

WORCESTER TOWNSHIP
WORCESTER TOWNSHIP BOARD OF SUPERVISORS
WORCESTER TOWNSHIP COMMUNITY HALL
FAIRVIEW VILLAGE, PA
TUESDAY, SEPTEMBER 1, 2009 8:00 A.M.

CALL TO ORDER

The regularly scheduled work session of the Board of Supervisors was called to order by Chairman Arthur Bustard at 8:00 A.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

None

EXECUTIVE SESSION ANNOUNCEMENT: TOWNSHIP SOLICITOR

James Garrity reported that an executive session was held on Friday, August 28, 2009 to discuss personnel.

PUBLIC COMMENTS ON AGENDA ITEMS

Mr. James Mollick, (address removed for privacy), remarked the solicitor responded to the open records statistics at the last meeting and Mr. Mollick's statement to the solicitor is not in the August 3 minutes. Those statistics were the basis of his decision. He also inquired about the content of the zoning hearing board report to be presented by the manager.

1. READING AND APPROVAL OF THE MINUTES OF AUGUST 3, 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 August 3, 2009. *(Copies were available for review.)*

2. MANAGER'S REPORT

1. Manager's Report:

- a. Zoning Hearing Board Report
The next meeting is scheduled for September 22, 2009.
Application 09-01, T-Mobile was withdrawn August 14, 2009

Three new applications were heard on August 25:

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

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

09-13, 3229 Germantown Pike: Variance for relief to permit a 6 foot vinyl fence with front and side yard setbacks. Application was continued to September 22.

New applications to be heard on September 22:

09-14, 1811 Hollow Road, variance to install pool fence greater than allowed by ordinance.

09-15, 1316 Dell Road, variance to build a 4-foot wide pergola to satisfy definition of attached garage.

09-16, Grace Baptist Church, 1030 Quarry Hall Road, special exception to install 5 light poles in the parking lot and 2 low-level lights to illuminate sign.

09-17, 3214 Fisher Road, variance to continue operation of a landscaping business at this location. Variance by estoppels (Reimel)

John Harris requested more information on application 09-16 and 09-17 to review prior to the next meeting, to determine if there will be opposition by the township.

3. ENGINEER'S REPORT

a. Road Repair Bid Award Consideration

Having been duly advertised, a public bid opening took place on August 26, 2009. Five bids were received with the lowest bid received by S&H Landscaping Contractors of Chalfont, PA in the amount of \$201,205. A summary of bids received was available for review.

Joseph Nolan, township engineer, remarked that the bid and bond documents for S&H Landscaping Contractors were in order. This is for base and repairs along the edge of roads only. This work will be done now, prior to the winter, to prevent further deterioration.

Arthur Bustard asked if the road repair work would address drainage issues.

Joseph Nolan replied that drainage and swale work are in the bid and this work will utilize funds from liquid fuels.

Steve Quigley asked if it was part of the program in the past to do swales.

Joseph Nolan responded that in past contracts swales were not a big part of the contract.

A motion by Steve Quigley seconded by John Harris and approved by all to award the Road Repair Bid to S&H Landscaping Contractors of Chalfont, PA in the amount of \$201,205.

b. Montgomery Presbyterian Church Final Land Development

The property is located at Morris and Wentz Church Roads. Originally submitted in July, 2007, the latest revision is May 29, 2009. The applicant proposes a building addition, play area and 237 parking spaces on gross acreage of 38.899 acres. The Worcester Township Planning Commission recommends final approval. CKS Engineers has reviewed the latest submission and recommends that requested waivers be considered by the Township.

In a letter dated August 26, 2009, CKS Engineers included a list of waivers and minor items to be addressed. These were items from the original submission to be completed. Preliminary approval was granted previously.

John Harris asked if CKS was satisfied that the previous items will be addressed. Mr. Nolan responded that they are dealing with a new congregation and they want to move ahead with the project. Mr. Harris noted that the Church has requested 9 waivers of which four deal with landscaping and street trees and asked why are they requesting landscaping waivers.

Joseph Nolan said they will use existing landscaping and that it is a very large lot. The existing street trees are evergreen, not deciduous, so a waiver was requested.

John Harris asked about waiver items G, H and I, and wanted to know why the Township should grant the waivers?

Steve Quigley stated that from a farmer's point of view, an open field is preferred with the plow line pushed back from edge of road. It helps prevent soil run off.

Joseph Nolan has the landscape plan showing the parking lot buffered around the building towards the Milestone Development. The Planning Commission had no issues with the waivers and CKS can hold the final payment until the work is complete.

Steve Quigley suggested a notation be made in the motion or the Land Development agreement to assure completion of prior conditions.

A motion by Steve Quigley and seconded by John Harris and approved by all to award final land development approval to Montgomery Presbyterian Church.

4. SOLICITOR'S REPORT

a. Executive Session Report

Mr. Jim Garrity, Township Solicitor, reported that an executive session was held was on Friday, August 28, 2009, as previously reported.

PUBLIC COMMENTS (ANY TOPIC)

Dave Plager thanked the Board for covering the bereavement center named after his step-son in the last township newsletter. He has received many calls with people showing interest.

James Mollick stated that at the last meeting, he asked Jim Garrity how he got facts about Open Records decision, and where he got the information. The Board's decision to appeal was based on his information and he's is tired of getting false statements from the Board and Solicitor.

He also stated that the media policy is not being enforced. A written notice is required by ordinance 24 hours in advance. Not being enforced. He stated that the Township paid Jim Garrity to write the ordinance, but it is not being enforced. He again asked why the solicitor stated the "Open records office almost always agrees with requestor." And where he got his information. In his opinion, most decisions are opposite of Jim Garrity's statement.

Steve Quigley will look into it for the next meeting

Mr. Mollick asked if the Board of Supervisor members are using the township server for emails.

Mr. Mollick referred back to the electronic media policy and stated that the Township should get their money back because the policy cannot be enforced. He confirmed that with Lt. Buckley (of the PA State Police).

He further questioned the driveway situation on Overhill Road and stated that ordinances are not being enforced uniformly. He claimed that if Arthur Bustard likes the person, the ordinance is not followed. He asked what is the procedure if a zoning violation is not followed.

Steve Quigley reminded this was a comment period, not a Q&A session.

James Mollick inquired if he should ask again at a meeting in 6 months.

Arthur Bustard requested that if there were further comments, please state them, it is not an interrogation of the Board.

James Mollick asked in regards to the Riemel property, if there are other properties in the township running a landscaping business specifically any of the Boards relatives?

ADJOURNMENT

There being no further business brought before this Board, Mr. Bustard adjourned the regularly scheduled meeting at 8:39a.m.

Respectfully submitted,

John V Cornell/Recording Secretary