



**WARRINGTON TOWNSHIP BOARD OF SUPERVISORS  
MINUTES FOR OCTOBER 12, 2010**

The regular meeting of the Warrington Township Board of Supervisors was held on October 12, 2010, 7:30 p.m., at the Township Building located at 852 Easton Road, Warrington, PA 18976, followed by the pledge of allegiance.

**ATTENDANCE:**

The members present were as follows: John Paul, Chairperson; Gerald B. Anderson, Vice Chairperson; Marianne Achenbach, Secretary; Michael W. Lamond, Jr., Assistant Secretary; Paul Plotnick, Member; Staff present were Timothy J. Tieperman, Township Manager; William R. Casey, Esq., Township Solicitor; Richard Wieland, P.E., Township Engineer; Carolyn Hanel, Director of Administrative Services/Parks and Recreation; and Barbara Livrone, Executive Assistant to the Township Manager.

**APPROVAL OF BILL LIST:**

1. **September 28, 2010 to October 12, 2010 - \$1,812,810.14**

Mrs. Achenbach motioned, seconded by Mr. Lamond, to approve the bill list from 9/28/10 to 10/12/10 totaling \$1,812,810.14. This motion passed by a roll call of 5-0.

**APPROVAL OF MINUTES:**

2. **September 14, 2010**

Mrs. Achenbach motioned, seconded by Mr. Plotnick, to approve the September 14, 2010 Meeting Minutes. The motion passed by a vote of 4-0. Mr. Anderson abstained as he did not attend the meeting.

**MINUTES FOR POSTING**

3. **September 21, 2010**

Mrs. Achenbach motioned, seconded by Mr. Plotnick, to approve the posting of the September 21, 2010 Meeting Minutes. The motion passed by a vote of 3-0. Mr. Lamond and Mr. Anderson abstained as they did not attend the meeting.

4. **September 28, 2010**

Mrs. Achenbach motioned, seconded by Mr. Plotnick, to approve the posting of the September 28, 2010 Meeting Minutes. The motion passed by a vote of 5-0.

**PUBLIC COMMENT**

The following residents provided comment:

- Mr. Greg Jeffries of 1112 Arabian Court (regarding removal of sidewalk in the Deer Valley development).
- Mr. Coogan Cameron of 110 Muirfield Lane (regarding height restrictions in industrial zones).

- Mr. Mike Kelly of 135 Muirfield Lane (regarding issues with TEVA)
- Mr. Joe Lightcap of 750 Country Club Lane (regarding a 70' easement on property located near Hole #5 at Fairways Golf Course).

### **TEVA Meeting**

Mr. Anderson requested that a work session be scheduled with a representative from TEVA to review their distribution center and how it works. Mr. Paul set the date of Tuesday, November 16, 7:00 p.m. for a work session to discuss the TEVA distribution center.

### **Sidewalk Maintenance Agreement**

Ms. Susan Facer Landis of 2395 Lower Barness Road asked about the status of the Sidewalk Maintenance Agreement with the Central Bucks School District on Lower Barness Road with the noted changes requested by the residents. Mr. Paul said a discussion will be held at the Board's October 26 meeting and a final vote taken on this agreement at that time.

Mrs. Vicky Blasko of 2359 Lower Barness Road addressed the Board regarding resealing the portions of the driveways on Lower Barness Road that have been patched and to restore them to their original condition and the depth of the swale.

## **5. MANAGER'S REPORT**

Mr. Tieperman highlighted the following bulleted items in his report:

- Emergency Contract: Palomino Culvert Repair
- Palomino Farms Basin Change Order Deduct
- PSATS Unemployment Trust
- Bradford Reservoir Trail Pedestrian Bridge
- 10 Folly Road Schoolhouse
- Financial Software Packages

### **Emergency Contract: Palomino Culvert Repair**

Mr. Tieperman reported that the downstream endwall of the Palomino Drive culvert has been compromised and is in need of immediate replacement to prevent further structural damage. Board consensus was to authorize using bond contingency funds to initiate these repairs in the amount of \$25,000.

### **Palomino Farms Basin Change Order Deduct**

Mr. Plotnick motioned, seconded by Mr. Lamond to authorize a deduct change order in the amount of \$42,000 from the contract with Albert Marine Construction, Inc. for the Palomino Farms Basin. This motion passed unanimously.

## **6. ENGINEER'S REPORT:**

Mr. Wieland reported that the 2010 Road Program has begun with the milling of Welsh Road, Hillside Drive, Jennings Lane, and Timber Lane and the overlay work will begin next week.

**NEW BUSINESS (ACTION/DISCUSSION ITEMS):****7. Review and consider approval of Letter of Authorization to participate with Bucks County in the cooperative purchase of electricity.**

Mr. Anderson motion, seconded by Mrs. Achenbach to direct the Solicitor draft a letter of authorization to participate with Bucks County in the cooperative purchase of electricity. This motion passed by a vote of 3-2. Mr. Lamond and Mr. Plotnick voted no.

**8. Review and Discuss Draft 2011 Operating Budget.**

Mr. Tieperman transmitted an early draft of the 2011 Operating Budget for the Board's preliminary review. Board was asked to submit their feedback to the township manager before this budget is discussed at the Board's work session on November 16.

Mr. Anderson requested that a discussion be held at the work session on delinquent amusement taxes. The Solicitor was directed to research this matter and get back to the Board with his findings.

**9. Authorize advertisement of an amendment to the Environmental Advisory Council Ordinance to permit hiring of paid staff.**

Mr. Casey reported that one member of the Environmental Advisory Council is also a paid Township employee. The amended ordinance proposes that Council members shall receive no compensation for their services, but may be re-imbursed for the expenses actually and necessarily incurred by them in the performance of their duties. Also members may serve as paid staff members for the Council, if approved by the Council and the Board of Supervisors. Board consensus was concern that approval of this ordinance amendment could set an unwanted precedent. No motion was made to authorize advertisement.

**10. Consider approval of bid award for King Park Fields Lighting.**

Mr. Plotnick motioned, seconded by Mr. Lamond to award the bid for the King Park Field Lighting to Carr & Duff for the base bid of \$52,500 for the multi-use field closest to Kelly Road, consisting of four poles with 30 light total and also for the alternate bid for the installation of poles and lights at the second multi-use field for an additional \$52,500. This motion passed unanimously.

Mr. Lamond motioned, seconded by Mr. Plotnick to approve the purchase of the lights for the King Park Fields lighting from Musco Lighting for an amount not to exceed \$89,993. This motion passed unanimously.

**OTHER BUSINESS (ACTION/DISCUSSION ITEMS):****11. Consider Board of Supervisors realignment.**

Mrs. Achenbach motioned, seconded by Mr. Paul to appoint Gerald B. Anderson as Vice Chairperson of the Board of the Supervisors. This motion passed unanimously.

**12. Appointments to TDR Committee.**

Mr. Anderson motioned, seconded by Mr. Lamond to appoint Paul Plotnick as the Board of Supervisors representative to the TDR Committee. This motion passed unanimously.

**13. Consider amendment to Open Space and Land Preservation Task Force and consider appointment of members.**

Mr. Anderson motioned, seconded by Mr. Plotnick to appoint John McGowan to the Open Space and Land Preservation Task Force. The motion passed by a vote of 4-1. Mrs. Achenbach voted no.

Mr. Plotnick motioned, seconded by Mr. Lamond to appoint Michael Sultanik to the Open Space and Land Preservation Task Force. The motion passed by a vote of 4-0. Mr. Anderson abstained.

Mrs. Achenbach motioned, seconded by Mr. Lamond to appoint Kathy Newcomb to the Open Space and Land Preservation Task Force. The motion passed by a vote of 4-0. Mr. Anderson abstained.

Mr. Plotnick motioned, seconded by Mr. Lamond to appoint Francis Lally to the Open Space and Land Preservation Task Force. The motion did not pass by a vote of 2-2. Mr. Anderson abstained. Mrs. Achenbach and Mr. Paul voted no.

Mrs. Achenbach motioned, seconded by Mr. Paul to appoint Robert Williamson to the Open Space and Land Preservation Task Force. The motion passed by a vote of 3-2. Mr. Lamond and Mr. Plotnick voted no.

Mrs. Achenbach motioned, seconded by Mr. Anderson to amend the resolution re-establishing the Open Space and Land Preservation Task Force. This motion passed unanimously.

**ESCROW AND MAINTENANCE BOND RELEASES:**

**14. Consider Certificate of Completion #6 and Escrow Release in the amount of \$28,032.90 for Warrington Ridge Phase I.**

Mr. Anderson motioned, seconded by Mr. Plotnick to approve the Certificate of Completion #6 and Escrow Release in the amount of \$28,032.90 for Warrington Ridge Phase I. This motion passed unanimously.

**15. Consider Certificate of Completion #4 and Escrow Release in the amount of \$39,724.00 for Warrington Ridge Phase II.**

Mr. Anderson motioned, seconded by Mr. Plotnick to approve the Certificate of Completion #4 and Escrow Release in the amount of \$39,724.00 for Warrington Ridge Phase II. This motion passed unanimously.

**SUPERVISORS' COMMENTS**

- **Beef and Beer Fundraiser**

Mr. Plotnick announced that the Veterans' Affairs Committee will be hosting a Beef and Beer Fundraiser on November 6, 2010 from 7:00 to 11:00 p.m. to benefit the Warrington Veterans Monument. Donation is \$30/person or \$50/for two.

- **Bradford Reservoir Trail**

Mr. Lamond asked for a status report on the boardwalk decking going along the path at the Bradford Reservoir.

- **Lamplighter's Development, Phase 4**

Mr. Anderson said at the last meeting he had requested a report from the Solicitor on the Lamplighter's Development, Phase 4 issue with the intent being to clarify what exactly happened with respect to the financial security arrangement so that this will not happen again. Mr. Casey said no escrow was required from the Developer of Phase IV of Lamplighter Village when that phase was begun by that Developer in 2007. Mr. Casey summarized his findings and distributed an executive report. (See Attachment A).

- **Carol Butterworth**

Mr. Anderson said at the last meeting he had requested the solicitor for a report on Carol Butterworth being enrolled in the township's health plan. He said his issue is that putting any Supervisor on medical benefits even if they pay for it themselves is an extremely controversial issue in Bucks County. Mr. Casey said no letter requesting admission into the health plan was submitted by Mrs. Butterworth and an announcement by the Board of Supervisors of her entrance into the program was not found in any minutes at the time. Mr. Casey summarized his findings and distributed an executive report on the matter. (See Attachment B).

- **Pension Board Meetings**

Mr. Plotnick inquired when the next meeting would be held of the Pension Board. Mr. Tieperman responded that a meeting is tentatively scheduled for October 27, pending confirmation from the members.

- **Street Lighting on Paul Valley Road.**

Mr. Anderson asked who is responsible for the street lights maintenance on Paul Valley Road. Mr. Wieland said Paul Valley Road is a dedicated township road.

- **Flooding at Warrington Avenue**

Mr. Anderson motioned, seconded by Mr. Lamond to direct the solicitor to get the details together and send a letter to Wachovia/Wells Fargo informing them that the township has a flooding issue on Warrington Avenue created by the Meridian Development that could put some Warrington residents in danger. This motion passed unanimously.

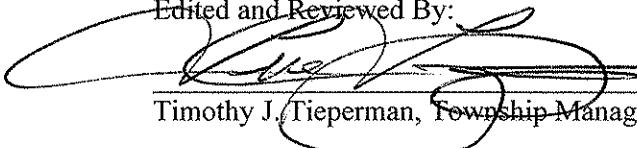
- **Bankruptcy of Katz**

Mrs. Janice Devito of 1881 Walnut Avenue, said Mr. Grasso and Mr. Katz gave 15 ½' of property to all the property owners along where Mill Road used to be. One of her neighbors was unable to sell their property due to the fact that Katz' \$17 million bankruptcy shows up on their property and he couldn't even sell his property because of that \$17 million deficit shows up on their settlement sheet. Wachovia Bank was contacted and they signed the paperwork so that this gentleman could have settlement but there are still ten other properties where that bankruptcy loan is still on those peoples properties. The solicitor was directed to send a letter asking for an explanation as to why this was done.

## ADJOURNMENT

Mr. Plotnick motioned, seconded by Mr. Anderson, to adjourn the meeting at 9:25 p.m. The motion passed unanimously.

Edited and Reviewed By:

  
Timothy J. Tieperman, Township Manager

## ATTACHMENT A

### MEMORANDUM

**TO:** Board of Supervisors of Warrington Township

**FROM:** William H.R. Casey, Township Solicitor

**DATE:** October 8, 2010

**SUBJ:** REPORT ON ABSENCE OF ESCROW IN LAMPLIGHTER VILLAGE,  
PHASE IV

1. The Municipalities Planning Code allows townships to require a developer to post escrow for completion of site improvements, roadways and utilities in the development or a project or any phase thereof.
2. It is not mandatory that townships require escrow – the elected supervisors can allow the developer to forego the escrow and arrange financing with their bank with limited township involvement.
3. In the case of the Lamplighter development, escrow was required in the first three (3) phases by the Board of Supervisors in office through December, 2005.
4. The Board of Supervisors in office from 2006 through 2009 did not require a separate escrow of monies estimated for site work in Phase IV, but rather allowed the developer to proceed with construction of Phase IV without the existence of a separate escrow protecting the Township in case of default by the developer. See attached Lamplighter Village Association, LP letter, dated August 23, 2010.
5. The developer went bankrupt in 2009 and its funds were frozen by Wachovia Bank.
6. The Township has a claim on escrow monies held by the bank for Phases I, II and III, there being no escrow for Phase IV.
7. The “escrow release” forms approved by the Township and used by the developer to obtain release of money from the bank during the construction of Phase IV do not involve any escrow monies held by the bank for the Township.
8. The developer remains liable for completion of the improvements but is in bankruptcy.

#### CONCLUSION

The absence of escrow in Phase IV of the Lamplighter development was due to the failure of the Board of Supervisors in office from 2006-2009 to require escrow.

## ATTACHMENT B

### MEMORANDUM

**TO:** Board of Supervisors of Warrington Township

**FROM:** William H.R. Casey, Township Solicitor

**DATE:** October 8, 2010

**SUBJ:** REPORT ON ENROLLMENT OF CAROL BUTTERWORTH,  
SUPERVISOR, IN THE WARRINGTON TOWNSHIP HEALTH  
INSURANCE PROGRAM IN MAY, 2008

1. Mrs. Butterworth enrolled in the Warrington Township Health Insurance Plan from May 9, 2008 until January 31, 2010. See attached Certificate of Health Plan Coverage.
2. The coverage began after submission of an enrollment application, by Mrs. Butterworth with the assistance of staff. See attached Enrollment Application.
3. There is no mention of this action in the April or May, 2008 minutes.
4. Mrs. Butterworth acknowledged to the Township Manager, Timothy J. Tieperman, that there was no public discussion of the matter. See attached telephone memo by Township Manager, dated September 16, 2010.
5. Mrs. Butterworth also stated there was no "executive session" on the matter, rather she spoke "informally" with the other supervisors to obtain their consent. See attached telephone memo by Township Manager, dated September 16, 2010.
6. She stated that the "other supervisors" said it was not necessary to "take the matter public" and that the then solicitor, Michael Clarke, issued an opinion that it was not necessary as long as she was paying the premium. See attached telephone memo by Township Manager, dated September 16, 2010.
7. Michael Clarke, Esquire, former solicitor, learning of her statements, communicated to the Township Manager on September 17, 2010, denying he advised that no public disclosure was necessary. See attached Michael Clark, Esquire memo.

#### CONCLUSION

There was no public approval or acknowledgment of Mrs. Butterworth's enrollment in the Township Health Plan.