

WORCESTER TOWNSHIP
WORCESTER TOWNSHIP BOARD OF SUPERVISORS
WORCESTER TOWNSHIP COMMUNITY HALL
FAIRVIEW VILLAGE, PA
WEDNESDAY, NOVEMBER 19, 2008 7:30 P.M.

CALL TO ORDER

The regularly scheduled meeting of the Board of Supervisors was called to order by Mr. Harris at 7:35 P.M.

PLEDGE OF ALLEGIANCE

ATTENDANCE

PRESENT:

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

INFORMATIONAL ITEMS

None

EXECUTIVE SESSION REPORT

At the work session on November 3, James Garrity, Township solicitor, stated that on October 30, 2008 an executive meeting was scheduled to be held for a personnel matter but it did not occur. He clarified at this meeting that the Board convened at the office for the personnel matter that did not materialize but another personnel matter was discussed, therefore an executive session was held.

PUBLIC COMMENTS ON AGENDA ITEMS

Gary Volpe (addressed removed for privacy) owner of a business in Worcester located on Germantown Pike requested discussion of the sign ordinance, specifically requesting a temporary sign ordinance. He's requesting the Township pass a temporary sign ordinance for businesses and stated that enforcement of the sign ordinance needs to be consistent.

Charles Ballard (addressed removed for privacy) stated that he supports the acquisition of the Moran property. He's a licensed civil engineer in numerous states and knows the difficulty of obtaining open space.

Chase Kneeland (addressed removed for privacy) stated that the money for the purchase of the Moran development rights of \$300,000, in addition to \$2 million of county money could be used for better purpose. Two developers walked away from the property due to the steep slopes, wetlands, and streams. He stated that the property is not at risk of development in this economy. The money could be better spent on preserving 58 acres of the Worcester Golf Course surrounded by homes with possible purchase of developer rights by Meadowood. Mr. Kneeland suggested John Harris recuse himself from the vote since his property borders the Moran tract and there was no mention of this purchase in any of the 2007-2008 minutes.

David Plager (addressed removed for privacy) member of the Park & Recreation task force, wanted to discuss the Heyser purchase and stated if purchased, it should be expanded to a children's park with trails and recreation facilities. He stated that since no builder is interested in Moran tract, the township should wait.

Winnie Hayes (addressed removed for privacy) stated that discussion of the Heyser tract started six years ago with the Friends of Worcester polling at voting sites. At that time 600-plus residents recognized the value of Heyser field. She state that the Board should follow through with the purchase of the Moran tract since the value is down and state and county monies are available. The Moran tract is in the comprehensive and open space plans, it's adjacent to Evansburg Park for trails, and that many open space acquisitions are made throughout the township, not just next to John Harris' property.

Susan Caughlan (addressed removed for privacy) added her support to the purchase of the Heyser tract for continued use by the horse company. She addressed the Moran property having served on the open space committee, that it preserves habitat, wildlife, and has connectivity to trails. The region-wide map ranks this property 10 out of 10 for natural resources. Preservation of this property will eliminate potentially 20-25 future houses and additional children in schools. She stated that the owner of the Worcester golf course does not want to sell, plus there is no county or state money available and no habitat will be preserved, she indicated that Mr. Malone had requested \$3million for 55 acres.

Oliver Smith (addressed removed for privacy) came out to support open space, but heard his name mentioned by Chase Kneeland and wanted to know in what context. He then confirmed he sold his development rights, stating that it's a win win, money for owner and not additional houses.

William Kazimer (addressed removed for privacy) was once told that John Harris' property was not worth developing, and inquired why is the Moran property different? He stated that the township does not need to buy swampy, hilly property and the Board should table the issue for further discussion. In reference to the sign issue, he noticed signs being removed from southwest corner of Township but not other areas of the township and it appeared to him to be unfair selective enforcement of the sign ordinance.

Michael Simeone (addressed removed for privacy) was present to support the Moran property and pointed out that if there is no urgency for purchase, the township will have to compete with developers later. He recommended we buy it now at a bargain price since it's contiguous with other open space.

Carol Allen (addressed removed for privacy) said she agrees with Mr. Harris's position on political signs and open house signs and does not want temporary signs.

Lois Cipollini (addressed removed for privacy) stated that she is a 19 year resident and has seen many changes in the township. She thinks the Moran tract is a good purchase, as it is a beautiful piece of ground and should be purchased by Worcester Township. She would like to see the Worcester golf course preserved and the Township should try to reduce the price of the golf course.

Karen Simeone (addressed removed for privacy) lives next to Moran property, and has walked property many times and it has no swamps, but is beautiful. She supports the purchase.

Bill Moran (addressed removed for privacy) supports the open space project.

Vincent Vangrossi, solicitor, representing Mr. Moran, stated that the reason the property is for sale is because Mr. Moran's father passed away and the estate must be resolved. It is a bargain price and the Lands Trust is interested because of the value of the property.

Craig Eberbach (addressed removed for privacy) played on the Moran property as a child and said all residents benefit from open space, and in the natural state; the property does not need to be mowed, and some of it is wooded.

Kim McClintock, (addressed removed for privacy), said for the price the township should purchase it.

Kim David (addressed removed for privacy) supports the Heyser and Moran purchases.

David Eubank (addressed removed for privacy) is a new resident who sees the value of open space and agrees that the Moran property should be purchased stating that the Gambone Organization spent \$300,000 for less than 2 acres in the same area.

Jim Philips (addressed removed for privacy) spoke first with regards to the sign issue stating that the Board previously denied taking signs and stated that owners should be notified first. He asked if the comprehensive plan covered Fairview Village or the whole township. He questions if the Moran property is purchased, if some property could be condemned to straighten Kriebel Mill Road and restore the bridge. He also suggested that the order of the meeting be changed so residents can address issues at time of discussion. He then questioned the Township's purchase of the Harris development rights, if a trail should be made available on John Harris' property. He stated the Gambone property on Berks Road is beautiful with view of the city and should also be preserved.

Jim Mollick (addressed removed for privacy) suggested that John Harris not vote on the Moran property and asked if it was surveyed for Methacton athletic fields or a housing development? He stated that houses built on that tract will produce approximately 20 children equaling the need for 1 more classroom. He noted that the 2009 budget is down \$1,500,000 and the Board wants to spend more money. He asked if there is a procedure for taking signs off property and asked if Mr. Garrity stated that it was ok to take signs. He indicated that the Township must follow procedures and must look at how the money is spent.

Chris David (addressed removed for privacy) supports purchase of open space based on the Board knowledge and decision.

JoAnne Michini (addressed removed for privacy) supports the Moran purchase, noting that they are horse people who are surrounded by development.

Terry Walsh (addressed removed for privacy) stated the once it is gone, it is gone, noting that Warren Buffet is currently investing in the stock market for same reason.

1. READING AND APPROVAL OF THE MINUTES OF OCTOBER 15, 2008

A motion by Mr. Bustard and seconded by Mr. Quigley and unanimously approved to dispense with the reading of, and approve the minutes of October 15, 2008 as written. (Copies were available for review.)

2. TREASURER'S REPORT

The Treasurer's report for October, 2008 net change on cash basis:

October 2008 Report:

| | |
|-----------------|--------------|
| General Fund | \$217,757.06 |
| State | \$59,992.69 |
| Capital Reserve | \$25,306.26 |

A motion by Mr. Bustard, seconded by Mr. Quigley and passed unanimously to accept the Treasurer's Report for October, 2008 net change on a cash basis.

3. PAYMENT OF THE BILLS OF THE TOWNSHIP

A motion by Mr. Bustard, seconded by Mr. Quigley and approved by all to pay the bills of the Township in the amount of \$ 347,523.26

4. OPEN SPACE ACQUISITIONS:

HEYSER TRACT

A resolution was passed in spring 2008 to purchase 5 acres of the Heyser tract based on the original appraisal of 10 acres. Montgomery County strongly encouraged the purchase of 7 acres instead of five. The resolution replaces the original five acres and increases it to seven acres for the purchase price of \$309,000 from the township.

John Harris noted that it will require a subdivision process that the township is ready to move forward with.

A motion by Mr. Bustard, seconded by Mr. Quigley and passed unanimously to approve, Resolution 2008-20 for the purchase of the Heyser Tract, in conjunction with Montgomery County.

MORAN TRACT

Jake Lea, director of Montgomery County Lands Trust, an independent lands trust, was contacted by Mr. Moran approximately three years ago regarding preservation of this property. The property connects to Evansburg Park. He explained the difference between the Farm Land program and the Open Space preservation program stating that there is no public access required on farm land preservation. The Department of Conservation and Natural Resources model developed for habitat wildlife, wetlands, forest growth, and stream lands rated the Moran property a 10 out of 10.

An application was made in 2008 to DCNR for 55 acres for funding. Worcester Township is to fund 50% of the farmland portion of the property. Total preservation will be 81 acres, at a cost of about \$337,000 to the Township. It will provide public access with trails. Mr. Moran will continue to live there and maintain the property avoiding the need for township maintenance. It is adjacent to Evansburg Park. This property was recommended for preservation in the new and the previous comprehensive plans. The township will utilize a fund of money donated by a private resident who is happy it is being used for this property. Chairman Harris stated that there have been many discussions to preserve the Worcester golf club but currently there are no financing partners.

John Harris opened the discussion to the public.

Craig Eberbach asked what percentage of the property is woodland. (55%).

Susan Caughlan stated that if the anonymous donor wishes to remain anonymous, we should respect his wishes.

Jim Mollick, asked if the money is in a separate account.

Jim Phillips asked if there is any legal opinion on how the donated money should be spent.

Jim Garrity, township solicitor, said the Board has discretion.

Gordon Todd stated if he contributed \$50,000 for open space and the board spent it on fire trucks, it would be the last contribution he'd make.

A motion by Mr. Bustard to approve resolution 2008-21, Moran tract purchase. Steve Quigley made a suggestion to table the issue until he can walk the property with Mr. Lea and review the history of the property.

A motion by Mr. Bustard seconded by Mr. Quigley and passed unanimously to table the Moran tract development rights purchase until the December work session.

5. 2008 COMPREHENSIVE PLAN REVISION

Matt Schelly, Montgomery County Planning Commission and township planner, has been working on the plan along with the Township Planning Commission for 2 years. He stated the plan maintains our rural character, historical resources, and agriculture. He presented a slide show of goals, objectives and vision. He noted that the township is currently using the 1995 plan.

6. MONTGOMERY PRESBYTERIAN CHURCH PRELIMIARY PLAN CONSIDERATION

This preliminary plan submission was received on May 16, 2008. On September 25, 2008, the Worcester Township Planning Commission recommended approval subject to all recommendations and with waivers. CKS Engineers provided their most recent review on November 12, 2008.

Jeff Boto, engineer for the developer, noted that the property is located at 3260 Morris Road, and this is a second revision. They will address comments noted in the Township Engineers letter dated November 6, 2008. This shows the construction of two additional buildings, a gymnasium and a larger sanctuary.

Joseph Nolan, township engineer, did the preliminary plan review showing the existing church. He commented that the waivers should be considered; consisting of road widening (Fisher Road), sidewalk and curbing and landscaping on Fisher Road.

The parcel is 38.8 acres, and 25 acres are the minimum for churches.

Steve Quigley questioned if remaining items from the 1st land development have been addressed.

Joe Nolan addressed the issue and stated the land development will require an escrow account to assure all items are completed.

A motion by Mr. Bustard, seconded by Mr. Quigley, and passed unanimously to approve resolution 2008-22, the Montgomery Presbyterian Church land development preliminary approval.

7. FIELDSTONE SUBDIVISION ACCEPTANCE FOR DEDICATION

On October 2, 2008, CKS Engineers prepared their final inspection, confirming that all outstanding punch list items from October 2007 were completed to their satisfaction. This subdivision is now ready for dedication and to enter the maintenance bond phase.

A maintenance bond is required.

A motion by Mr. Bustard, seconded by Mr. Quigley and passed unanimously to accept the Fieldstone subdivision for dedication, Resolution 2008-27.

8. 2009 PRELIMINARY BUDGET ADOPTION

Section 3203 of the Second Class Township Code requires the annual preparation of a proposed budget reflecting estimated revenues and expenses for the year. Following preparation of the proposed budget, a public notice is given, the budget is available at the Township office during normal business hours for inspection, and must be acted upon by December 31, 2008.

John Cornell noted that a copy is available in the public meeting packets and on the web.

A motion by Mr. Bustard, seconded by Mr. Quigley and passed unanimously to accept the 2009 preliminary budget.

9. ZONING HEARING BOARD REPORT – NEXT HEARING NOVEMBER 25, 2008

All applications and related drawings are available for public review at the township office, 1721 Valley Forge Road, from 8:00 am- 4:30 pm Monday through Friday.

John Cornell, township manager gave the following report:

A decision will be rendered on November 25, 2008 for Application 08-04, 3206 Skippack Pike LP.

There are two continued applications:

08-10, 2120 Schultz Road, for a side yard setback and construction outside the building envelope
08-13, 2564 Preble Circle, for side and rear yard set backs for pool. Both applicants will present additional information.

Two applications were approved last month:

08-11, 1811 Hollow Road, rear yard setback for pool outside the building envelope and
08-12, 1722 Kriebel Mill Road , side yard setback for addition

Two new applications for December 16 meeting were received:

08-14, 3250 Hedwig Lane, move nonconforming use from guest house to barn, and expansion of an existing patio into the riparian corridor.

08-15, 2017 Wentz Church Road, permit installation of entrance columns 6” in height & 4” fencing

6. OTHER BUSINESS

Discussion item: Signs

Steve Quigley requested the discussion and asked John Cornell, township manager, to review the current sign ordinance. Mr. Cornell read a portion of the ordinance and stated that it is a portion of the complex zoning ordinance. He provided a brief review of sign provisions, off premises, temporary signs, and placement of signs in right-of-way. He explained the Township procedure for all zoning violations.

Steve Quigley said that as the Township grows, it needs to do a better job of researching before enacting ordinances. After viewing the comprehensive plan vision, the Township needs to have better communication to achieve these goals.

Arthur Bustard noted that there is a problem with deliberate flouting of violations. By the time the process takes place, the event or sale is over. He does not want to see signs everywhere through out the community and we need to find balance and possibly a temporary sign ordinance would be a solution for the non profit and business community.

PUBLIC COMMENTS (ANY TOPIC- 2 MINUTE LIMIT)

Gary Volpe, said he is not here to embarrass or cause problems but the Township needs to assist business and assist residents of the township, indicating that a temporary sign ordinance would assist all.

Mary Grace Sparango (addressed removed for privacy) asked when and where does the township discuss open space acquisitions, noting that she could not find any minutes of the township purchasing the Cindy Haines tract. She stated that the law suit with Cindy Haines has been settled and requests that the township treat the Sparango family with respect. Speaking as a developer, she noted that the Moran tract with 81 acres, yields only 24 lots, so it is not desirable for development.

Craig Eberbach, resented a statement by Steve Quigley referencing lack of time and hours to review Township matters when other residents who are present work long hours also. He noted that the prior township manager spoke with residents before taking signs.

Oliver Smith (addressed removed for privacy), noted that the Montgomery Presbyterian Church trees are currently covered with multi-flora rose and it should be removed as it is a noxious weed.

Susan Caughlan (addressed removed for privacy) stated that she was appalled at the suggestion that part of the Moran property be condemned for road straightening and appreciated Jake Lea's clarification of trails through open space vs. farm land. She noted a sign at Woodlyn and Valley forge Road for TD Bank as well as the Cutler sign is in violation of the ordinance and stated that businesses have budgets for advertising and the Township should not allow temporary signs.

Jim Mollick (addressed removed for privacy) inquired if the property on Overhill Drive he had complained about before is proceeding with driveway paving. He questioned if removal of signs will be stopped and stated that everyone should follow ordinances.

Gordon Todd (addressed removed for privacy) looked into ordinances for Overhill Drive and believes it to be in compliance. In reference to taking signs off properties, he

indicated that most signs are in right of way and there is a proliferation of signs that need to be removed.

Bruce Pancio felt that the name of the donor for the open space funds should be revealed

William Kazimer (addressed removed for privacy) complimented the Board for purchasing new microphones. He stated that he was not aware of the presentation of the comprehensive plan but others should see it. He does not agree with the statement in it that after 2025, all land will be developed.

Susan Caughlan stated that the conflict of interest pertains to lawyers, not John Harris, who is not a lawyer. She referenced the ethics board and indicated that the appraisal of the Moran property took into account the benefits of adjacent property and there is not a benefit to John Harris.

Chase Kneeland stated that the next time open space is before the public, they should inform attendees before taking a vote. The township needs to tune up their procedures to inform the public.

Mary Grace Sparango asked for clarification of the statement made by Gordon Todd referencing the paving of driveways.

Jim Phillips stated that the vote for the Moran tract should be at the next nightly meeting, not at the work session.

Steve Quigley noted that the Moran tract was explained at the last work session, noting that the township only has so much money and needs to set priorities.

Jim Phillips asked who is the open space coordinator and if there are any conversations with the owner of the Worcester golf course or the Gambones for TDR's and if Meadowood had been approached. He asked if the monetary donors live or work in the Township, do they get preferential treatment.

Arthur Bustard agreed that the monetary open space fund donation might lend itself to a bad perception and that a private township lands trust should be considered.

ADJOURNMENT

There being no further business brought before this Board, Mr. Bustard adjourned the regularly scheduled meeting at 10:50 p.m.

Respectfully submitted,

Arthur C. Bustard