

WORCESTER TOWNSHIP
 WORCESTER TOWNSHIP BOARD OF SUPERVISORS
 WORCESTER TOWNSHIP COMMUNITY HALL
 FAIRVIEW VILLAGE, PA
 WEDNESDAY SEPTEMBER 15, 2010 7:30 P.M.

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

PLEDGE OF ALLEGIANCE

ATTENDANCE

PRESENT:

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

INFORMATIONAL ITEMS:

There are two changes to the agenda this evening.

The Preliminary Approval Consideration for the Preserve at Worcester 39-Lot Subdivision will not be considered by the Board since it would be inappropriate to do so until a final decision is rendered and written with regard to the Conditional Use application.

The Kibblehouse/Rotelle Conditional Use will not be heard tonight because the developer requested removal from the agenda and a ninety day extension. Another mailing will be sent to residents for that hearing.

1. TREASURER'S REPORTS

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

August 2010 Report:

General Fund	\$ 315,890.65
State	\$ 169,661.72
Capital Reserve	\$ 155,762.03

A motion by Stephen Quigley, seconded by Susan Caughlan and passed by all to accept the Treasurer's Reports for August, 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 \$426,758.09.

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3. **MANAGER'S REPORT**

a. **Zoning Hearing Board Report**

The meeting scheduled for August 24, 2010 was cancelled, as no applications were scheduled to be heard.

The next scheduled meeting will be September 28, 2010 – **Three new applications**

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

Anthony Hiblen, Engineer for the North Grange applicant was present. He explained that the parcel is located partially in Worcester and partially in Lower Providence. There is a joint zoning hearing board appeal to both Townships. He further commented that there is a privacy fence with vegetation proposed in the front yard for screening and noted that the building has been reduced to one story and there is no proposed parking in Worcester Township.

Susan Caughlan commented that the Worcester Planning Commission has reviewed the plan and prefers to have only the stormwater facilities in Worcester with the commercial facilities in Lower Providence. She further commented that commercial loading and unloading is not permitted in the AGR district in Worcester and stated that the building is still too large.

Arthur Bustard commented on outside storage.

Fred Oskanian, property owner, commented that he wants to beautify the property and will continue the buffer the commercial activities.

#10-11 - 3438 MILL RD - ZONED – “R175”

VARIANCE FROM SECTION 150-177(B)(3) TO PERMIT THE CONSTRUCTION OF A POOL OUTSIDE OF THE BUILDING ENVELOPE AND WITHIN THE SIDE YARD SETBACKS

#10-12 - T-MOBILE NORTHEAST, LLC - 1732 WHITEHALL RD - VARIANCES FROM THE FOLLOWING SECTIONS OF THE CODE TO PERMIT THE INSTALLATION OF WIRELESS ANTENNAS TO AN EXISTING 92’ HIGH PECO TOWER AS A WIRELESS COMMUNICATION USE:

VARIANCE FROM SECTION 150-11 TO PERMIT THE PROPOSED CELLULAR TELEPHONE USE.

INTERPRETATION AND/OR VARIANCE FROM SECTIONS 150-15 AND 150-187 TO PERMIT CELLULAR TELEPHONE ANTENNAS BE LOCATED ON THE EXISTING PECO TOWER SITE AT A HEIGHT OF 87’.

VARIANCE FROM SECTION 150-13 TO PERMIT A 10’ x 20’ CONCRETE PAD WITH EQUIPMENT CABINETS WITHIN THE SIDE YARD SETBACK

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Arthur Bustard questioned if this tower is in addition to or instead of a tower already under consideration.

Susan Caughlan commented that the Board had opposed prior applications that were not on municipal property and recommended the Board send the solicitor to oppose the application. She noted that the Township’s proposed location at Nike Park is situated at a higher altitude and the Township will lose money if located at the current site proposed.

Maeve Vogan, Dell Road, commented that she believes the applicant is Clearwire, not T-Mobile.

Floyd Nellet, Jr., Berks Road, suggested approval of the Whitehall Road site to save the view from Nike Park.

Dana Comly, Whitehall Road, commented on effects to neighbors and health issues.

William Kazimer, Germantown Pike commented on the preceding actions, cost of the attorneys’ objection and the height of the antenna above the PECO tower.

Gordon Todd, Bustard Road, asked if the motion was for a continuance or to oppose.

A motion by Susan Caughlan, seconded by Stephen Quigley, and passed by all to oppose ZHB Application 10-11 unless that applicant agrees to continue the hearing.

b. Consider change in Township Employee Manual regarding normal work hours of Public Works Department (requested by the Department)

David Burman received a request to change the working hours for the public works department from the current 7:30 a.m. to 4:00 p.m. to proposed hours of 7:00 a.m. to 3:30 p.m.

A motion by Susan Caughlan and seconded by Stephen Quigley, and approved by all to approve the change in the township employee manual regarding normal work hours of the Public Works Department.

c. Minimum Municipal Obligation – Actuarial Amount to be Budgeted for Calendar Year 2011

This action is related the employee pension contribution for 2011 and presented to the Board.

Stephen Quigley inquired how it compared to previous years.

d. Sunnybrook Estates request for speed signs

David Burman reported that no speed study is necessary in the Sunnybrook Estates development because it meets the Penn DOT criteria of a residential development. Therefore speed signs may be posted if the Board adopts an ordinance authorizing the statutory speed limit.

e. Sanitary Sewer Service

David Burman informed the Board that the Township will be developing a RFP (request for proposal) for professional services for the maintenance and operation of all wastewater treatment plants and pump stations owned by the township.

4. ENGINEER'S REPORT

a. Engineering Report

Joseph Nolan, Township Engineer, noted that the monthly report for August, 2010 was presented to the Board.

Arthur Bustard inquired if the Wentz Church Road Bridge replacement was complete.

b. Preliminary/Final Approval Consideration of Guardino Subdivision – 3155 Methacton Avenue

Joseph Nolan noted that he reviewed the plan, which is located on the North side of Methacton Avenue. CKS has reviewed the shared driveway agreement. He noted several waivers that were requested and the site will be served by public water and sewer.

A motion by Stephen Quigley and seconded by Susan Caughlan and approved by all to award preliminary/final approval of Guardino Subdivision – 3155 Methacton Avenue

c. Consideration of Waiver for Sand Mound in Front Yard Setback – 2863 Crest Terrace

Worcester Township's Land Development/Subdivision ordinance requires sand mounds be located in the rear yard setback. Montgomery County Health Department made six attempts at this location and the rear yard did not support the septic system. After

reasonable attempts, the front yard was the only approved location, requiring Board approval.

A motion by Susan Caughlan, and seconded by Stephen Quigley, and approved by all to approve a waiver for a sand mound in the front yard setback – 2863 Crest Terrace

d. Update on 2010 Road Improvement Program and Approval of Change order #1

Joseph Nolan reported that all the agreements are complete for the 2010 Road improvement project. During the design process, it was determined that a tree on Kriebel Mill Road should be removed. The price to remove the tree and restore was \$1,500 and he requested approval of the change order to incorporate the removal.

Susan Caughlan inquired if the property owner was notified.

Joseph Nolan confirmed contact with the owner, noting that it was also a sight distance concern for the resident.

A motion by Susan Caughlan, and seconded by Stephen Quigley, and approved by all to approve change order #1

5. SOLICITOR'S REPORT

a. Executive Session Report

No executive sessions were held.

b. Resolution to Amend Resolution 2009-20 Regarding the Graham Agricultural Easement

On October 5, 2009, the Board authorized a \$99,000 contribution to the state/county farmland preservation program to purchase an agricultural conservation easement. The resolution addressed the farm easement only. A trail easement was not addressed. The correct resolution should be to approve a \$51,018 contribution to the conservation easement with the county and state and \$47,981 for a trail easement purchased by the Township only.

David Manilla, Valley Forge Road, inquired if a court could pierce the veil in the future and void the condemnation.

James Garrity, Township Solicitor, confirmed if the Owner changed their mind, the township could condemn the property. However this is an amicable transaction with an agreement already signed. This resolution is a formality for the Board of Assessments and to act within Montgomery County's Act 319.

A motion by Susan Caughlan, and seconded by Stephen Quigley and approved by all to amend resolution 2009-20 regarding the Graham Agricultural Easement

c. Resolution to Authorize Condemnation of Graham Trail Easement

James Garrity explained that this is a formal action to insure that the purchase of the trail easement does not breach Act 319. In addition, the authorization of condemnation by a municipality results in no transfer tax to the owner. He confirmed that a mutual agreement has been signed by both parties.

A motion by Susan Caughlan, and seconded by Stephen Quigley and approved by all to approve the resolution to authorize condemnation of Graham Trail Easement

d. Public Hearing: Preserve At Worcester Conditional Use For Transfer Of Development Rights Under Growing Greener Ordinance

The public hearing was opened at 8:29 p.m. A court reporter was present to record and produce a transcript of the proceedings.

James Garrity explained the hearing is only for the TDR, not plan approval.

Susan Caughlan explained the Transfer of Development Rights and Growing Greener Ordinance allowing the Township to preserve streams, riparian corridors, and open space.

The public hearing was closed at 10:15 p.m.

6. OTHER BUSINESS

a. Appointment of new Right-to-Know Officer

David Burman, Township Manager, was recommended to fill the position of the Right-to-Know Officer.

A motion by Susan Caughlan, and seconded by Stephen Quigley and approved by all to appoint Township manager David Burman as the Right to Know Officer.

7. APPROVAL OF THE MINUTES OF AUGUST 18, 2010

Arthur Bustard stated that, as required by the Pennsylvania Sunshine Act, the minutes of township meetings must include the date, time and place of the meeting; the names of the members present; the substance of all official actions; a record of any roll call votes taken by individual board members; and the names of all citizens who appeared officially and the subject of their comments.

James Mollick, Country View Lane, commented on minutes of May, 2008 regarding AQRC comments.

A motion by Stephen Quigley, and seconded by Arthur Bustard and approved by all to amend the minutes of June 16, 2010 as noted.

8. PUBLIC COMMENTS

Maeve Vogan, Dell Road, commented on legal costs associated with right to know requests.

James Mollick, commented on the goal of tracking right to know time.

A motion by Susan Caughlan, and seconded by Stephen Quigley and approved by all to track time associated with each right to know request and post it on the Township website.

Nicholas Imperial, Fisher Road, commented on private meetings to resolve situation on Fisher Road.

Phillip Burke, Grange Avenue, commented on lost revenue that could have been used for compliance enforcement by the Township not imposing fines on his neighbor's violations.

Maeve Vogan commented on wanting to know costs for right to know requests.

James Garrity responded that it is not legal to use fines for the purpose of generating revenue.

James Mollick commented on emails from solicitor to Board members, attorney client privilege, incorrect redactions, and an unpaved driveway.

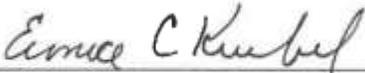
Wini Hayes, Fisher Road, commented on Growing Greener ordinance, attacks on residents and the TDR process.

Ronald Evans, Mill Road, commented on remarks against the Township.

ADJOURNMENT

There being no further business brought before this Board, Arthur Bustard adjourned the regularly scheduled meeting at 10:41P.M.

Submitted:


 Eunice C. Kriebel,
 Recording Secretary

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