

**WORCESTER TOWNSHIP BOARD OF SUPERVISORS BUSINESS MEETING
WORCESTER TOWNSHIP COMMUNITY HALL
FAIRVIEW VILLAGE, WORCESTER, PA
WEDNESDAY, MAY 16, 2018 – 7:30 PM**

CALL TO ORDER by Chair DeLello at 7:33 PM

PLEDGE OF ALLEGIANCE

ATTENDANCE

PRESENT: RICK DELELLO [X]
SUSAN CAUGHLAN [X]
STEVE QUIGLEY [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 (1) a matter of potential litigation, regarding a reported violation of Township Code at private property, (2) a matter of litigation, DiGenova v. Worcester Township, Montgomery County Court of Common Pleas docket number 2018-07737; and, (3) a real estate matter, regarding the potential sale of Township property. A decision on the matter of litigation will be made at this evening’s Business Meeting.

PUBLIC COMMENT

- Heather Ford, Worcester, commented on the Valley Green Wastewater Treatment Plant noise study and next steps to be taken. Supervisor Caughlan commented on a grant application for various improvements to Township’s two sanitary sewer treatment plants, which includes noise reduction improvements.
- Williams Richards, Worcester, commented on fence installation at a Germantown Pike property.
- Jim Mollick, Worcester, commented on the Valley Green Wastewater Treatment Plant noise study, Supervisor involvement in this noise complaint, the selection process for the noise study consultant, non-Township officials who contacted or attempted to contact the noise study consultant, and noise study findings and cost. Supervisor Caughlan commented on noise study findings.

OFFICIAL ACTION ITEMS

- a) Consent Agenda – Chair DeLello 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 Caughlan made a motion to approve a consent agenda that includes (a) the Treasurer's Report and other Monthly Reports for April 2018, (b) bill payment for April 2018 in the amount of \$257,814.35; (c) the April 18, 2018 Work Session minutes; and, (d) the April 18, 2018 Business Meeting minutes. The motion was seconded by Supervisor Quigley.

Dr. Mollick commented on the Valley Green Wastewater Treatment Plant noise study cost, payment of the study cost, and the noise study findings.

By unanimous vote the Board adopted the motion to approve.

- b) Resolution 2018-19 – Carl Weiner, Attorney for the Applicant, provided an overview of Whitehall Estates, a 39-unit subdivision at Whitehall Road and Potshop Road. Mr. Weiner commented on unit location, open space, and the status of outside agency approvals.

Supervisor Caughlan commented on the three dwelling units at Lot 1. Joe Nolan, Township Engineer, noted this is permitted by Township Code.

Supervisor Caughlan commented on restricting Lot 39 to prohibit future subdivision. Mr. Weiner noted Township Code permits up to 40 units at the property, and he stated the Applicant, while having no current plan to subdivide this lot, is not agreeable to prohibiting future subdivision. Mr. Weiner noted Preliminary Plan approval was granted absent a condition to prohibit future subdivision of Lot 39. Wendy McKenna, Township Solicitor, commented on the grant of a Preliminary Plan approval.

Rolph Graf, Engineer for the Applicant, noted the development includes approximately 69 acres of open space, which includes both lands to be dedicated to the Township and Lot 1.

Mr. Weiner stated the Applicant will provide a trail easement along the property's southern boundary that extends from Whitehall Road to Potshop Road, as was requested by the Planning Commission, and as included in the proposed resolution.

Supervisor Caughlan commented on the Lot 39 conservation easement matter being further reviewed by the Township Solicitor. Chair DeLello and Supervisor Quigley were in agreement to move forward with approval consideration at this evening's meeting.

Supervisor Caughlan commented on the waiver of sidewalks.

Supervisor Quigley made a motion to approve Resolution 2018-19, granting Final Plan approval for Whitehall Estates, a 39-unit subdivision at Whitehall Road and Potshop Road. The motion was seconded by Chair DeLello.

Bill Goulding, Worcester, commented on the pre-construction inspection of the lands at Stony Creek Farms on which the sanitary sewer improvements will be installed, the waiver of sidewalks and the benefits of sidewalks, the dedication of stormwater management facilities to the Township and the proposed fee-in-lieu of maintenance for these facilities, the

Lot 39 conservation easement, and future connections to the sanitary sewer system. Heather Ford, Worcester, commented on the waiver of sidewalks. Dr. Mollick commented on the waiver of sidewalks, compliance with the Township Code driveway regulations, Board of Supervisors plan approval consideration, the value of Board of Supervisors and Planning Commission Joint Meetings, and the Haines property conservation easement. Kurt Schweighauser, Worcester, commented on the waiver of sidewalks.

By unanimous vote the Board adopted the motion to approve.

- c) motion – Carl Weiner, Attorney for the Applicant, provided an overview of a request to approve a three-year extension to the plan approval status for Stony Creek Village, a commercial development at Township Line Road and North Wales Road.

Supervisor Caughlan made a motion to grant a three-year extension to the plan approval status for Stony Creek Village, a commercial development at Township Line Road and North Wales Road. The motion was seconded by Supervisor Quigley.

There was no public comment.

By unanimous vote the Board adopted the motion to approve.

- d) Resolution 2018-20 – Dick McBride, Attorney for the Applicant, provided an overview of the Reserve at Center Square, a 250-unit subdivision at Skippack Pike, Whitehall Road and Berks Road.

Mr. McBride commented on the Settlement Agreement and on the Addendum to the Settlement Agreement.

Mr. McBride commented on landscaping to be installed along the property line to abutting properties, and on the extension of the sanitary sewer line to this area, so to accommodate the future connection of these properties to the public sewer system. Mr. McBride commented on parcels of land fronting Whitehall Road and Berks Road to be conveyed to the abutting property owners.

Mr. McBride commented on requested waivers, and on the proposed fee-in-lieu installation of sidewalks along Skippack Pike and Berks Road, and on the proposed fee-in-lieu a portion of site landscaping.

Supervisor Caughlan commented on the Berks Road access, and on the impact to traffic on Berks Road. Mr. McBride stated the Applicant is not agreeable to removing this access. Mr. Ryan and Mr. Nolan noted the proposed access was reviewed, and is recommended, by the Township Traffic Engineer.

Supervisor Quigley noted the neighboring property owners have not raised any concerns with the proposed development, and commented on the Applicant's efforts to work with the neighboring property owners.

Mr. Nolan commented on the status of outside approvals.

Supervisor Quigley made a motion to approve Resolution 2018-20, granting Preliminary/Final Plan approval for the Reserve at Center Square, a 250-unit subdivision at Skippack Pike, Whitehall Road and Berks Road. The motion was seconded by Chair DeLello.

Stuart Land, Worcester, commented on the Berks Road access, the impact of redirecting development traffic to Skippack Pike, and landscaping to be installed. Dr. Mollick commented on past litigation between the Applicant and Township. Dan Dreher, Worcester, commented on improvements to Whitehall Road.

The motion was approved by a 2-1 vote, with Supervisor Caughlan voting no.

- e) Public Hearing – At 9:20 pm Chair DeLello opened a Public Hearing to consider Ordinance 2018-276, to amend signage regulations.

Ms. McKenna noted the ordinance had been submitted to the Worcester Township Planning Commission, Montgomery County Planning Commission and Montgomery County Law Library on April 13, posted to the Township website and in the Township Building lobby on April 13, and advertised in the *Times Herald* on April 23 and April 30.

Ms. McKenna noted the Montgomery County Planning Commission review letter did not provide any comment of concern.

Chair DeLello commented on permitted signage regulations as per the US Supreme Court decision in *Reed*.

Supervisor Quigley noted his opposition to the proposed ordinance, and impact to Township businesses.

Dr. Mollick commented on the impact to Township businesses and current signage regulations.

Supervisor Caughlan commented on permitted signage regulations as per the US Supreme Court decision in *Reed*.

Chair DeLello called for additional public comment, and there was none.

The Public Hearing was closed at 9:28 pm.

- f) Ordinance 2018-276 – Supervisor Caughlan made a motion to approve Ordinance 2018-276, to amend signage regulations. The motion was seconded by Chair DeLello.

There was no public comment.

The motion was approved by a 2-1 vote, with Supervisor Quigley voting no.

- g) Public Hearing – At 9:29 pm Chair DeLello opened a Public Hearing to consider Ordinance 2018-277, to amend various provisions of the Township Code.

Ms. McKenna noted the ordinance had been submitted to the Worcester Township Planning Commission, Montgomery County Planning Commission and Montgomery County Law Library on April 13, posted to the Township website and in the Township Building lobby on April 13, and advertised in the *Times Herald* on April 23 and April 30.

Ms. McKenna noted the Montgomery County Planning Commission review letter did not provide any comment of concern.

Dr. Mollick commented on the proposed revision to the use definition for a Residential Life-Care Facility.

Chair DeLello called for additional public comment, and there was none.

The Public Hearing was closed at 9:34 pm.

- h) Ordinance 2018-277 – Supervisor Caughlan made a motion to approve Ordinance 2018-277, to amend various provisions of the Township Code. The motion was seconded by Supervisor Quigley.

There was no public comment.

By unanimous vote the Board adopted the motion to approve.

- i) Resolution 2018-21 – Mr. Ryan provided an overview of a resolution to authorize submission of a grant application to the Commonwealth Finance Authority Greenways, Trails, and Recreation Program for the construction of an all-season classroom and meeting building at Heebner Park. Mr. Ryan noted the grant program is funded by Act 13 Marcellus shale impact fees.

Supervisor Caughlan commented on the proposed location for the building. Mr. Nolan noted the building would be located between the basketball courts and parking area.

Supervisor Caughlan made a motion to approve Resolution 2018-21, authorizing submission of a grant application to the Commonwealth Finance Authority Greenways, Trails, and Recreation Program for the construction of an all-season classroom and meeting building at Heebner Park. The motion was seconded by Supervisor Quigley.

There was no public comment.

By unanimous vote the Board adopted the motion to approve.

- j) Resolution 2018-22 – Mr. Ryan provided an overview of a resolution to authorize submission of an Application for Traffic Signal Approval to the Pennsylvania Department of

Transportation, for improvements to the existing traffic signals at Township Line Road and North Wales Road, pertaining to the Stony Creek Village land development.

Supervisor Caughlan made a motion to approve Resolution 2018-22, authorizing submission of an Application for Traffic Signal Approval to the Pennsylvania Department of Transportation, for improvements to the existing traffic signals at Township Line Road and North Wales Road, pertaining to the Stony Creek Village land development. The motion was seconded by Supervisor Quigley.

There was no public comment.

By unanimous vote the Board adopted the motion to approve.

- k) Resolution 2018-23 & Resolution 2018-24 – Mr. Ryan provided an overview of two resolutions to authorize submission of grant applications to the Montgomery County Transportation Program, 2018 Round. Mr. Ryan noted the applications seek funds to reimburse the Township for fifty percent of the required municipal match to two Green-Light-Go grants awarded in 2017.

Supervisor Caughlan made a motion to approve Resolution 2018-23 and Resolution 2018-24, to authorize submission of grant applications to the Montgomery County Transportation Program, 2018 Round. The motion was seconded by Supervisor Quigley.

There was no public comment.

By unanimous vote the Board adopted the motion to approve.

- l) agreement – Supervisor Caughlan made a motion to approve a Settlement Agreement in the matter of DiGenova v. Worcester Township, Montgomery County Court of Common Pleas docket number 2018-07737. The motion was seconded by Supervisor Quigley.

Dr. Mollick commented on the availability of the Settlement Agreement, and on the public's opportunity to comment on the Settlement Agreement.

By unanimous vote the Board adopted the motion to approve.

OTHER BUSINESS

- Supervisor Caughlan commented on a reimbursement due to the Township from the Methacton School District for repairs made at Mill Road. Mr. Ryan will review the status of this reimbursement.

ADJOURNMENT

There being no further business brought before the Board, Chair DeLello adjourned the Business Meeting at 9:50 PM.

Respectfully Submitted:

Tommy Ryan
Township Manager