

WARRINGTON TOWNSHIP BOARD OF SUPERVISORS

MINUTES FOR APRIL 24, 2008

The regular meeting of the Warrington Township Board of Supervisors was held on April 24, 2008, 7:30 p.m. at the Township Building located at 852 Easton Road, Warrington, PA 18976. The members present were as follows:

1. ATTENDANCE:

Paul Plotnick, Chairman; Carol Butterworth, Vice Chairman; Glenn McKay, Secretary; Michael W. Lamond, Jr., Assistant Secretary; Rebecca A. Kiefer, Member; Robert Sugarman, Esq.; Michael Mrozinski, Director of Planning and Economic Development; Paul Gdanski, Director of Public Works; Thomas F. Zarko, Township Engineer; Vivian Bell, Finance Director; Richard Lesniak, Director of Fire, Inspection and Emergency Services; Dan Hinkle, Fire Chief; and Carolyn Hanel, Director of Administrative Services/Parks and Recreation.

2. PLEDGE OF ALLEGIANCE

The meeting opened with a pledge to the flag.

3. PUBLIC COMMENT

a) Proposed Responses to 3/11/08 Budget Questions. Mr. Fred Achenbach, who resides at 905 Farnham Court, said at the supervisors meeting last month he submitted a listing of thirteen questions that he was looking for a response. To date, he has not received a response. Mr. Plotnick reported that copies of the proposed responses to 3/11/08 budget questions were in the Board members folders. He asked them to review them and get back to him as he wants to email the answers tomorrow to Fred Achenbach.

b) Interview with Witness. Mr. Achenbach asked the solicitor if you had an interview with someone for 4 hours and 20 minutes, legally as a lawyer, would there be any recorded minutes or notes of that interview. Mr. Sugarman said we don't know the answer to that. He said the Board is not prepared to answer that question on the spot.

c) Resident of Willow Knoll. A woman asked what can be done about the parking issue in the Willow Knoll complex with abandoned vehicles. She said these vehicles are not being removed and that is creating a parking problem. Mr. Plotnick suggested that she contact the Police Department to see what can be done.

4. PUBLIC HEARING:

a) To receive public comment on proposed Ordinance between Warrington Township and Comcast of Southeast PA, LLC.

Mr. Sugarman summarized that the ordinance specifically authorizes execution of a cable franchise agreement between the Township and Comcast of Southeast Pennsylvania, LLC. He said both the ordinance and agreement are extensions of the existing Comcast agreement, which has expired and they authorize the continuation of the franchise with certain changes that are in the agreement. The Cable Advisory Board is recommending approval of this ordinance.

Motion – It was moved by Mr. McKay, seconded by Mr. Lamond, that the Board of Supervisors adopted the ordinance authorizing execution of a cable franchise agreement between the Township and Comcast of Southeast Pennsylvania, LLC. This motion passed by a vote of 5-0.

b) To receive public comment on proposed repeal of Ordinance 93-2, an Ordinance creating the Cable Television Advisory Board and defining the purpose and operation of the Board.

Mr. McKay commented that the reason that Ordinance 93-2 is being repealed is because the Cable Advisory Board Ordinance was set up when we initially negotiated a franchise agreement with Suburban Cable. Suburban Cable was taken over by Comcast so the purpose of the Cable Advisory Board was to specifically address the franchise agreement. Since then we thought about expanding the mission of the Cable Advisory Board into a full blown communications board. They made recommendations to the staff on methods by which we might increase our communication media to the residents and to facilitate methods by which the residents could communicate with the staff.

Motion – It was moved by Mr. McKay, seconded by Mr. Lamond, that the Board of Supervisors repeal Ordinance 93-2, an Ordinance creating the Cable Television Advisory Board. This motion passed by a vote of 5-0.

5. **MANAGER’S REPORT:** Mr. Tieperman reviewed the manager’s report which included a) Fire Chief’s Monthly Report; b) Fire, Inspections, and Emergency Services Monthly Report; c) Parks and Recreation Monthly Report; and d) Capital Lease Program.

Fire Chief Dan Hinkle reviewed his monthly report for March 2008.

Mr. Rick Lesniak, Director of Fire, Inspections, and Emergency Services reviewed his monthly report for March 2008.

Carolyn Hanel, Director of Parks and Recreation reviewed her monthly report for March 2008 and addressed the problem at Carriage Way. She commented that in late March the Parks Department investigated complaints about a fort that was built in the wooded open space adjacent to Philadelphia and Warrington Avenues. At the first investigation, the fort was basically a couple of blue plastic tarps and some lawn chairs. Staff advised the Police at that time, in case the area became a hang out for underage drinking or other illegal activity, but the Parks Department was not directed to tear down the fort. By the first week in April, the fort had expanded considerably and it appeared that some trees had been debarked.

The Parks and Recreation Board drafted a rule to address the construction of similar “forts” at their March 27, 2008 public meeting. “No unauthorized structures are permitted in Township parks or open space.” This addition to the Park Rules will have to be adopted by Ordinance at the Board’s convenience.

Mrs. Hanel reported that plans are set for Memorial Day, Monday, May 26, at 2:00 p.m. at the Veterans Monument at IPW Park. Mrs. Kiefer asked for a list of the veterans that are going to be on this monument ahead of time.

NEW BUSINESS (ACTION/DISCUSSION ITEMS):

6. **Consider adoption of a Resolution approving Final Plan approval for St. John Neumann Cemetery.** Mr. Zarko reported on the final approval for St. John Neumann Cemetery land development. He said this project was initially presented to the Board back in November and it had received conditional preliminary approval. He said the development site is comprised of three (3) parcels, totaling

approximately 173.61 acres (+/-) in size, located on the northeasterly corner of the County Line Road and Upper State Road intersection within the "CE-Cemetery District". He said the applicant is proposing to remove an existing administrative office building on the development site and construct a new administrative office building, new maintenance building and provide associated public/site improvements.

Motion – It was moved by Mrs. Butterworth, seconded by Mr. Lamond, that the Board of Supervisors adopted the resolution approving final plan approval for St. John Neumann Cemetery, who has met all of the conditions from the engineer and the township planning commission as outlined in the draft resolution in the Board packets. This motion passed by a vote of 5-0.

7. Continuation of the Happy Tymes Tax Appeal. Mr. Sugarman said this is a continuation of the previous Happy Tymes Tax Appeal hearing on this petition, which was continued at the petitioner's request. He updated the Board on the status of this petition.

Mr. Sugarman said the Board has received staff responses to Happy Tymes Exhibits T1 and T2 as prepared by the township manager. He advised the Board that it is confidential information because it relates to individual taxpayers. He said this report does identify a number of taxpayers who are or have paid Warrington's amusement tax when they were in operation and also identifies some that are considered not to be liable for the taxes due to the nature of the business. It also identifies other entities that should have been paying taxes and the township staff was unaware of or did not pursue and they are presently being pursued in the sense of being informed that they have to pay the tax.

Mr. Sugarman said the Board can consider the staff responses and determine whether as part of the Board's decision whether to uphold the petition in some respects or in no respects. In pursuant to the Board's request he has prepared a draft resolution, which addresses the items that are or may be in the petition for the Board's consideration.

Kate Harper, Esq., attorney for Happy Tymes, renewed her objections to the manner in which we are proceeding this evening. She said we had closed our case and we thought we were coming here this evening to get a decision. Secondly, she said she has just been informed that your solicitor has confidential information that the Board is going to see and based your decision upon that I'm not allowed to see and cross examine. Thirdly, she objected at the very first hearing that your solicitor cannot act as counsel to the Board sitting as judges and also prosecuting this case on behalf of anyone.

Kate Harper said her client has no objections if the Board wants to deliberate in private. If you are going to use information that you're not going to let us see that is not fine. A lengthy discussion followed.

Mr. Plotnick said, as a panel, we should review this resolution and if the majority can agree on this resolution then we should turn this resolution over to their attorney.

Kate Harper asked to consult with her client. After her consultation with her client, her client felt that we've been here long enough and we'd like a decision from the Board sooner rather than later.

The Board decided to take a short recess. He said if the Board can come to a conclusion on this matter, we'll come back to the public meeting and take a vote. If the majority votes in favor of this resolution, then a copy of this resolution will be given to Kate Harper. The Board then went into executive session at 8:40 p.m. and reconvened at 9:05 p.m.

Mrs. Butterworth made a statement that we the Board have presented and given to Mr. Bud Murray and his attorney, Ms. Kate Harper the redacting information.

Motion – It was moved by Mrs. Butterworth, seconded by Mr. McKay, that the Board of Supervisors adopted this resolution as read by Mrs. Butterworth and modified. This motion passed by a vote of 4-1. Mrs. Kiefer voted no.

8. Consider adoption of a Resolution establishing a Communications Advisory Board.

Motion – It was moved by Mr. McKay, seconded by Mrs. Kiefer, that the Board of Supervisors approved the resolution as amended for establishing a Communications Advisory Board for the purpose of providing recommendations to the Township Manager and Board of Supervisors related to municipal communications matters. This motion passed by a vote of 5-0.

The terms of office for the five (5) members Communications Advisory Board is as follows:

Michael Starner	3-year term
James Calore	3-year term
Joseph Gaskill	2-year term
Gay Currie	2-year term
Jack Roney	1-year term

Motion – It was moved by Mrs. Butterworth, seconded by McKay, that the Board of Supervisors recommended the appointment of Michael Starner to serve for a 3-year term. This motion passed by a vote of 5-0.

Motion – It was moved by Mrs. Butterworth, seconded by Mr. McKay, that the Board of Supervisors recommended the appointment of Jack Roney to serve for a 1-year term. This motion passed by a vote of 5-0.

Motion – It was moved by Mrs. Butterworth, seconded by Mr. McKay, that the Board of Supervisors recommended the appointment of James Calore to serve for a 3-year term. This motion passed by a vote of 5-0.

Motion – It was moved by Mr. McKay, seconded by Mrs. Kiefer, that the Board of Supervisors recommended the appointment of Joseph Gaskill to serve for a 3-year term. This motion passed by a vote of 5-0.

Motion – It was moved by Mr. McKay, seconded by Mr. Lamond, that the Board of Supervisors recommended the appointment of Gay Currie to serve for a 2-year term. This motion passed by a vote of 5-0.

Motion – It was moved by Mr. Lamond, seconded by Mrs. Butterworth, that the Board of Supervisors recommended the appointment of Glenn McKay as liaison to the Communications Advisory Board. This motion passed by a vote of 5—0.

9. **Consider approval of Barclay warning device signal agreement with Central Bucks School District.** Mr. Zarko reported that this proposed agreement pertains to the installation of a school flashing device for the Barclay Elementary School. He said the installation of the warning device is to be performed as a cooperative project between the Central Bucks School District and the Township. He said the construction cost for the light are to be split 50/50 between the Central Bucks School District and the Township. The project construction is to be implemented by the school district and the lights would be owned and maintained by the township when they are completed.

Motion – It was moved by Mrs. Butterworth, seconded by Mrs. Kiefer, that the Board of Supervisors approved the Barclay warning device signal agreement with Central Bucks School District in Warrington Township. This motion passed by a vote of 5-0.

10. **Consider adoption of a Resolution approving the Water and Sewer tapping fees.** Mr. Zarko reported that Staff has prepared a proposed update to the Township’s current water and sewer tapping fees.

Motion – It was moved by Mrs. Butterworth, seconded by Mr. Lamond, that the Board of Supervisors approved the adoption of a Resolution establishing updated Water and Sewer tapping fees. This motion passed by a vote of 5-0.

11. **Consider approval of entering into a water and sewer agreement with Horsham Township for County Line Road.** Mr. Gdanski reported that this is to authorize signing a water and sewer agreement between Horsham Township for the construction project on County Line Road to pick up the additional Warrington residents.

Motion – It was moved by Mrs. Butterworth, seconded by Mrs. Kiefer, that the Board of Supervisors approved entering into a water and sewer agreement with Horsham Township Water and Sewer Authority for County Line Road with Warrington Township. This motion passed by a vote of 5-0.

12. **Review status of DCNR Grant Program.** Mrs. Hanel updated the Board on the status of the DCNR Grant Program. She said that this is the time of the year normally when we would be submitting a grant to DCNR for the next round of funding. However, when she called to arrange a site visit for the potential grant application for the third phase of another extension of the Lower Nike Bradford Reservoir Trail, she was advised that because we had not started the project funded in 2007, a 2008 development grant application would probably not be funded. She said the Township would not be applying for a Phase 3 grant at this time.

OLD BUSINESS (ACTION/DISCUSSION ITEMS):

13. **To consider the following escrow releases:**

Development Name	Release #	Amount
Windsong	10	\$ 18,750.00
175 Titus Avenue	5	\$ 30,627.63
Meridian of Valley Square: Phase I	11	\$ 74,234.70

Motion - It was moved by Mrs. Butterworth, seconded by Mrs. Kiefer, that the Board of Supervisors approved the escrow release for Windsong, Release #10 in the amount of \$18,750.00. This motion passed by a vote of 5-0.

Motion - It was moved by Mrs. Butterworth, seconded by Mrs. Kiefer, that the Board of Supervisors approved the escrow release for 175 Titus Avenue, Release #5 in the amount of \$30,627.63. This motion passed by a vote of 5-0.

Motion - It was moved by Mrs. Butterworth, seconded by Mrs. Kiefer, that the Board of Supervisors approved the escrow release for Meridian of Valley Square: Phase I, Release #11 in the amount of \$74,234.70. This motion passed by a vote of 5-0.

14. **To consider the following extension requests:**

a) **Pleasantville Church**

Motion – It was moved by Mrs. Butterworth, seconded by Mr. McKay, that the Board of Supervisors granted the extension request for Pleasantville Church until 9/8/08. This motion passed by a vote of 5-0.

CONSENT AGENDA

15. **Consider approval of vehicle #3 and authorize the township manager to execute all documents pertaining to the lease.**

Motion – It was moved by Mrs. Butterworth, seconded by Mr. McKay, that the Board of Supervisors tabled the approval of lease #3 until the next meeting. This motion passed by a vote of 5-0.

16. **APPROVAL OF BILL LIST: 4/8/08 to 4/24/08**

Motion – It was moved by Mr. Plotnick, seconded by Mr. Lamond, that the Board of Supervisors voted to approve the bill list from 4/8/08 to 4/24/08 in the amount of \$692,405.72. This motion passed by a roll call vote of 4 years. Mrs. Kiefer voted no.

17. **APPROVAL OF MINUTES**

a) **February 26, 2008**

Motion – It was moved by Mrs. Butterworth, seconded by Mr. Lamond, that the Board of Supervisors voted to approve the minutes of the February 26, 2008 meeting. This motion passed by a vote of 5-0.

b) **March 4, 2008**

Motion – It was moved by Mrs. Butterworth, seconded by Mr. McKay, that the Board of Supervisors voted to approve the minutes of the March 4, 2008 meeting as amended. This motion passed by a vote of 5-0.

c) **March 25, 2008**

Motion – It was moved by Mrs. Butterworth, seconded by Mr. Lamond, that the Board of Supervisors voted to approve the minutes of the March 25, 2008 meeting as amended. This motion passed by a vote of 5-0.

d) **April 1, 2008**

Motion – It was moved by Mrs. Butterworth, seconded by Mr. Lamond, that the Board of Supervisors voted to approve the minutes of the April 1, 2008 meeting as amended. This motion passed by a vote of 5-0.

18. **MINUTES FOR POSTING**

a) **March 11, 2008**

Motion – It was moved by Mrs. Butterworth, seconded by Mr. McKay, that the Board of Supervisors voted to post the minutes of the March 11, 2008 meeting. This motion passed by a vote of 4-1. Mr. Lamond abstained.

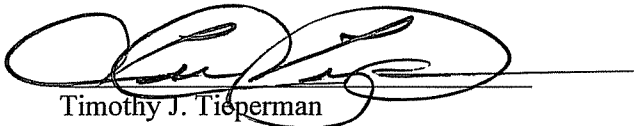
b) **April 8, 2008**

Motion – It was moved by Mrs. Butterworth, seconded by Mr. McKay, that the Board of Supervisors voted to post the minutes of the April 8, 2008 meeting. This motion passed by a vote of 5-0.

19. **SECOND MEETING DATE IN MAY.** Katie Braun reported that a number of the supervisors will be attending the PSATS Convention and wondered what the Board wanted to do about holding the May 13 meeting. It was decided to move the meeting to Thursday, May 15.

20. **ADJOURNMENT**

Motion – It was moved by Mrs. Butterworth, seconded by Mr. Lamond, that the Board of Supervisors voted to adjourn the meeting at 10:15 p.m. This motion passed by a vote of 5-0.


Timothy J. Tieperman
Township Manager

6/26/2008
Date