

# **WARRINGTON TOWNSHIP BOARD OF SUPERVISORS**

## **MINUTES FOR JANUARY 26, 2010**

The regular meeting of the Warrington Township Board of Supervisors was held on January 26, 2010, 7:30 p.m., at the Township Building located at 852 Easton Road, Warrington, PA 18976. The members present were as follows:

### **ATTENDANCE:**

Rebecca A. Kiefer, Chairman; John Paul, Vice Chairman; Marianne Achenbach, Secretary; Michael W. Lamond, Jr., Assistant Secretary; Paul Plotnick, Member; Timothy J. Tieperman, Township Manager; William R. Casey, Esq., Township Solicitor; Richard Wieland, Township Engineer; Michael Mrozinski, Director of Planning and Economic Development; Carolyn Hanel, Director of Administrative Services/Parks and Recreation; Vivian S. Bell, Township Treasurer; and Barbara Livrone, Executive Assistant to the Township Manager.

### **PLEDGE OF ALLEGIANCE**

The meeting opened with a pledge to the flag.

### **EAGLE SCOUT RECOGNITION CEREMONY**

Mrs. Kiefer gave recognition to Michael Reeves and Patrick Williams, two eagle scouts who completed projects that benefitted Warrington Township. She commented on how many Eagle Scouts go on and become leaders of this country. She said the Board appreciates their service and efforts on behalf of the Township.

**EXECUTIVE SESSION REPORT.** Mr. Casey reported at the conclusion of the January 12, 2010 meeting the Board held an executive session where two matters of potential litigation were discussed.

### **APPROVAL OF BILL LIST:**

#### **1. January 12, 2010 to January 26, 2010 - \$1,448,366.58**

Motion – It was moved by Mr. Paul, seconded by Mr. Lamond, the Board of Supervisors voted to approve the bill list for the period from 1/12/10 to 1/26/10 totaling \$1,448,366.58. This motion passed by a roll call vote of 5 years.

### **APPROVAL OF MINUTES**

#### **2. December 1, 2009**

Motion – It was moved by Mr. Plotnick, seconded by Mr. Lamond, the Board of Supervisors voted to approve the minutes of the December 1, 2009 meeting, by the current three board members that were in attendance at the December 1st meeting, Mrs. Kiefer, Mr. Lamond and Mr. Plotnick. This motion passed by a vote of 3-0.

#### **3. December 22, 2009**

Motion – It was moved by Mr. Lamond, seconded by Mrs. Achenbach, the Board of Supervisors voted to table approval of the minutes of the December 22, 2009 meeting until former supervisor, Carol Butterworth has had a chance to review them. This motion passed by a vote of 5-0.

**MINUTES FOR POSTING****4. January 12, 2010**

Motion – It was moved by Mr. Paul, seconded by Mr. Plotnick, the Board of Supervisors voted to table posting the minutes of the January 12, 2010 meeting until corrections can be made. This motion passed by a vote of 5-0.

**PUBLIC COMMENT**

a) **Closing of Detweiler Road.** Ms. Mary Fox, who resides near Detweiler Road inquired about the closing of Detweiler Road. Mr. Tieperman said that construction activity on the 202 Parkway will commence in Warrington on January 28, 2010 with the closure of Detweiler Road. Residents who normally use Detweiler Road for commuting purposes will need to exit to Stump Road or Upper State Road respectively. This is a permanent closure for vehicle traffic. Eventually, a bike and hike trail will connect both sections of Detweiler Road.

b) **Mercantile Business & Privilege Tax.** Mr. Stephen Harris, who resides on Bristol Road, said, as the Board knows, he represented twenty small business owners who challenged the Mercantile Business & Privilege Tax that was imposed by this Board in 2009. He said while thankfully the Board did not collect this tax last year he will be filing a petition for allowance of appeal to the Supreme Court of Pennsylvania this week. Mr. Harris understands the Board's need to raise revenue but this tax really falls unfairly on small businesses within the township. Mr. Harris requested the Board look at the budget and see whether or not they can get rid of this tax if not this year then perhaps next year. He does not feel that this tax is a good revenue source.

Mrs. Kiefer stated that she did not vote for this tax. However, the 2010 budget was based on inclusion of this revenue; therefore it cannot be addressed this year but will be reviewed for the 2011 Budget.

c) **Township Newsletter.** Mr. Wayne Bullock questioned the need for a township newsletter during these current economic times. He said the Township has a website that is 24/7, and a TV station that is 24/7. If someone really wants information, they can call the township building. Mr. Bullock questioned the need for a newsletter when a lot of information is duplicated and outdated by the time it gets to print. Mrs. Kiefer said the Township is checking into producing a newsletter that will be revenue neutral.

d) **Website On-Line Submittal Form.** Mr. Tom Knotts, who resides at 560 Mill Creek Road, said he started looking at the website when he was concerned about the proposed TEVA. He submitted a question to the township's on-line submittal form a week ago and he has not received any feedback at all from the concern that he has. He asked what the process is that the township follows to address those concerns the citizens have submitted on the website. His concern has to do with stormwater management. Mr. Tieperman said the Township's webmaster receives the actual requests and then forwards them onto the appropriate department head. We've always tried to get those responses within a 48-hour period depending on whether it requires some research. Mr. Tieperman stated he would look into why no response was given and that he would get back to Mr. Knotts and that Mr. Knotts is welcome to contact Mr. Tieperman directly as well.

**MANAGER'S REPORT.**

5. Mr. Tieperman reviewed the manager's report which included a) TEVA Update; b) 202 Parkway Construction Update; c) Budget Meeting; d) Solar Energy Grant Program; e) Auditor Appointment Status; f) Closed Loop System Repairs; g) Staff Meeting Highlights; and h) Other Business.

Mr. Tieperman said he is asking for the Board's consent to proceed on implementing the closed loop system repairs at a cost of \$4,080 using Liquid Fuels monies. The township manager was directed to proceed with having the repairs done on the closed loop system using Liquid Fuels monies at a cost of \$4,080.

Mrs. Kiefer reported in the Emergency Management Plan they have a list of telephone numbers and some of the Board members have included their home and cell #'s while others just have their work numbers. She said if the Board members have any additional telephone numbers they want to add to the Emergency Management Plan be sure to contact the township manager so that this information can be included.

Mr. Tieperman reported that the Environmental Advisory Committee had prepared a \$425 Grant application to apply for a Disney Community Youth Grant. He said he has given his consent to move forward with this grant application.

#### **NEW BUSINESS (ACTION/DISCUSSION ITEMS):**

6. **Pursuant to Section 68202 of the Second Class Township Code, consider authorizing the advertisement of a proposed amended budget for Board consideration at the February 9, 2010 regular meeting.** Mrs. Kiefer reported in a municipal election year when new Supervisors are sworn in the budget may be reviewed and amended. She stated Staff, the Finance Department, and Supervisor Marianne Achenbach; previously a member of the Permanent Finance Committee and herself sat down and reviewed the budget. Some department heads were asked to make additional budget cuts. The final total as reported by the Finance Department is approximately a 3% savings in the 2010 budget.

Motion – It was moved by Mr. Paul, seconded by Mrs. Achenbach, the Board of Supervisors moved that pursuant to Section 68202 of the Second Class Township Code, the Board hereby authorizes the advertisement of a proposed amended budget for Board consideration at the February 9, 2010 regular meeting. The amended budget shall include the revised budget information as summarized in the Township Manager's January 22, 2010 memorandum. This motion passed by a vote of 5-0.

Mr. Plotnick commented that he did review the budget changes and said most of them made sense to him. Mr. Plotnick stated the Communications Department will suffer due to the cut in the township newsletter and other media access. He felt the citizens are going to pay for that price out of their own knowledge and that is probably a big mistake to cut back on the Communications Budget and the Township will regret it. He said he was not going to dispute the changes but felt that the Township is losing a valuable resource.

#### **OLD BUSINESS (ACTION/DISCUSSION ITEMS):**

7. **Consider Preliminary Plan Approval for the Gavin Lingo Subdivision.** Stephen Harris, Esq. reported that he had a lengthy discussion with the Board in December 2009 and the Board asked him to go back and look at some issues regarding the Gavin Lingo Subdivision. Mr. Harris said this is a 7 lot single family subdivision with 2.9 acres of open space located at the corner of Pickertown and Stump Roads. Mr. Harris is still working from a 9/1/09 letter, which was prepared by Mr. Thomas Zarko from CKS Engineers, Inc. The recommendation of the Planning Commission and the Bike & Hike Committee was that open space should be dedicated to the township. Mr. Harris said the applicant is prepared to dedicate the open space. Mr. Harris is proposing a fee in lieu of for the traffic impact study in the amount of \$2,000.

Mr. Harris said all of the other items in the letter will be complied with. He reviewed the three waivers that have been recommended by the township engineer and staff.

Mr. Paul commented it is not in the Township's best interest to have the open space and it is unusable.

A. Victor Meitner, Jr., Esq. representing Dennis and Melody Eble, the owners of the property adjacent to the proposed Lingo Subdivision said his clients' main concern has been the number of driveways across from their residence and barn on Stump Road. Mr. Meitner met with the applicant's counsel, Steve Harris, Esq., over the past week and has reached an accommodation/agreement with Mr. Harris on behalf of the owner of the Lingo property. The owners have agreed that in light of various line of sight issues with placing a berm and landscaping on the Lingo property across from his clients residence and barn, that they will build that berm and landscape in accordance with the same requirements that would be applicable had they built the buffer on their own property at the expense of Lingo. The buffer will minimize the impact of the headlights and noise from development. This agreement is contingent upon final subdivision approval from the Warrington Township Board of Supervisors and will be constructed at the same time a construction of utilities will begin on the Lingo Tract.

Mr. Bill Sansom who lives in Prescott Farms lot #30 wanted to discuss several issues about the open space. His one question is there anyway of keeping that as open space but making it permanent open space so nothing can be built there. Mr. Paul said that was what he was talking about with Mr. Harris as far as the agreement with the homeowners association. He said the township has a right to review that agreement and approve it and make whatever recommendations they feel are necessary. Obviously the association will have to accept it as far as the builder is concerned. He said when the people buy the property they buy that contract with the property as to what is allowed and not allowed there, what they have to maintain and not maintain, which is all stated in a contract form for the homeowners association. Mr. Harris said that open space is going to be permanently dedicated and there will be restrictions in the approval documents that require that to remain as open space in perpetuity.

Motion – It was moved by Mr. Paul, seconded by Mr. Lamond, the Board of Supervisors moved to authorize the resolution for the preliminary plan for the Gavin Lingo Subdivision as read by the solicitor including CKS Engineers, Inc. letter dated 9/1/09 and A. Victor Meitner, Jr., Esq., letter dated 1/26/10, who represents Dennis and Melody Eble. This motion passed by a vote of 5-0.

**8. Consider approval of Solar Energy Grant Commitment and Agreement pertaining to the Tradesville Photovoltaic Energy System.** Mrs. Kiefer said the solar energy grant commitment and agreement is for the solar panels to be put out in the west end of Warrington located on the Tradesville property.

Motion – It was moved by Mr. Paul, seconded by Mr. Lamond, the Board of Supervisors moved to table the Solar Energy Grant Commitment and Agreement until the February 23, 2010 meeting. This motion passed by a vote of 5-0.

#### **ESCROW AND MAINTENANCE BOND RELEASES:**

**9. Consider request for escrow release #1 for the 99 Restaurant and Pub in the amount of \$593,615.00.**

Motion – It was moved by Mr. Paul, seconded by Mr. Lamond, the Board of Supervisors moved to approve escrow release #1 for the 99 Restaurant and Pub in the amount of \$593,615.00. This motion passed by a vote of 5-0.

**10. Consider request for escrow release #1 for the Tamanend Middle School, Central Bucks School District in the amount of \$1,736,295.00.**

Motion – It was moved by Mr. Paul, seconded by Mr. Lamond, the Board of Supervisors moved to approve escrow release #1 for Tamanend Middle School, Central Bucks School District in the amount of \$1,736,295.00. This motion passed by a vote of 5-0.

**11. Consider request for escrow release #5 for Stone Manor Corporate Center, Unit G Pad Site in the amount of \$138,929.30.**

Motion – It was moved by Mr. Paul, seconded by Mr. Lamond, the Board of Supervisors moved to approve escrow release #5 for Stone Manor Corporate Center, Unit G Pad Site in the amount of \$138,929.30. This motion passed by a vote of 5-0.

**SUPERVISORS' COMMENTS**

Mrs. Kiefer commented there have been some questions and concerns over the past couple weeks regarding the recent police arbitration that has arisen. She said the issue here is that, although there was an arbitration hearing and a decision, apparently there is some confusion or misconception about what some of the details of the arbitration decision and how it affects the police and clarification of the opinion from the arbitrator. The Township is still waiting for the solicitor, Mr. Truelove to submit the written contractual agreement, and arbitration award reduced to writing. Mrs. Kiefer is concerned because confusion could possibly lead to further arbitration and grievance due to these issues.

Mrs. Kiefer thinks one of the things the Board has to do is to try to avoid the extra expense for the Township. Mrs. Kiefer feels it is important to establish a better relationship with the police and find out exactly what the issues are and look into them to understand and address them.

Mrs. Kiefer said one of the things that this issue brings up is the need to have someone who is familiar with negotiation issues and with the police department. Mrs. Kiefer recommended Mr. Gerry Anderson, a former township supervisor who was on the Board for many years and has a good working relationship with the police department. Mrs. Kiefer recommended that the Board appoint Mr. Anderson as a fact finder and to interface with the police bargaining unit. Additionally, report back to the Board so the Board can look at them and decide what can be done. Mrs. Kiefer felt it is important to resolve these issues and problems promptly and fairly for all concerned. Mrs. Kiefer further recommends Mr. Anderson to this task because he has negotiated at least three prior successful contracts with the police department in Warrington. Mrs. Kiefer stated Mr. Anderson will not receive any compensation from the township for this appointment.

Mr. Plotnick recommended before any final agreements are negotiated with the police, the Board of Supervisors in executive session get a chance to review these mutual understandings. Mrs. Kiefer agreed to this request. Mrs. Kiefer said this would be brought before the Board of Supervisors and they would make any decisions.

Motion – It was moved by Mr. Paul, seconded by Mrs. Achenbach, the Board of Supervisors approve the appointment of Gerry Anderson as a citizen liaison to the police department and as a fact finder for the Board of Supervisors. This motion passed by a vote of 5-0.

Mrs. Kiefer announced that Mr. Casey has requested a brief executive session on litigation issues.

**ADJOURNMENT**

It was moved by Mr. Paul, seconded by Mr. Plotnick, the Board of Supervisors voted to adjourn the meeting at 8:55 p.m. This motion passed by a vote of 5-0.