

WORCESTER TOWNSHIP
WORCESTER TOWNSHIP BOARD OF SUPERVISORS
WORCESTER TOWNSHIP COMMUNITY HALL
FAIRVIEW VILLAGE, PA
WEDNESDAY, SEPTEMBER 16, 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
JOHN R. HARRIS
STEPHEN C. QUIGLEY

INFORMATIONAL ITEMS

None

PUBLIC COMMENTS ON AGENDA ITEMS

Ms. Susan Caughlan, (address removed for privacy), commented concerning agenda item #5. (a) Pa Turnpike Stormwater Management facilities waiver. Ms. Caughlan noted she had met with the Pulli's and she supported the waivers subject to the turnpike replacing deciduous trees with evergreens to act as noise barrier, limited access to the basin for construction, installing a 30-foot silt fence on homeowner side with the basin staked. Concerning item 4 (c) Graham Farm Agricultural Easement, remarking it is a small cost to the township, supports the easement and noted that the two adjacent farms have been preserved while the Grahams have waited many years.

Ms. DeeDee McGrane, (address removed for privacy), commented support for the Graham Farm preservation and linking to the county trail.

Ms. Cindy Coccio, (address removed for privacy), commented support for the Graham Ag preservation.

Mrs. Lois Imperial, (address removed for privacy), requested discussion on Reimel ZHB application, asked where the letter in the file came from and is it a variance. James Garrity, township solicitor, responded it was found in a general correspondence from 1995. The letter was not filed at that time with the property because it was a new subdivision. He stated that the Zoning Hearing Board will determine the implication of the letter.

Mr. Kim David, (address removed for privacy), shared his support for the Graham Farm preservation, taking advantage of county funding; he noted to the Board that Marie Amato, (address removed for privacy), thanks the township for their support and help.

Mr. James Mollick, (address removed for privacy), commented on the August 19th minutes regarding Mr. Garrity's prior comments that almost every single Office of Open Records decision is in favor of the requestor. Mr. Mollick stated his disagreement with the statement.

Mr. Mollick questioned the purchase of the Graham property and asked if the property is closing in 2010, will it be in 2010 budget? He asked who the current open space coordinator is and what other properties are in the chain for approval.

Mr. Bustard replied that the Gambone property is the only other one. Mr. Mollick asked how much the township would need to contribute to the Graham easement. Mr. Quigley explained the preservation process.

Mr. Mollick asked if there have been any executive sessions, Mr. James Garrity replied that there have been two: September 2 and 16, concerning personnel issues.

Mrs. Nancy Graham Bechel, present with her mother, gave a background on the Graham property. She indicated the property was purchased by her grandfather in 1922, and she was raised there. Her sons are now farming it and her father wished to have it preserved and requested the Boards support.

1. READING AND APPROVAL OF THE MINUTES OF AUGUST 19, 2009

A motion by Mr. Quigley and seconded by Mr. Harris and unanimously approved to dispense with the reading of, and approve as amended, the minutes of August 19, 2009, adding the word "NOT" before biased, as per James Mollick (*Copies were available for review.*)

2. TREASURER'S REPORT

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

August 2009 Report:

General Fund	\$533,389.88
State	\$178,839.18
Capital Reserve	\$25,140.45

A motion by Mr. Quigley seconded by Mr. Harris and passed unanimously to accept the Treasurer's Report for August, 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 \$ 257,430.77

4. MANAGERS'S REPORT

a. 2010 MMO Pension Report

Mr. Cornell reported under state law the 2010 Minimum Municipal Obligation (MMO) report must be submitted to the governing body of the municipality by September 30, 2009. Mr. Cornell reported the 2010 MMO is \$55,687.

Steve Quigley questioned how often the pension plan is reviewed. Mr. Cornell replied an annual statement is received by employees, a 457B plan is also offered to the employees as a voluntary option, with 100% employee contribution.

b. Zoning Hearing Board Report: Pending Applications Discussion The next meeting is scheduled for September 22, 2009.

09-11, 1039 Nicole Drive: A variance to permit installation of a 6-foot fence within the front, rear and side yard setbacks. Granted August 25, 2009.

09-12, 1428 Green Hill Road: Variance to construct a storage building and garden shed, outside the building envelope, encroaching on yard setbacks. Granted August 25, 2009.

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

New applications to be heard on September 22, 2009:

09-14, 1811 Hollow Road, variance to install pool fence greater than allowed by ordinance, 5 feet in height.

09-15, 1316 Dell Road, variance to build a 4-foot wide pergola to satisfy definition of attached garage (26 foot 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. (Expansion of non-conforming use)

09-17, 3214 Fisher Road, variance to continue the operation of a landscaping business at this location (application a result of enforcement notice).

John Harris commented on application 09-16, where a lighted sign is requested. He is opposed, and he requests the township approve that the solicitor oppose.

Steve Quigley said John Cornell would represent the township's interests.

A motion by Mr. Harris, seconded by Mr. Quigley, passed by all to authorize the township manager to oppose a lighted sign in application 09-16.

c. Graham Farm Agricultural Easement: Discussion

Mr. John Harris shared his appreciation for the support of the public on this issue. The property is 19.5 acres. The County Farmland Preservation Board has proposed \$660,000 to purchase developmental rights to maintain the farm in perpetuity. A \$99,000 Township contribution has been requested.

Mr. Bustard noted that part of the property is on Valley Forge at Township Line and the township would want to reserve the right to obtain land for a turning lane if there are future proposed improvements at the intersection.

Mr. Harris said an easement would be needed for a trail as well, and farm easements do not provide for trail use. Mr. Harris noted he will share the comments with the farm Board.

Mr. Quigley asked if we should take a trail easement before the agricultural easement. Mr. Harris said the farm board makes recommendations, the project has not yet been approved by county commissioners, and the trail would be on northern end of property.

The board noted that they are generally in agreement to move ahead. A resolution will be on the work session agenda.

5. ENGINEER'S REPORT

a. PA Turnpike Stormwater Management facilities waiver requests

Mr. Joseph Nolan commented that the township has received a final stormwater turnpike report. CKS Engineers has reviewed and commented to Urban Engineers.

12 points, technical issues were addressed.

There are 3 requests for waivers:

- 1) Maximum basin water depth of 5 feet, proposed a 10' for 100 year storm
- 2) Tree pre-board area regularly 2', they propose 1'
- 3) Planting of shade trees, 50' around perimeter. There is already an area with large trees. Mr. Nolan met with Mrs. Pulli the neighboring property owner, and she requested evergreen trees. These are only technical issues in addition to the four other issues were brought up by Ms. Caughlan.

Mr. Harris asked what is the recommended planting, if the waiver is granted.

Mr. Bustard asked if the township could send a letter along with recommendations.

Mr. Nolan recommended sending conditions in a separate letter, and to make a request for the township to review final plans to make sure they are included. He recommends sending two letters from the Board, and he will write the letter specifying tree type.

James Garrity reminded the Board that if the township pushes too hard, the turnpike can move ahead without township input and does not need to provide cooperation.

A motion by Mr. Quigley, seconded by Mr. Harris, and approved by all to approve waivers with evergreen trees.

6. SOLICITOR'S REPORT

a. Executive Session Report

Executive sessions were held on September 2 and 16 concerning personnel issues.

7. OTHER BUSINESS

None

PUBLIC COMMENTS (ANY TOPIC)

In Summary:

Mr. Nick Imperial, (address removed for privacy), commented about the letter that appeared suddenly in the Reimel Zoning Hearing Board application. He asked if the associated equipment is covered in the letter? He inquired if the Reimel property went to the Zoning Hearing Board in 1995? He stated that three months have already passed and will it take six more? He stated that he is getting the run around and cannot sell his house because of the adjacent business.

Ms. Susan Caughlan noted that a resident offered to do clearing to change the swale flow near the Pioneer House on the Zacharias Creek and asked that status. John Cornell responded.

Mr. Joseph Koholski, Worcester resident, commented the township should review the procedures for correspondence. He sent a letter to the township regarding a donation to Heebner Park, since his father died in the park. He commented no one ever responded to his letter which was submitted to the Board. Arthur Bustard apologized for the lack of response.

Mr. James Mollick, (address removed for privacy), Commented regarding Mr. Garrity's statement almost every open records decision is in favor of the requester. Mr. Mollick questioned if Mr. Garrity would explain himself since the Board makes decisions based on Mr. Garrity's information and that Mr. Quigley was to check into it.

Mr. Quigley responded the Office of Open Records web site has lots of information and he's still waiting for a return call from open records statistics personnel.

Mr. Mollick remarked his view the township has credibility problems, and stated Mr. Bustard and Mr. Garrity contradict each other regarding the counterclaim. He stated his view the Board must approve Mr. Garrity's actions, and stated the counterclaim states false sections and lies. He commented on the electronic media policy, the Sunshine Law Litigation, the 2-minute rule, no public comment, and taping of a federal trial is illegal, incorrect statements by the solicitor on the Calendar issue, and 2 sets of books. Lastly Mr. Mollick commented on the Imperials, he feels for them, noting his property had drainage issues and it took time correct it.

Ms. Maeve Vogan, 1301 Dell Road, said she took the time to look at open records law, and it depends on the type of case and correspondence and one must delve into it to determine the outcome. She stated that we need to move on. She's tired of hearing about the calendar and wants to see where we are going, not where we have been.

Ms. Lois Imperial, (address removed for privacy), said that Mr. Mollick does a wonderful job. She invited everyone to the Zoning Hearing Board meeting to preserve open space and peace and quiet, stating that if it can happen to her, it can happen to anyone.

8. ADJOURNMENT

There being no further business brought before this Board, Mr. Bustard adjourned the regularly scheduled meeting at 8:40 p.m.

Respectfully submitted,

John V. Cornell, Recording Secretary

Attest: _____
Arthur Bustard, Board Chairman