



**WARRINGTON BOARD OF SUPERVISORS
MINUTES FOR AUGUST 12, 2014**

ATTENDANCE

Gerald B. Anderson, Chairperson; John R. Paul, Vice Chairperson; Marianne Achenbach, Secretary/Treasurer; Matthew W. Hallowell, Sr., Member; Shirley A. Yannich, Member. Staff present was Timothy J. Tieperman, Township Manager; William H.R. Casey, Esq., Township Solicitor, Thomas A. Gockowski, Township Engineer, Barry Luber, Chief Financial Officer and Barbara Livrone, Executive Assistant to the Township Manager.

MOMENT OF SILENCE

Mr. Anderson asked for a moment of silence.

PLEDGE OF ALLEGIANCE

The meeting opened with a pledge to the flag.

EXECUTIVE SESSION REPORT:

There was no executive session report.

APPROVAL OF BILL LISTS:

1. July 8, 2014 – July 22, 2014: \$ 1,016,594.59

Mrs. Achenbach motioned, seconded by Mr. Paul, to approve the bill list from July 8, 2014 through July 22, 2014 totaling \$ 1,016,594.59. By roll call vote, the motion passed unanimously 5-0.

2. July 22, 2014 – August 12, 2014: \$ 1,279,964.93

Mrs. Achenbach motioned, seconded by Mr. Paul, to approve the bill list from July 22, 2014 through August 12, 2014 totaling \$ 1,279,964.93. By roll call vote, the motion passed unanimously 5-0.

APPROVAL OF MINUTES:

3. June 24, 2014

Mr. Paul motioned, seconded by Mr. Hallowell, to approve the June 24, 2014 Meeting Minutes. The motion passed unanimously 5-0.

MINUTES FOR POSTING:

4. July 8, 2014

Mrs. Achenbach motioned, seconded by Mrs. Yannich, to approve the July 8, 2014 Meeting Minutes. The motion passed unanimously 4-0. Mr. Paul abstained.

PUBLIC COMMENT (*The Board will hear from any interested resident or taxpayer who would like to comment on an item not on this evening's agenda. Respondents are asked to keep their comments to 3 minutes.*)

The following individuals had comments not on the evening's agenda:

- Robert Zucosky (2756 Pickertown Road): Mr. Zucosky asserted they were victims of deceptive business practices committed by a local Township business. They asked if the Board could intercede on their behalf in resolving the dispute. Mr. Anderson responded that the Township did not have any legal discretion to intervene, but he did ask the Solicitor to contact the company's owner.
- Joan and Joseph Stryjewski (502 Hanley Court): Mrs. Stryjewski asserted they were promised a buffer of trees along Hanley Court part of the Warrington Springs development but that the area is currently devoid of any landscaping. Mr. Anderson asked the Township Engineer to investigate.
- Stan Schwartzman (604 Guilford): Mr. Schwartzman requested better dust control enforcement at Warrington Springs.
- Mrs. Mary Rueger (1279 School Lane) complained about a continued site distance problem at the School/Bristol intersection. Mr. Anderson asked the Solicitor to investigate this issue.

PUBLIC HEARING:

There was no public hearing.

OLD BUSINESS (ACTION/DISCUSSION ITEMS):

5. 2014 Bond Issue Update

Mr. Luber reviewed several options for the Board's consideration as it prepares for the upcoming 2014 bond issue. He addressed these options in the attached July 16, 2014 memorandum (*Attachment #1*). He addressed the option of leveraging future, additional state liquid fuels revenue to increase the bond issue to cover additional roads. A second option included an option to institute a dedicated mill levy to cover additional debt serve in order to pave more roads. The third option was maintaining the current options included in the adopted 2014 budget.

There was substantial discussion over the merits of taking of advantages of the favorable interest environment and to consider expanding to bond issue to cover additional roads. The Board's final consensus was to move forward as originally scheduled. With this final direction, Mr. Luber will meet with the Township's bond underwriter to finalize the OS (official statement) in anticipation of a September issue.

NEW BUSINESS (ACTION/DISCUSSION ITEMS):

6. Update from Stephen Harris, Esq. regarding proposed Quarry rezoning:

Mr. Harris shared an updated rendering of the conceptual rezoning of the Quarry property. The new illustration shows the location of the existing street trees and location of the new berm that will delineate the boundaries of the expanded quarry area. The berm will be situation 100 off the right-of-way. He said the next step in the rezoning process will be the submission of a permit adjustment to the new area, assuming the Commonwealth (Bureau of Mines) will approve it. The permits cost will be around \$80,000. If/when this permit is approved; they will then submit a formal rezoning application for review by the Township Planning Department.

Mr. Anderson suggested that before the applicant goes to the expense in acquiring the permit, that the Supervisors should first convene a special meeting to discuss the proposal with the neighbors and other interested parties. He suggested proposed scheduling this special meeting at 7:00 in conjunction with the Supervisors' September 23, 2014 regular meeting. All BOS members unanimously concurred with this recommendation. Mr. Anderson requested that the applicant stake the area next to Kelly Road that will be buffered. He also asked the Township Manager to notify the neighbors and place the notice on the webpage and cable channel.

7. Consider bid award for 2014 Road Program

Mr. Anderson explained that 2014 program will include the paving of approximately 4 miles of Township roads. Mr. Paul commented that part of the increased costs in this year's bid is not necessarily the materials but rather the new handicap ramps which the Commonwealth now requires municipalities to install.

After confirming with Staff that all was in order for the above project, Chairman Anderson asked for a motion. Mr. Paul motioned, seconded by Mr. Hallowell, to award the 2014 Road Program Bid to James D. Morrissey in the amount of \$1,006,584.32, being the lowest qualified bidder and beings within budgetary limitations. The motion passed unanimously 5-0.

8. Consider adoption of Ordinance amending Chapter 15 (Motor Vehicles and Traffic) authorizing a 3-way stop sign at Continental and Washington.

Mr. Gockowski confirmed that engineering study was commissioned, which identified a legitimate site distance issue necessitating a new 3-way stop sign. Mr. Casey affirmed that all required legal advertisements were placed for this ordinance amendment. There being no further discussion, Mr. Paul motioned, seconded by Mrs. Achenbach, to adopt an ordinance amending Chapter 15 (Motor Vehicles and Traffic) authorizing a 3-way stop sign at Continental and Washington. The motion passed unanimously 5-0.

9. Consider adoption of Penn Valley Pump land development agreement.

Mr. Paul moved, seconded by Mr. Hallowell, to approve the land development agreement of Penn Valley Pump. The motion passed unanimously 5-0.

10. Consider approval of Change Order #1 (\$23,616.60) for the Palomino Tennis Court Reconstruction

Mr. Anderson moved, seconded by Mr. Paul, to approve Change Order #1 in the amount of \$23,616.60 for the Palomino Tennis Court Reconstruction Project. The motion passed unanimously 5-0.

11. MANAGER'S REPORT:

a. Bid Authorization Ratification – Public Works Facility Fit-Outs (Phase 2)

The Board gave its unanimous consent to ratify the bid authorization for the Public Works Facility Fit-Out (Phase 2) Project, which was advertised on August 11, 2014.

b. Bid Authorization – Mary Barness Pool Repairs

The Board gave its unanimous consent to authorize bid for repairs to the Mary Barness Pool, as explained in the Township Engineer's July 17, 2014 letter. The motion passed unanimously.

c. **Proposed Brokerage Agreement – 2210 Shetland Lease**

Mr. Paul motioned, seconded by Mrs. Achenbach, to approve the brokerage agreement between Century 21 New Horizons and Warrington Township, as recommended in CFO Luber's July 18, 2014 memorandum.

d. **Proposed Cell Tower Agreement Amendment (American Tower)**

Mr. Anderson recommended that this item be tabled to allow all Supervisors the opportunity to review the lease amendment. The BOS unanimously concurred with this recommendation. This will be placed on the 8/26/2014 agenda for consideration.

e. **PennDOT Master Casting Agreement (Water/Sewer)**

Mr. Paul motioned, seconded by Mr. Hallowell, to approve the PennDOT Master Agreement for the adjustment of incorporated utility facility facilities related to the Water/Sewer Department. The motion passed unanimously 5-0.

f. **Non-Union Pension Plan Resolution**

Mr. Anderson stated that since there is no rush in approving this Resolution, he recommended that Township administration send out a notification to all non-uniform personnel explaining the reasons for the Resolution and that it would not adversely impact their current pension contributions. The BOS unanimously concurred with this recommendation. The Resolution will be placed on a future agenda.

12. CHAIRMAN'S REPORT:

a. **Authorize bid preparation for paving and other improvements at Barness Park**

Mr. Anderson asked for a status on the sale of the TDRs, the proceeds of which will go toward improving Barness Park. Mr. Casey stated that 8/26/2014 was the deadline for receiving the proceeds. In anticipation of receiving these funds, Mr. Anderson recommended that the Township Engineer coordinate with Mr. Paul in preparing the bid specifications for these improvements. The board of Supervisors unanimously concurred with this recommendation.

b. **Volunteer Recognition Program Update**

Mr. Anderson reported that the head ceramist at Moravian Tile Works is getting ready to fire the tiles for use as part of the Township's volunteer recognition program. He hopes to have something to share at the next meeting.

c. **Pension Advisory Interviews**

Mr. Anderson reminded Board members that a pre-meeting executive session is scheduled for August 26, 2014 to interview the top two (2) pension advisory firms recommended by the Pension Advisory Committee. The meetings are scheduled for 6:45 and 7:00, respectively. He asked that Outlook reminders be sent to all Supervisors.

d. **Planning Commission and Open Space Updates**

Mr. Anderson commented that both the Planning Commission and Open Space Committee will probably be ready for BOS updates sometime in September.

13. ENGINEER'S REPORT:**a. Palomino Spillway Remediation Project**

Mr. Gockowski provided a \$50,000 design cost estimate for the spillway project. He stated there is a \$500,000 grant program available through DCED's flood mitigation program, which requires a 15% municipal match. He stated that the grant requires fully engineered plans and that these soft costs can be reimbursed through the grant up to 1 year prior to the grant submission. Since the project needs to get done regardless of the grant, Mr. Anderson moved, seconded by Mr. Paul, to authorize the Township Engineer to move forward with the design specifications. The motion passed unanimously 5-0.

b. Valley Road Culvert Replacement

Mr. Gockowski summarized his structural analysis of the Valley Road Culvert, as outlined in his July 17, 2014 letter. He estimated total construction costs at \$185,000; permitting costs, \$30,000; and engineering/inspection costs, \$30,000. He said if inspected by PennDOT the culvert would likely be deemed structurally deficient, requiring its immediate repair. CFO Barry Luber stated there are no capital funds earmarked for this project. He said possible funding options could be deferring the Palomino Retrofit Project, reallocating 2014 bond monies or paying directly from the General Fund (i.e., fund balance). Mr. Anderson moved that the Board authorize the Township Engineer to draw up the bid specifications and then let the bids. In the interim the Board can continue to evaluate funding options. Mr. Paul seconded the motion. The motion passed unanimously 5-0.

c. Warrington Ridge

Mr. Gockowski reported some progress at Warrington Ridge. Activities to date include repairs to the sidewalk aprons and street boxes. He said Cutler is still behind schedule and that much work needs to get done before the October 31, 2014 deadline.

14. SOLICITOR'S REPORT:**a. Malcolm's**

Mr. Casey reported there is a tentative agreement of sale for the Malcolm's property. There's a guardianship involved that requires approval by the court with an August 15, 2014 deadline.

b. Hearing Officer

Mr. Casey reported on his first appeal hearing under the Township's new Non-Traffic Ticket Ordinance. The issue involved a non-permitted swing set. He noted there were some communication issues involving a door hanger. The appeal was upheld.

c. Pulte Homes

Mr. Casey reported that he has been in contact with Pulte Homes and that the developer indicated its intent to proceed in two (2) phases. He will be reviewing the agreement drafts with Mr. Gockowski and Mrs. Achenbach and expects this to be on a future BOS agenda shortly.

d. CDBG Easement Condemnations

Mr. Casey reported that the Township has been unsuccessful in the final two (2) easements to move forward with the CDBG drainage project. Mr. Anderson said that the County's under a tight

timeline to get these projects closed-out and that we are in danger of losing our grant funds. Therefore, he moved that the Township Solicitor be authorized to initiate condemnation proceedings to acquire the necessary easements from Nicles-Lohr Co., Inc. (TPN 50-20-52) and Grace Building Co., Inc. (TPN 50-20-56). Mr. Paul seconded the motion. The motion passed unanimously 5-0.

15. ESCROW AND MAINTENANCE BOND RELEASES:

a. **Meridian at Valley Square – Parcel H (Uwchland Properties) – Escrow Release #3: \$42,444.30**

Mr. Anderson moved that the Board approve Escrow Release #3 in the amount of \$42,444.30. Mr. Paul seconded the motion. The motion passed unanimously 4-0-1, Mrs. Yannich abstaining because she is a Meridian resident.

b. **Meridian at Valley Square – Parcel H (Uwchland Properties) – Escrow Release #4: \$121,467.41**

Mr. Anderson moved that the Board approve Escrow Release #4 in the amount of \$121,467.41. Mr. Paul seconded the motion. The motion passed unanimously 4-0-1, Mrs. Yannich abstaining because she is a Meridian resident.

c. **Valley Gate – Escrow Release #9: \$509,333.36**

Mr. Anderson moved that the Board approve Valley Gate – Escrow Release #9 in the amount of \$509,333.36. Mr. Paul seconded the motion. The motion passed unanimously 5-0.

d. **Tran Nail Salon – Final Escrow Release #9: \$8,199.20.**

After confirming with the Township Engineer that all was in order for this final release, Mr. Anderson moved that the Board approve the final escrow release for Tran Nail Salon in the amount of \$8,199.20. Mr. Paul seconded the motion. The motion passed unanimously 5-0.

16. EXTENSION REQUESTS: None

17. DEDICATION REQUESTS:

After confirming with the Township Engineer that all was in order for the final dedication, Mr. Anderson moved that the Board approve the final escrow release for Pete's Express in the amount of \$38,414.80 and as well as the final dedication of public improvements. Mr. Paul seconded the motion. The motion passed unanimously 5-0.

SUPERVISOR COMMENTS: None

ADJOURNMENT

There being no further business Mr. Paul motioned, seconded by Mrs. Achenbach to adjourn the meeting at 8:53 p.m. The motion passed unanimously 5-0.

Respectfully Submitted By:



Timothy J. Tieperman, Township Manager