGRESS AREA, MATERIALS STORAGE, MATERIAL LOADING AND UNLOADING, AND CURB & FENCING.

VARIANCE TO PERMIT THE CONSTRUCTION, OPERATION, AND MAINTANENCE OF IMPROVEMENTS INCLUDING STORMWATER MANAGEMENT FACILITY & APPURTENANCES, TRASH & RECYCLABES, PAVED INGRESS, EGRESS AND REGRESS AREA, MATERIALS STORAGE, MATERIAL LOADING AND UNLOADING, AND CURB & FENCING WITHIN THE FRONT & SIDE YARD SETBACKS.

VARIANCE TO PERMIT THE PRIVACY/ SECURITY FENCE WITHIN THE FRONT YARD SETBACK.

VARIANCE TO PERMIT THE ENTIRE BASIN WITHIN YARD AREA.  
VARIANCE TO ALLOW APPLICANT TWO YEARS TO IMPLEMENT IMPROVEMENTS.

Continuance until September 28, 2010

NEW applications to be heard on August 24, 2010:

None

**h. Subdivision & Land Development Report**

David Burman presented a status report on the activity of active subdivisions and land developments, including that of Terra Landscaping, 3481 Germantown Pike, which was submitted along with their Zoning Hearing Board application.

Susan Caughlan asked if the older enforcement issues have been resolved.

Joseph Nolan responded.

Susan Caughlan asked how the LDS application interfaces with the ZHB application.

Joseph Nolan said the Worcester Planning Commission should wait for a Zoning decision, because those issues need to be addressed before Land Development can be considered.

James Garrity asked if the Planning Commission wants to review Zoning applications. He suggested sending it to the WTPC and notifying the land owner this is happening.

Joseph Nolan will ask the Lower Providence engineer to re-establish the municipal boundary on the property.

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David Burman announced that Township staff sent notices to all property owners in commercial districts, and 65 letters to all property owners in all commercial districts related to signage issues.

### 3. Engineer's Report

#### a. Engineering Report, Project Status.

Joseph Nolan said his summary for July was complete and would be at the Township office this week.

#### b. 2010 Road Improvement Program

The contract has been awarded, executed contracts were received, and he has met with Penn DOT to secure liquid fuels funds. A pre-construction meeting will be in 1-2 weeks.

The contract involves milling and overlay, allowing roads to remain open most of the time except where pipe are being removed and replaced.

Susan Caughlan asked if any scheduled closures can be put on the township web site, with notices mailed to residents.

Joseph Nolan also provided an update on the Wentz Church Road Bridge repair, noting that the Road should be open August 3<sup>rd</sup>.

### 4. Solicitor's Report

#### a. Executive Session report

An executive session was held after the July 21 meeting to discuss OOR Appeal 557, and attorney/client privilege issue. The Board took no action.

#### b. Motion to Approve Cost Sharing for Appraisal of Palmer Farm

James Garrity reported that the township has been talking for years about the possible preservation of this property. An appraisal has been suggested, because it is a unique property with non-conforming use and split zoning.

Susan Caughlan reported she had met with the Palmer family again this year, along with Jake Lea, Montgomery County Lands Trust. MCLT would lead the application to DCNR for a grant. The first step is an appraisal which will cost about \$4,000. MCLT suggested the landowners should split the cost with township.

Arthur Bustard said the property is located at Routes 73 and 363 where the closed gas station is located and that it makes sense to spend \$2,000.

Steve Quigley said he would abstain from a vote due to the fact that his brother-in-law farms part of the property.

Maeve Vogan, Dell Road, asked the size of the property? Susan Caughlan responded 55 acres.

A motion by Susan Caughlan and seconded by Arthur Bustard and approved by both (Steve Quigley abstaining) to approve cost sharing for the appraisal of the Palmer farm, up to \$2,000.

### 5. APPROVAL OF THE MINUTES OF JULY 7, 2010

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 July 7, 2010 (copies were available for review).

James Mollick commented on several items he felt should have been included in the minutes.

**PUBLIC COMMENTS**

Arthur Bustard opened the public comment period, reminding speakers to comment on issues before the board, and requesting that speakers keep to no more than five minutes.

Lois Imperial, Fisher Road, commented on the Zoning Hearing Board application 09-17 and decision, and an enforcement letter.

Tiffany Loomis, Township Land Use Officer, commented on the matter described by Mrs. Imperial and indicated that the situation is under investigation and there were no assurances that the draft violation notice would be sent.

Maeve Vogan, Dell Road, commented on the SRO presentation and cost figures.

Oliver Smith, Fisher Road, commented on the short unpaved road across from Schwenkfelder Church.

Mark Travetti, Mill Road, commented about the status of repairs on Mill Road.

James Mollick commented on zoning enforcement and the procedure.

David Burman remarked that all zoning complaints go in a queue and are prioritized based on staff input.

**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 9:53 A.M.

Respectfully submitted:



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Eunice C Kriebel, Recording Secretary

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WORCESTER TOWNSHIP  
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 WORCESTER TOWNSHIP COMMUNITY HALL  
 FAIRVIEW VILLAGE, PA.  
 WEDNESDAY, AUGUST 18, 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:**

Township Offices will be closed on September 6, 2010 in observance of the Labor Day Holiday.

Due to the Labor Day Holiday, there will be no Board of Supervisors' Work Session in September. The next meeting of the Board of Supervisors will take place on September 15, 2010 at 7:30 P.M.

Since there are no applications before the Zoning Hearing Board for August, the meeting of the Zoning Hearing Board scheduled for August 24, 2010 has been cancelled.

**1. TREASURER'S REPORTS**

The Treasurer's reports for July, 2010 net change on cash basis:

**July 2010 Report:**

General Fund	\$ 281,980.34
State	\$ 166,791.32
Capital Reserve	\$152,787.86

A motion by Susan Caughlan, seconded by Stephen Quigley and passed by all to accept the Treasurer's Report for July, 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 \$243,913.16.

### 3. MANAGER'S REPORT

- a. **Authorization to Advertise Zoning Ordinance Amendment – Includes revised definition of “Agriculture”, amendments to “Light Industrial” Zoning District, regulations pertaining to “sports courts”, revised fencing regulations.**

Arthur Bustard explained the proposed changes.

Stephen Quigley inquired about public availability for review and if they are posted on the Township web site.

James Mollick, Country View Lane, inquired about the process and Board members involvement with the Planning Commission.

Gordon Todd, Planning Commission Chairman, responded.

Stephen Quigley inquired if any active farmers in Worcester were asked for input.

William Kazimer, Fairview Village, inquired if the revised definition of AGR will include landscape businesses.

A motion by Stephen Quigley, seconded by Susan Caughlan and passed by all to approve the Authorization to advertise the Zoning Ordinance Amendment.

- b. **Request for Waiver of Land Development for Modular Structures – Methacton High School – 1001 Kriebel Mill Road**

David Burman, Township Manager, provided an overview of the request. Methacton High School had one single modular structure that was removed to allow room for two updated modular structures. This requires Land Development process.

Robert Walsh, 2001 Front Street, Harrisburg, architect for the school district, commented that a 16x16 foot trailer will be replaced by two more modern trailers.

Susan Caughlan inquired if the footprint is the same.

Stephen Quigley asked Mr. Walsh to define the terms “old” and “new” concerning the trailers.

Arthur Bustard commented that a waiver is needed before the school year starts.

Joseph Nolan, township engineer, reminded that the new structure must comply with building code.

Susan Caughlan asked if this also waives escrow costs.

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James Garrity, township solicitor, remarked that posted escrow has been waived previously, but the requestor is charged out-of-pocket costs. Mr. Walsh stated that he believed the school district would be amenable to that.

A motion by Stephen Quigley, seconded by Susan Caughlan and passed by all to approve the request for waiver of land Development for Modular Structures, Methacton High School, 1001 Kriebel Mill Road, with the provision that the district pay the Township's out-of-pocket costs.

**c. Request for Phasing of Previously Approved Land Development Plan – Montgomery Presbyterian Church – 3260 Morris Road**

Final approval was granted June 2009. A letter has been received requesting phasing which must be authorized by the Board.

Stephen Quigley inquired if outstanding issues from the prior development were completed. Joe Nolan responded they were all incorporated into the new land development plan.

Gordon Todd, architect for the project, commented that the project was always intended to be phased, but was omitted in the final approval. All stormwater and landscaping items will be part of Phase I.

A motion by Susan Caughlan, seconded by Stephen Quigley and passed by all to approve the request to phase the previously approved and recorded Land Development Plan: Montgomery Presbyterian Church, 3260 Morris Road, consistent with Resolution 10-17.

**d. Morris Road Bridge Replacement**

David Burman reported that the detour has resulted in some increased traffic and speeds on local roads. A letter has been sent to Montgomery County concerning Schultz Road requesting an engineering study to correctly post the speed. A speed monitoring device has been placed at Clyston Road, with data forwarded to the PA State Police. No recent noise complaints resulting from night work have been received. Penn DOT is not scheduled to work at night this week.

Stephen Quigley asked if the project is on schedule.

David Burman remarked that he has been told that the bridge is to be completed by December, slightly behind the original expected date of completion.

**e. Zoning Hearing Board Report – No new applications**

The last meeting was July 27, 2010.

The meeting scheduled for August 24, 2010 has been cancelled, as no applications are scheduled to be heard.

The next scheduled meeting will be September 28, 2010.

**#10-10**, North Grange LLC, 3481 Germantown Pike. VARIANCE TO PERMIT A NON-RESIDENTIAL USE OF THE PROPERTY REGARDING THE CONSTRUCTION, OPERATION, AND MAINTANENCE OF IMPROVEMENTS INCLUDING STORMWATER MANAGEMENT FACILITY & APPURTENANCES, TRASH & RECYCLABES, PAVED INGRESS, EGRESS AND REGRESS AREA, MATERIALS STORAGE, MATERIAL LOADING AND UNLOADING, AND CURB & FENCING.

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VARIANCE TO PERMIT THE PRIVACY/ SECURITY FENCE WITHIN THE FRONT YARD SETBACK.

VARIANCE TO PERMIT THE ENTIRE BASIN WITHIN YARD AREA.

VARIANCE TO ALLOW APPLICANT TWO YEARS TO IMPLEMENT IMPROVEMENTS.

**CONTINUANCE REQUESTED BY APPLICANT TO BE HEARD AT THE SEPTEMBER 28, 2010 MEETING.**

**4. SOLICITOR'S REPORT**

**a. Executive Session Report**

There were no executive sessions held since the last meeting.

**b. Public Hearing to Consider Adoption of AQRC Ordinance**

Public Hearing opened at 8:00PM

James Garrity introduced the ordinance and provided background. The proposed amendment would permit 20% of the residents to be age 45 or older instead of the current 55 or older requirement for all residents.

Edmund Mullin, counsel for the applicant, remarked that federal housing law allows for 20% occupancy by those age 45-plus. No children under the age of nineteen will be allowed to reside in the development. This could result in additional sales, additional transfer taxes, and completion of the development faster.

Eric Van Rieker, planner for the applicant, commented that there will still be a maximum of four residents per unit. Density, zoning and open space will remain unchanged. Earned Income Tax would be positively impacted by the 45-plus age bracket.

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Stephen Quigley asked about potential negative response from current residents in development.

James Garrity opened the floor for public comments at 8:04 p.m.

David Plager, Fieldcrest Way, inquired what would happen if an existing resident become pregnant. Edmund Mullin replied.

Kim McClintock, North Wales Road, commented on the trucks coming in and out, concessions already granted to the developer, and ongoing proposals since year 2000.

Edmund Mullin commented on changes to the development and confirmed that only 20% of the units can be occupied by individuals 45 or older.

James Mollick, Country View Lane, commented on a supervisor's earlier comments on the development as well as private meetings involving this development.

Susan Caughlan responded regarding Commonwealth Court law and private meetings.

James Garrity commented that if there was a private meeting with the applicant, it would not be in any way illegal.

William Kazimer, Germantown Pike, commented on the school district's responsibility to educate children up to the age of 21, questioned sump pump hook ups and commented on Federal Regulation Title 24.

James Garrity closed the public hearing at 8:28 p.m.

A motion by Susan Caughlan, seconded by Stephen Quigley and passed by all to approve Ordinance 2010-224, Adoption of AQRC Ordinance.

## 5. **ENGINEER'S REPORT**

### **a. Engineering Report**

Joseph Nolan, Township Engineer, submitted his monthly status report to the Board of Supervisors.

### **b. Update on 2010 Road Improvement Program**

Construction has started with pipe removal on Berks Road. He anticipates the road to be closed one day. The work schedule will be posted on the Township's web site.

### **c. Update on Wentz Church Road Bridge**

The work is 98% complete and the road is re-opened. A Change Order was requested by Penn DOT for the detour resulting in \$1,600 additional costs for detour sign rental, per Penn DOT requirements. He requested Board approval of the change order.

A motion by Susan Caughlan, seconded by Stephen Quigley and passed by all to approve an additional \$1600 for sign rental.

**d. Water Street Road Bridge**

The design will be completed by year end. Joseph Nolan commented that it is more practical to defer construction until next summer to eliminate school bus conflicts. He proposed to bid in the spring and defer the work until mid-June.

Stephen Quigley inquired about the budget for the project and will it increase by delaying the work.

**6. OTHER BUSINESS**

David Burman reported on a request received from the Worcester Volunteer Fire Department to use the gravel area behind the township garage for training purposes. Insurance coverage is to be verified. Susan Caughlan cautioned to assure there is no public access to that area during training activities.

He thanked Julie Lanzillo for providing the power point presentation to the public during the meeting.

**7. APPROVAL OF THE MINUTES OF JULY 21, 2010**

Arthur Bustard read a statement of laws pertaining to minutes. Stephen Quigley asked if that would be the extent of minutes in the future.

Maeve Vogan, Dell Road, asked if the treasurer's report will still be included.

Stephen Quigley asked about the status of video taping the minutes.

James Mollick commented on governmental transparency, how subjects will be defined, who does the minutes, items he believed should be included in the July 21 minutes the developer of Stony Creek Development, and commented on a possible conflict of interest.

Kim McClintock noted that he provided the Board with notes on his comments.

William Kazimer complimented Art Bustard for explaining the Sunshine Law and commented on minutes revealing subject of comments, and 8:00 a.m. meetings.

Stephen Quigley remarked that he will follow up on video minutes online.

A motion by Susan Caughlan and seconded by Stephen Quigley and approved by all to dispense with the reading of, and approve as written the minutes of July 21, 2010. (Copies were available for review.)

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**8. PUBLIC COMMENTS**

Arthur Bustard reminded the public that this is a 5-minute limit comment period, not a question/answer session.

Rick DeLello, Stoney Creek Road, commented on getting an update on the status of speed sign in Sunny Brook Development, the North Wales Road closure, and transfer tax money could be ear-marked for videotaping meetings.

Wini Hayes, Fisher Road, commented about public comments at meetings.

James Mollick, commented on the Sunshine Act, federal trial tapes, notes at meetings between Board members, zoning procedures, appeals, written procedures and an enforcement issue.

Nicholas Imperial, Fisher Road, inquired about an enforcement letter.

Stephen Quigley commented on David Burman being involved in RTK procedures.

**ADJOURNMENT**

There being no further business brought before this Board, Arthur Bustard adjourned the regularly scheduled meeting at 9:10 P.M.

Submitted:

  
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Eunice C. Kriebel, Recording Secretary