

WARRINGTON TOWNSHIP BOARD OF SUPERVISORS

MINUTES FOR OCTOBER 27, 2009

The regular meeting of the Warrington Township Board of Supervisors was held on October 27, 2009, 7:30 p.m., at the Township Building located at 852 Easton Road, Warrington, PA 18976. The members present were as follows:

ATTENDANCE:

Carol M. Butterworth, Chairperson; Michael W. Lamond, Jr., Vice Chairperson; Glenn McKay, Secretary; Rebecca A. Kiefer, Assistant Secretary; and Paul Plotnick, Member; Timothy J. Tieperman, Township Manager; Thomas F. Zarko, Township Engineer; Michael Mrozinski, Director of Planning and Economic Development; Michael P. Clarke, Esq., Township Solicitor; Barbara Livrone, Executive Assistant to the Township Manager; Vivian Bell, Township Treasurer; Carolyn Hanel, Director of Administrative Services/Parks and Recreation; Chief Thomas Mazzo, Community Ambulance; and Michael J. Bean, Fire Chief; Richard Lesniak, Director of Fire, Inspection and Emergency Services; and Gay Currie, Communications Officer.

PLEDGE OF ALLEGIANCE

The meeting opened with a pledge to the flag.

CITATION PRESENTATION

Glenn McKay presented a Citation of Commendation plaque in recognition of Fraser Wall's long term commitment and his exemplary volunteer service and contribution to our community from 1975-2008. The Board of Supervisors and Staff members wanted to thank all the volunteers in Warrington for all of the work that they do for the community. Mr. McKay said that we have over sixty (60) volunteers who serve on ten (10) advisory boards in the township. He said Mr. Wall served thirty four (34) years as a volunteer, of which twenty eight (28) years of continuous service was on the Township Planning Commission. Mr. Wall's service helped direct Warrington Township's future development.

Representative Kathy Watson, on behalf of the Commonwealth of Pennsylvania, presented Fraser Wall with a Citation stating Mr. Wall demonstrated remarkable knowledge, ability, and integrity in carrying out his many responsibilities thus earning the respect and gratitude of all those who received the benefits of his tireless devotion to duty.

Fraser Wall thanked the people of Warrington for their support and their devotion and said they should try to always keep Warrington a better place to live.

EXECUTIVE SESSION REPORT: Mr. Clarke reported at the conclusion of the October 13, 2009, meeting the Board held an executive session to discuss a contract matter involving a collective bargaining agreement and to discuss two matters of litigation and two matters of potential litigation.

APPROVAL OF BILL LIST:1. **10/13/09 – 10/27/09 – \$1,370,733.44**

Motion – It was moved by Mr. Lamond, seconded by Mr. McKay, the Board of Supervisors voted to approve the bill list from 10/13/09 to 10/27/09 in the amount of \$1,370,733.44. This motion passed by a roll call vote of 5 yeas.

APPROVAL OF MINUTES:2. **September 8, 2009**

Motion – It was moved by Mr. Lamond, seconded by Mr. McKay, the Board of Supervisors voted to approve the minutes of the September 8, 2009 meeting. This motion passed by a vote of 5-0.

3. **September 22, 2009**

Motion – It was moved by Mr. McKay, seconded by Mr. Plotnick, the Board of Supervisors voted to approve the minutes of the September 22, 2009 meeting. This motion passed by a vote of 4-1. Mr. Lamond abstained.

MINUTES FOR POSTING4. **October 13, 2009**

Motion – It was moved by Mr. Lamond seconded by Mr. Plotnick, the Board of Supervisors voted to post the minutes of the October 13, 2009 meeting. This motion passed by a vote of 4-1. Mrs. Kiefer abstained.

PUBLIC COMMENT

a) **Park Road Noise Concern.** Mr. McKay stated there was a petition by the Police Benevolent Association (PBA) that he saw for the first time on October 27, 2009 regarding a concern by the PBA. He said this petition dates back to an 8/3/09 email sent to the township supervisors, the township's police chief, and the township's zoning officer. He said the email was sent at 11:30 p.m. on 8/3/09 to all the supervisors except Rebecca Kiefer was excluded and it concerned a noise issue at the Ric-Lin property located on Park Road. He read one paragraph of the email. Mr. McKay noted the PBA petition was raised three months later. He wished this matter was brought up within days of the 8/3/09 email and he would have addressed it at that time. He said that statement in the email was a paraphrasing of what came from the neighbors and not from him. The only apology he has is that this statement in the email was not put in parenthesis and he did not agree with the statement about the police department.

Mr. Ken Hawthorn, President the Warrington Police Benevolent Association said he wanted to address the Board about some issues. He said he really wants to start off 2010 on the right track. He said the PBA wants to put the contract arbitration and grievances with the Board behind them. He stated the PBA would like to be included in discussions regarding the potential merger.

Mr. Hawthorn said the police department expects to deal with people who don't know how to behave in a civilized society. However, the department does not expect is to be called "meek and little". Mr. Hawthorn stated the statement should have been in quotes.

Mrs. Sandy Gerger, 2546 Park Road, said she attended the supervisors meeting in support of Mr. McKay. She said Mr. McKay is her neighbor and was representing the neighbors. She said she didn't write those words and did not say those words. She said that was another neighbor. Mrs. Gerger said the men who represent the township as police officers are doing a great job. She said there have been numerous times when she called the police and they came to her driveway and talked to her about the laws and how they weren't really adequate when it comes to this type of situation. She said the police are only able to go so far as they could within the boundaries of the law.

b) **Bradford Greene**. Mr. Ron Klear, who resides at 3306 Cedar Waxwing Drive in the Bradford Greene section asked about the status of the bridge connecting Bradford Greene with Lower Nike Park to the 5-Year Plan. He asked if there have been any more discussions since last month.

Mr. Zarko said the bridge connecting Bradford Greene with Lower Nike Park is a project that has to be identified when funds are available. He said there may be a possibility of available grant money to fund the project in the future; however, the project is not slated for 2010.

Mr. Plotnick stated that the project would have a higher priority if the Bradford Greene residents could add their support to a grant request and they may even consider a contribution to the project. He suggested that they work with Mrs. Hanel to determine their best strategies for the project. Mr. Klear concurred.

Mr. Klear said that he understands that this project is not high on the township's priority but he wants the project noted because he feels it is a safety issue.

c) **Payment of Water and Sewer Bills**. Mrs. Millie Laing, who resides at 767 South Settlers Circle, said that when she went to pay her water and sewer bill she noticed on the bottom of the bill that the Water & Sewer Department is moving. She inquired where she should go to pay her future bills. She was informed that she should come to the township building. Mrs. Laing questioned why the department was moving from Turk Road to the township building. Mr. Plotnick responded by saying the move was for financial and safety reasons.

DEPARTMENT REPORTS:

5. **Warrington Fire Company Monthly Report**. Fire Chief Michael J. Bean reviewed his monthly reports for September 2009 representing the Warrington Fire Company.

6. **Warrington Community Ambulance Corps**. Chief Thomas G. Mazzo reviewed his monthly report for September 2009 representing the Warrington Community Ambulance Corps.

7. **Fire, Inspection and Emergency Services Monthly Report**. Mr. Richard Lesniak reviewed his monthly report for September 2009 for Fire, Inspection and Emergency Services.

NEW BUSINESS (ACTION/DISCUSSION ITEMS):

8. **Review and Discussion of 2010 Preliminary Budget**. Mr. Tieperman reviewed the 2010 Preliminary Operating and Capital Budget. He said the plan is to have the budget available for public review and for final review adoption on December 1, 2009.

Mr. Tieperman said the most important slide is the real estate levy. He said the township is trying this year to keep the tax increase level for 2010 and there will be no real estate tax increase in this budget as it stands. He said the original budget request to the township manager's office totaled around \$18.8 million from which was reduced, with the cooperation of the township's Permanent Finance Committee,

approximately \$886,000 from these requests. This represents a 5% reduction in the General Operating Fund, 3% in the Water & Sewer, 10% in our Parks Operation Funds, Debt Service remains level at a negative 4%, and our Special Operating Funds.

Mrs. Kiefer stated the presentation was very well done and the Staff did a lot of work in it. She had a number of questions where there were discrepancies. She said last year one of the things that she asked for was a multi breakdown of each one of the different funds, i.e., the salaries breakdown, insurances, special legal fees, etc. She requested a final summary of all the line items both revenue and expenditures that tells her what the total costs are of the salaries, etc.

Mrs. Kiefer raised a question about revenues under the category of miscellaneous revenues – sale of township properties in the amount of \$310,000. Mr. Tieperman responded that is the appraised value for the township's Route 202 Corridor property. The township is projecting to get those revenues in. There was a discussion with Permanent Finance Committee on whether those monies should be put in the Open Space Fund or should be put in other special categories fund in an attempt to keep our fund balance at a respectable level in the General Fund.

Mrs. Kiefer said her other questions concerned some of the discrepancies in legal services which was budgeted at \$16,500 vs. \$30,000. Mr. Tieperman said the committee had some questions for Mr. Clarke. Mrs. Kiefer said the feasibility that the Township is projecting for 2010 is \$15,000. Her concern was that if the budgeted amount is \$16,500 and the actual is \$30,000, why is the 2010 projected at \$15,000. Mr. Tieperman said in a number of discussions we had some very unusual level of litigation which brought those actuals up.

Mrs. Kiefer raised a question under the Planning Commission for professional services at \$50,000. She said her concern is that we're going to have the Open Space Plan. If that is going to be done, where is that itemized?

Mrs. Kiefer raised a question about the expenditures under the building assessments for special legal fees. She said in the past legal fees in 2008 have been \$5,000, in 2009 the figure was \$2,500, and the budgeted amount was \$2,000 for 2009. Mr. Tieperman said that probably has to do with legal services provided by the Appeals Board.

Mrs. Kiefer raised a question under the category of Building Inspectors (Contracted Services). She said in 2008 \$108,000 was spent and in 2010 \$82,000 is being proposed. Mrs. Kiefer asked for an explanation. Mr. Tieperman said he believes that this is for the Keystone contract.

Mrs. Kiefer noted a Municipal Services Director listed under Public Works. She asked in 2008 the actual figure was \$43,176. In 2010 the projected figure is \$25,000. She said this is obviously a new employee that we have not prepared a job description, etc. Mrs. Kiefer asked if \$25,000 was the salary. Mr. Tieperman reported the total salary is charged among three funds. The township may restructure the old Public Works position to provide some oversight between Water and Sewer, Public Works, and Park/Recreation Departments. It's proportioned among the various percentages among those three categories.

Mrs. Kiefer raised a question about the area of traffic and street lights, and road repairs professional services. She said road repair for professional services was \$238,150. Mr. Tieperman said this cost figure was for preparation for specialized engineering services for street maintenance activities.

Motion – It was moved by Mr. Lamond, seconded by Mrs. Kiefer, that the Board of Supervisors authorized the advertisement for the 2010 Preliminary Budget. This motion passed by a vote of 5-0.

ESCROW AND MAINTENANCE BOND RELEASES:**9. Consider Request for Escrow Release #2 for Stone Manor Corporate Center in the amount of \$57,370.00.**

Motion - It was moved by Mr. Lamond, seconded by Mr. McKay, the Board of Supervisors approve the escrow release #2 for Stone Manor Corporate Center in the amount of \$57,370.00. This motion passed by a vote of 5-0.

10. Consider request for Escrow Release #6 for Spognardi Tract in the amount of \$12,553.00.

Motion - It was moved by Mr. Lamond, seconded by Mr. Plotnick, the Board of Supervisors approve the escrow release #6 for Spognardi Tract in the amount of \$12,553.00. This motion passed by a vote of 5-0.

EXTENSION REQUESTS:**11. Consider Extension Request for Elsner Minor Subdivision.**

Motion – It was moved by Mr. Lamond, seconded by Mr. McKay, the Board of Supervisors approve the extension request for Elsner Minor Subdivision until 11/30/09. This motion passed by a vote of 5-0.

12. Consider Extension Request for Dunkin Donuts/Baskin Robbins Major Land Development.

Motion – It was moved by Mr. Lamond, seconded by Mr. McKay, the Board of Supervisors approve the extension request for Dunkin Donuts/Baskin Robbins Major Land Development until 10/21/10. This motion passed by a vote of 5-0.

13. Consider Extension Request for Valley Square Phase 1.

Motion – It was moved by Mr. Lamond, seconded by Mr. McKay, the Board of Supervisors approve the extension request for Valley Square Phase 1 until 2/03/10. This motion passed by a vote of 5-0.

PUBLIC HEARING:**14. Conditional Use Hearing for Metro PCS, LLC to allow the collocation of a telecommunications facility consisting of six panel size antennas on an existing structure and radio equipment cabinets to be located at the base of the tower located at 320 Lower State Road.**

Motion – It was moved by Mr. Lamond, seconded by Mr. McKay, the Board approve opening the conditional use hearing for Metro PCS, LLC to allow the collocation of a telecommunications facility consisting of six panel size antennas on an existing structure and radio equipment cabinets to be located at 320 Lower State Road. This motion passed by a vote of 5-0.

Mr. Clarke reported this is a conditional use hearing for Metro PCS, LLC for a site located at 320 Lower State Road. He said the tax parcel # is 50-004-088 (incorrectly noted in application as Tax Parcel No. 50-0004-088). He said this is an application to allow the collocation of a telecommunications facility consisting of six panel size antennas on an existing structure and radio equipment cabinets to be located at the base of the tower located at 320 Lower State Road.

Mr. Clarke said the applicant is represented by Nicholas A. Cuce, Jr., Esq. He said he spoke to Mr. Cuce regarding the procedures that are followed in Warrington Township for collocation. Mr. Cuce gave an overview of the application, distributed copies of exhibits, and gave a brief summary of the testimony of his witnesses. He said he had received two letters from the township engineer dated 6/19/09 & 7/22/09 and addressed all of the plan review comments. He said we will comply with all of the items set forth in the township engineer's letters.

Mr. Clarke said Mr. Cuce had received zoning approval October 26, 2009. He said he assumes that no members of the public were out in opposition to the application presented at the zoning hearing board. Mr. Cuce stated there was not any opposition. Mr. Clarke asked Mr. Cuce did he understand, of course, if this Board was to grant approval at this evenings meeting, one of the conditions would be if that anyone were to appeal the zoning approval and if you were to lose, you would be unable to move forward with constructing this antenna. Yes, Mr. Cuce said he understood.

Motion – It was moved by Mrs. Butterworth, seconded by Mr. Lamond, the Board of Supervisors voted to close the public hearing on an application filed by Metro PCS, LLC to allow the collocation of a telecommunications facility consisting of six panel size antennas on an existing structure and radio equipment cabinets to be located at the base of the tower located at 320 Lower State Road. This motion passed by a vote of 5-0.

Motion – It was moved by Mr. Lamond, seconded by Mr. Plotnick, that the Board of Supervisors voted to approve the conditional use for Metro PCS, LLC to allow the collocation of a telecommunications facility consisting of six panel size antennas on an existing structure and radio equipment cabinets to be located at the base of the tower located at 320 Lower State Road and will comply with all CKS's requirements and letters dated 6/19/09 & 7/22/09 and under the conditions as stated by the solicitor. This motion passed by a vote of 5-0.

ADJOURNMENT

Motion - It was moved by Mr. Lamond, seconded by Mr. Plotnick, the Board of Supervisors voted to adjourn the meeting at 10:35 p.m. This motion passed by a vote of 5-0.