

WORCESTER TOWNSHIP
WORCESTER TOWNSHIP BOARD OF SUPERVISORS
WORCESTER TOWNSHIP COMMUNITY HALL
FAIRVIEW VILLAGE, PA
WEDNESDAY, AUGUST 19, 2009 7:30 P.M.

CALL TO ORDER

The regularly scheduled meeting of the Board of Supervisors was called to order by Chairman Arthur Bustard at 7:30 P.M.

PLEDGE OF ALLEGIANCE

ATTENDANCE

PRESENT:

ARTHUR C. BUSTARD	<input checked="" type="checkbox"/>
JOHN R. HARRIS	<input checked="" type="checkbox"/>
STEPHEN C. QUIGLEY	<input checked="" type="checkbox"/>

INFORMATIONAL ITEMS

- Late summer, early fall township newsletter went to press this week.
- Under "Other Business" an ASA request from Daniel Rieger is to be considered for acceptance.

PUBLIC COMMENTS ON AGENDA ITEMS

Susan Caughlan, (address removed for privacy), expressed pleasure on item #6c, stating that it is a unique piece of property having been purchased parcel by parcel. The Cuces' are taking a new direction in farming, not producing standard crops. They are doing cutting-edge farming and hopes the Board approves funding.

William Kazimer, (address removed for privacy), asked what an open space easement is. He further asked the dollar amount that the township is contributing. John Harris explained and confirmed the amount of \$126,898. With reference to item 6b, Mr. Kazimer asked to which land the item refers.

James Mollick, (address removed for privacy), asked if any executive sessions were held on August 4, 2009 at approximately 2:00 pm stating that he saw John Harris' car at Arthur Bustard's office and questioned if township business was discussed. He also asked about the ASA proposal and if there is a size restriction or minimum. James Garrity explained the proposal, stating a 10 acre minimum is required, and it protects against nuisance ordinances and condemnation. Mr. Mollick asked from what budget item the Township contribution would be coming from on Item 6c.

Steve Quigley noted that the Cuce purchased the parcels individually and consolidated them to preserve that corner of the Township open space.

1. READING AND APPROVAL OF THE MINUTES OF JULY 15, 2009

A motion by Mr. Quigley and seconded by Mr. Harris and unanimously approved to dispense with the reading of, and approve as written, the minutes of July 15, 2009
(Copies were available for review.)

2. TREASURER'S REPORT

The Treasurer's report for July, 2009 net change on cash basis:

July 2009 Report:

General Fund	\$376,032.77
State	\$178,531.27
Capital Reserve	\$ 1,644.53

A motion by Mr. Quigley seconded by Mr. Harris and passed unanimously to accept the Treasurer's Report for July, 2009 net change on a cash basis.

3. PAYMENT OF THE BILLS OF THE TOWNSHIP

A motion by Mr. Quigley seconded by Mr. Harris and approved by all to pay the bills of the Township in the amount of \$ 228,077.74

4. MANAGERS'S REPORT

a. Solar Power continued discussion

Arthur Bustard gave a short slide presentation, along with a representative from CMX.

William Kazimer asked how long the panels last. The CMX rep indicated they were virtually maintenance-free requiring annual inspection and they are metered at all times.

James Mollick noted that the key is the money from the state and asked what happens if the state pulls the plug on credits payable to the Township. He stated that Methacton School District went geo-thermal and suggested the Board look into that.

Chase Kneeland, (address removed for privacy), noted that the study cost was approximately \$7,000 and stated that Upper Merion & Lansdale Borough had applied for a grant.

Steve Quigley said a resident approached the Board about 4-5 months ago regarding a solar farm and the township is still wrestling with use of commercial or AGR property.

Susan Caughlan thanked Mr. Bustard for the time and effort put into the presentation.

Don Richardson, (address removed for privacy), asked if solar power is required for back up system and asked why we need it. He inquired about peak or sunny days and if we will need to buy back electricity from PECO on cloudy days. He asked clarification of the \$16,000 mentioned in the presentation as savings.

Steve Quigley said Montgomery County is going green by buying credits from Arizona.

CMX said the energy market is being deregulated and we will see double digit increases in rates, the grants will dry up and we are taking advantage of the money.

Chase Kneeland asked if the township researched wind power.

Steve Quigley said he has a 75 foot windmill in his pond but he looks at it differently since the PSATS meeting. He realized it does not generate power, but it just sits there.

A motion by Mr. Quigley, seconded by Mr. Harris, passed by all to authorize a solar energy study for the township administration and maintenance buildings.

b. Request for fireworks display

Eric Walker requested permission to have fireworks at Center Square Golf Course on Skippack Pike. Worcester Volunteer Fire Company has indicated they would like to do fireworks to celebrate their 50th anniversary.

Joseph Nolan, township engineer, said other townships handle it the same way with a request from the township

John Harris said this would be setting precedent and noted that the neighbors may not be happy with noise.

Steve Quigley asked where we draw the line stating that 8:30 on a Saturday night is offensive to surrounding areas, and it opens it to all who request permission. He must look at safety issue with cars traveling past on Route 73 and cars pulling over to the side of the road.

A motion by Mr. Quigley, seconded by Mr. Harris, passed by all to deny the fireworks request.

c. PECO Green Region Grant Resolution 09-17

The Park and Recreation Department is submitting a grant proposal to the 2009 Bonus Round of the PECO Green Region Grant program, for proposed use towards Sunny Brook Park, on North Wales and Long Meadow Roads. As part of the application process, a resolution must accompany the completed application.

A motion by Mr. Quigley, seconded by Mr. Harris, passed by all to approve resolution 09-17, PECO Green Region Grant Resolution.

d. Zoning Hearing Board Report

Joseph Nolan, township engineer, and deputy zoning officer, provided a report.

The next meeting is scheduled for August 25, 2009.

Application 09-01, T-Mobile has been continued until September 22, 2009

Application 09-10, 1164 Valley Forge Road, variance for garage to be constructed less than 10 feet behind the closest part of the main structure, was granted on July 28, 2009.

Three new applications will be heard on August 25:

09-11, 1039 Nicole Drive. A variance to permit installation of a 6-foot fence within the front, rear and side yard setbacks.

09-12, 1428 Green Hill Road. Variance to construct a storage building and garden shed, outside the building envelope, encroaching on yard setbacks.

09-13, 3229 Germantown Pike. Variance for relief to permit a 6 foot vinyl fence with front and side yard setbacks.

One new application, 09-14, will be heard on September 22: 1811 Hollow Road, variance to install pool fence greater than allowed by ordinance.

5. ENGINEER'S REPORT

a. Acceptance for Dedication: Marx and Herzog Tract Resolutions

Joseph Nolan commented this is a subdivision off of Bethel Road. CKS Engineers has certified that the projects and punch lists are complete

There are three separate resolutions: open space, roads in Marx Tract and roads in Hertzog tract.

A motion by Mr. Quigley, seconded by Mr. Harris and passed by all to approve Marx Tract Acceptance of Open Space Resolution 09-16.

A motion by Mr. Quigley, seconded by Mr. Harris and passed by all to approve Marx Tract Deep Meadow Lane and Bethel Road Ultimate Right-of-Way Resolution 09-15, contingent upon receiving original letter of credit.

A motion by Mr. Quigley, seconded by Mr. Harris and passed by all to approve Hertzog Tract Deep Meadow Lane, Bethel Road Right-of-Way and Brandon Court Right-of-Way Resolution 09-14, contingent upon receiving letter of credit original.

6. SOLICITOR'S REPORT

a. Act 32 Appointment Resolution: County Tax Collection District Resolution 09-19

James Garrity explained that Act 32 regulates the collection of Earned Income Tax. Montgomery County is seeking city-wide operations so the School Board representatives and township officials met. All agreed to elected Denis McCall from Methacton School district to act as representative with township administration serving as alternates.

A motion by Mr. Quigley, seconded by Mr. Harris, passed by all to pass resolution 09-19, Act 32 Appointment Resolution: County Tax Collection District Resolution.

b. Proposed Clearwire sublease on American Tower consideration

This is for co-location of a three microwave dishes 26" in diameter at 140 feet high on the cell tower behind the township building on Valley Forge Road. The Township will receive \$45 a month in fees. FCC requires Township must approve co-location and can only refuse for a good and reasonable reason.

Steve Quigley asked how the height compares to others in the area. James Garrity replied.

A motion by Mr. Harris, seconded by Mr. Quigley, approved by all to allow the proposed Clearwater sublease on American Tower.

c. Cuce Farm Agricultural Easement Resolution 09-18

The purchase will require \$126,898 from the township and \$719,088 from the county and state.

This is a formal advice to the county that the township will commit to the money.

Steve Quigley remarked on Dr. Mollick's comment about being diligent with township finds, but stating that Cuce's were creating a farm on their own from adjacent land and he thinks the Township should help with situation as they've been burdened for a long time.

James Garrity said it is 35.2 acres and the township's cost is \$3,600 per acre.

A motion by Mr. Harris, seconded by Mr. Quigley, passed by all to pass resolution 09-18, Cuce Farm Agricultural Easement Resolution.

John Harris remarked that surplus money has been allocated into an account for open space preservation and this was one of the properties being discussed. This action preserves farming and open space.

d. Executive Session Report

No executive sessions were held since the last meeting.

7. OTHER BUSINESS

Acceptance for review, Agricultural Security Area application of 3239 Water Street Road and 1443 Hollow Road by Lauren and Daniel Rieger

A motion by Mr. Harris, seconded by Mr. Quigley, passed by all to accept for review the ASA application of Lauren and Daniel Rieger.

PUBLIC COMMENTS (ANY TOPIC)

In Summary:

Charles Kinsky, (address removed for privacy), called the office about loose stones at each end of the Fischer Road and at the PECO substation entrance and asked when they will be removed. He also asked if it is possible to get the boy scouts to get picnic tables or benches on the Zacharias Trail.

Dave Plager asked if a “no vehicles” sign can be placed at the Hollow Road entrance of the trail to prevent ATV’s from accessing the trail. Arthur Bustard will follow up with the director of parks and recreation.

Ms. Jackson asked if there was any progress on the Reimel property issue and who had investigated the site. Arthur Bustard responded.

James Mollick referenced a remark at last meeting’s that the Board relied on legal advice, He quoted James Garrity’s statement on decisions for the Right to Know law indicating that most are decided on the side of the requestor. Mr. Mollick inquired as to where he got his information because Mr. Mollick checked the records and stated that the Office of open records is not biased in the favor of the requestor and stated numbers and added that the decision Mr. DePhillippo was in favor of the township and Mr. Garrity’s information was faulty.

Mr. Imperial asked if Mr. Bustard inspected the Reimel property and if he is the zoning officer with knowledge of the code. Mr. Bustard replied he had zoning officer and township manager look at property.

Mr. Mollick inquired as to who went on the Jackson/Imperial’s property to measure. The board confirmed that Steve Quigley, Supervisor, and John Cornell, township manager, went to the property, to meet with the Imperials. Steve Quigley replied that both he and Art Bustard went as neighbors and John Cornell and Tiffany Loomis, Land Use Office, went as zoning officials.

James Mollick stated that the township must start make zoning uniform.

Chase Kneeland, (address removed for privacy), said the Board should be commended for going to the property and meeting with neighbors. He asked if there is documentation for Mr. Reimel’s operation. James Garrity said a letter went to Mr. Reimel, and the burden is now on him to prove he has the right to operate a business at that location.

8. ADJOURNMENT

There being no further business brought before this Board, Mr. Bustard adjourned the regularly scheduled meeting at 8:59 p.m.

Respectfully submitted,

Eunice C. Kriebel, Recording Secretary

Attest: _____
Arthur Bustard, Board Chairman