

**WORCESTER TOWNSHIP BOARD OF SUPERVISORS BUSINESS MEETING
WORCESTER TOWNSHIP COMMUNITY HALL
FAIRVIEW VILLAGE, WORCESTER, PA
WEDNESDAY, MARCH 15, 2017 – 7:30 PM**

CALL TO ORDER by Chair Caughlan at 7:34 PM

PLEDGE OF ALLEGIANCE

ATTENDANCE

PRESENT: SUSAN G. CAUGHLAN [X]
STEPHEN C. QUIGLEY [X]
ARTHUR C. BUSTARD [X]

INFORMATIONAL ITEMS

- Tommy Ryan, Township Manager, announced that prior to this evening’s Business Meeting the Board of Supervisors met in Executive Session to discuss the following issues: a personnel matter, in specific potential revisions to the terms of employment provided to certain Township employees; a matter of litigation, regarding an application made to the Zoning Hearing Board, in specific ZHB 16-10, Horgan; a matter of potential litigation, regarding an application made to the Zoning Hearing Board, in specific ZHB 17-01, Pergolese; a matter of potential litigation, regarding an application made to the Zoning Hearing Board, in specific ZHB 17-03, County of Montgomery and Rothenberger; a matter of litigation, in specific Mollick v. the Worcester Township Board of Supervisors and individual Board members, Montgomery County Court of Common Pleas, docket number #15-13760; and, a matter of real estate, in specific the possible acquisition of a property. Mr. Ryan stated decisions on the three Zoning Hearing Board applications are expected to be made at this evening’s Business Meeting.

Mr. Ryan announced an addition to this evening’s agenda, consideration of a resolution to ratify a snow emergency declaration.

PUBLIC COMMENT

- Jim Mollick, Worcester, commented on the previous Township Solicitor’s bills, Township authorization of services provided by the previous Township Solicitor, and the deposition of the previous Township Solicitor.

OFFICIAL ACTION ITEMS

- a) Consent Agenda – Chair Caughlan asked if any Member wished to remove an item from the consent agenda. There were no requests to remove an item from the consent agenda.

Supervisor Bustard made a motion to approve a consent agenda that includes (a) the Treasurer's Report and other Monthly Reports for February 2017, (b) bill payment for February in the amount of \$268,967.66; and, (c) February 15, 2017 Business Meeting minutes. The motion was seconded by Supervisor Quigley.

Dr. Mollick commented on the current and former Township Solicitors' bills for services, and reimbursement of payments for services provided by the previous Township Solicitor.

By unanimous vote the Board adopted the motion to approve.

- b) Resolution 2017-08 – Mr. Ryan provided an overview of a resolution to ratify a snow emergency declaration from 12:01 am on Tuesday, March 14 to 12:01 pm on Wednesday, March 15.

Supervisor Bustard made a motion to approve Resolution 2017-08, to ratify a snow emergency declaration from 12:01 am on Tuesday, March 14 to 12:01 pm on Wednesday, March 15. The motion was seconded by Supervisor Quigley.

There was no public comment.

By unanimous vote the Board adopted the motion to approve.

- c) Public Hearing – At 7:45 pm Chair Caughlan opened a Public Hearing to consider Ordinance 2017-263, to set collection procedures for delinquent sewer fees and real estate taxes, and violations to Township Code, and to appoint special counsel for this purpose.

Bob Brant, Township Solicitor, noted the ordinance had been submitted to the *Times Herald* and to the Montgomery County Law Library on February 21, posted in the Township Building lobby on February 21, posted to the Township website on February 23, and advertised in the *Times Herald* on February 24.

Kevin Buraks, Portnoff Law Associates, provided an overview of collection services.

Chair Caughlan called for public comment, and there was none.

The Public Hearing was closed at 7:48 pm.

- d) Ordinance 2017-263 – Supervisor Bustard made a motion to approve Ordinance 2017-263, to set collection procedures for delinquent sewer fees and real estate taxes, and violations to Township Code, and to appoint special counsel for this purpose. The motion was seconded by Supervisor Quigley.

Bob Andorn, Worcester, commented on the establishment of collection procedures. Dan Dreher, Worcester, commented on the establishment of collection procedures. Mr. Buraks commented on Portnoff Law Offices practices, procedures and customer service training and standards.

By unanimous vote the Board adopted the motion to approve.

- e) Public Hearing – At 8:00 pm Chair Caughlan opened a Public Hearing to consider Ordinance 2017-264, to join the Delaware Valley Workers’ Compensation Trust.

Bob Brant, Township Solicitor, noted the ordinance had been submitted to the *Times Herald* and to the Montgomery County Law Library on February 27 and February 28, respectively, posted in the Township Building lobby and to the Township website on February 28, and advertised in the *Times Herald* on March 1.

Mr. Ryan provided a brief overview of the Township’s participation in this Trust.

Chair Caughlan called for public comment, and there was none.

The Public Hearing was closed at 8:03 pm.

- f) Ordinance 2017-264 – Supervisor Bustard made a motion to approve Ordinance 2017-264, to join the Delaware Valley Workers’ Compensation Trust. The motion was seconded by Supervisor Quigley.

There was no public comment.

By unanimous vote the Board adopted the motion to approve.

- g) Public Hearing – At 8:04 pm Chair Caughlan opened a Public Hearing to consider Ordinance 2017-265, to join the Delaware Valley Insurance Trust.

Bob Brant, Township Solicitor, noted the ordinance had been submitted to the *Times Herald* and to the Montgomery County Law Library on February 27 and February 28, respectively, posted in the Township Building lobby and to the Township website on February 28, and advertised in the *Times Herald* on March 1.

Mr. Ryan provided a brief overview of the Township’s participation in this Trust.

Chair Caughlan called for public comment, and there was none.

The Public Hearing was closed at 8:07 pm.

- h) Ordinance 2017-265 – Supervisor Bustard made a motion to approve Ordinance 2017-265, to join the Delaware Valley Insurance Trust. The motion was seconded by Supervisor Quigley.

There was no public comment.

By unanimous vote the Board adopted the motion to approve.

- i) bid award – Supervisor Bustard made a motion to award the sale of used office furniture to Adam Jacoby, for the amount of \$26.00. The motion was seconded by Supervisor Quigley.

There was no public comment.

By unanimous vote the Board adopted the motion to approve.

- j) bid award – Supervisor Bustard made a motion to award the sale of used traffic signals to Doug Brace, for the amount of \$685.00. The motion was seconded by Supervisor Quigley.

There was no public comment.

By unanimous vote the Board adopted the motion to approve.

- k) bid award – Supervisor Bustard made a motion to award the sale of a used John Deere 1445 front mower to William Singer, for the amount of \$8,105.00. The motion was seconded by Supervisor Quigley.

There was no public comment.

By unanimous vote the Board adopted the motion to approve.

- l) ZHB 16-10 Horgan – Mr. Brant provided an overview of this Zoning Hearing Board decision, which has been appealed to the Montgomery County Court of Common Pleas. Mr. Brant and Mr. Ryan recommended the Board of Supervisors authorize the Township Solicitor to intervene in this matter so to support the Zoning Hearing Board’s decision.

Supervisor Bustard made a motion to direct the Township Solicitor to intervene in the appeal filed with the Montgomery County Court of Common Pleas in the matter of ZHB 16-10 Horgan, so to support the Zoning Hearing Board’s decision. The motion was seconded by Supervisor Quigley.

Dr. Mollick commented on the Township Solicitor’s participation in the appeal.

By unanimous vote the Board adopted the motion to approve.

- m) ZHB 17-01 Pergolese – Mr. Brant provided an overview of this application to the Zoning Hearing Board. Mr. Brant and Mr. Ryan recommended the Board of Supervisors authorize the Township Solicitor to send a letter to the Zoning Hearing Board that sets forth the Board of Supervisors’ position on this application, in specific that the Zoning Hearing Board decide this matter in its discretion, but should the Zoning Hearing Board grant the requested relief this relief be subject to certain conditions that had been offered by the Applicant. Mr. Brant reviewed the conditions offered by the Applicant.

Chair Caughlan commented on the Act 207 and fees, and the form of the deed restriction.

Supervisor Bustard made a motion to direct the Township Solicitor to send a letter to the Zoning Hearing Board that sets forth the Board of Supervisors’ position on this application, in specific that the Zoning Hearing Board decide this matter in its discretion, but should the

Zoning Hearing Board grant the requested relief this relief be subject to certain conditions that have been offered by the Applicant, in specific: (1) the execution and recordation of a perpetual deed restriction, in a form satisfactory to the Township Solicitor, forever prohibiting further subdivision or development, including the creation of additional dwelling units, on any portion of the property; (2) submission of a site plan to the Township Engineer, and the installation of any Code-required improvements (stormwater, parking, buffers) that the Township Engineer deems required; (3) preservation and maintenance of the existing farmhouse and barn, and the recordation of a deed restriction, in a form satisfactory to the Township Solicitor, against the subject property, that forever prohibits demolition of the existing farmhouse and barn; (4) payment of two (2) Traffic Impact Fee peak-hour trips, in the amount of \$3,125 per trip, for a total of \$6,250, to be paid at the time of building permit application; (5) payment of four (4) EDUs, in the amount of \$1,900 per EDU, for a total of \$7,600, to be paid at the time of building permit application, to reserve capacity at the Berwick WWTP, and further to be required to connect all four dwelling units to the public sewer system when the property is sold, or when the property's existing on-lot septic system fails, whichever occurs first, and further to pay any costs and all fees required to connect the dwelling units to the public sewer system; (6) within ninety (90) days of the issuance of the ZHB order, submitting applications for all permits that would have been required to be obtained to construct the two (2) dwelling units in the barn, and any other improvements made to the barn, obtaining all such permits, and making payment for permit fees, including associated penalties, as listed on the Township's Fee Schedule; and, (7) connection to public water in the event PA American, or another provider, extends the main at the property frontage, and to connect to this public water system at the time the main is installed. The motion was seconded by Supervisor Quigley.

Mr. Andorn commented on the proposed conditions. Mr. Brant stated the Applicant had proposed the conditions. Chair Caughlan commented on the potential to subdivide the property under existing Township Code. Mr. Dreher commented on the property location.

By unanimous vote the Board adopted the motion to approve.

- n) ZHB 17-01 County of Montgomery / Rothenberger – Mr. Brant provided an overview of this application to the Zoning Hearing Board. Mr. Brant and Mr. Ryan recommended the Board of Supervisors authorize the Township Solicitor to send a letter to the Zoning Hearing Board that sets forth the Board of Supervisors' position on this application, in specific that the Zoning Hearing Board decide this matter in its discretion, but should the Zoning Hearing Board grant the requested relief this relief be subject to certain conditions that had been offered by the Applicant. Mr. Brant reviewed the conditions offered by the Applicant.

Chair Caughlan commented on the property location, and on having the Montgomery County Roads & Bridges maintenance division stationed in the Township.

There was discussion on outside storage of materials. Mr. Ryan noted the County had proposed an approximate 250 sf area in which to store materials. Mr. Ryan noted the County had agreed to store all other vehicles, equipment and materials within the site's existing structures.

Supervisor Bustard made a motion to direct the Township Solicitor to send a letter to the Zoning Hearing Board that sets forth the Board of Supervisors' position on this application, in specific that the Zoning Hearing Board decide this matter in its discretion, but should the Zoning Hearing Board grant the requested relief this relief be subject to certain conditions that have been offered by the Applicant, in specific: (1) approval of a subdivision plan that consolidates (a) County-owned TPNs 670003238124, 670003013007 & 670003238205, (b) to-be-acquired TPN 670003238106, and (c) that portion of TPN 670003238115 to be acquired; (2) purchase of EDUs for proposed use, at the time of U&O issuance, and a requirement to connect to the public sewer system when the existing on-lot system would otherwise require replacement, or the property is sold; (3) limit all outdoor storage to that area shown on the plan; (4) submit a site plan to the Township Engineer for his review, and provide any improvements required by the Township Engineer; (5) new signage not to exceed the size and height of the existing woodworking shop sign, which shall be removed; (6) no outdoor lighting, sans security-type lighting attached to the existing structures; (7) visitor and delivery access via the existing driveway at Skippack Pike only; and, (8) obtaining all required building, U&O and other permits and approvals. The motion was seconded by Supervisor Quigley.

Mr. Dreher commented on the location of the site's existing structures.

By unanimous vote the Board adopted the motion to approve.

- o) ratification of hire – Mr. Ryan noted the candidate had successfully completed all required pre-employment checks and tests.

Supervisor Bustard made a motion to ratify the hire of a full-time employee, a Public Works Laborer. The motion was seconded by Supervisor Quigley.

There was no public comment.

By unanimous vote the Board adopted the motion to approve.

OTHER BUSINESS

- There was no other business discussed at this evening's Business Meeting.

ADJOURNMENT

There being no further business brought before the Board, Chair Caughlan adjourned the Business Meeting at 9:40 PM.

Respectfully Submitted:

Tommy Ryan
Township Manager