

WARRINGTON TOWNSHIP BOARD OF SUPERVISORS

MINUTES FOR JUNE 24, 2008

The regular meeting of the Warrington Township Board of Supervisors was held on June 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 M. McKay, Secretary; Michael W. Lamond, Jr., Assistant Secretary; and Rebecca A. Kiefer, Member; Timothy J. Tieperman, Township Manager; Michael P. Clarke, Esq.; Township Solicitor; Thomas F. Zarko, Township Engineer; Michael Mrozinski, Director of Planning and Economic Development; Paul Gdanski, Director of Public Works; Thomas F. Zarko, Township Engineer; 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) Traffic Signal at Folly and Pickertown Roads. Mrs. Mildred Laing, who resides at 767 S. Settler Avenue asked the status of the traffic signal to be located at Folly and Pickertown Roads. Mr. Zarko responded that we have been touching base with the Central Bucks School Board in an attempt to get an update. He said right now they are going back and revising the signal permit plan. The township has to sign that as the applicant and then that gets filed with PennDOT. He said he doesn't have a definitive deadline for that but would contact the school board again and report back to Mrs. Laing.

b) Property Owner at 2320 Stagner Avenue. Mrs. Terry Marks, who resides at 2320 Stagner Avenue was asking for the Board's advice on the property located in front of her property. Mrs. Butterworth said she had talked to Mrs. Marks and advised her that she needed to contact the township manager. The manager, in turn, would explain to her the procedures involved.

4. PRESENTATION: Herb Kahl Scholarship Committee distribution of scholarships by Roberta Kahl. Mrs. Kahl said this is the 12th year that she has been presenting the Herb Kahl Scholarship. The six (6) scholarships are given to Warrington residents who are college bound and who have done community service. The applicants are as follows: 1) Jennifer Zhao (\$1,700); 2) Lisa Davies (\$1,700); 3) Jessica Wolfgang (\$1,700); 4) Laura Schoedler (\$500); 5) Kimberly Muro (\$500); and Jihad Al-Asha (\$300). While some of the applicants could not be present, they will be sent their checks. Mrs. Kahl noted some of the accomplishments of the scholarship award winners. This year \$5,400 was awarded in scholarships.

5. **SPECIAL RECOGNITION: Recognition of Len Pointe, Warrington's First Township Manager.**

Motion – It was moved by Mr. Plotnick, seconded by Mrs. Kiefer, that the Board of Supervisors approved the special recognition resolution honoring Len Pointe, for having been Warrington's First Township Manager. This motion passed by a vote of 5-0.

6. **2008 BONDS: Presentation of bond sale results and consider adoption of bond ordinance.**

Robert Walper, Esq. with Fox Rothschild LLP reviewed the proposed bond ordinance pursuant to which the township would agree to issue bonds in the amount of \$7,500,000 in response to a proposal submitted by Janney, Montgomery Scott LLC. He said the ordinance also provides that the proceeds of the bond financing would be utilized for various capital projects that are identified in detail in the ordinance. He said the ordinance would also authorize the signing of the bond purchase agreement that was submitted by Janney Montgomery Scott LLC for the purchase of the bonds. It also authorizes the proper proceedings to be followed with the State to get the necessary State approval for the bond issue.

Randy Lawlace with Janney Montgomery Scott LLC described the details of the proposal, details of the marketing of the bonds, which resulted in the interest rates that are being available today to the township.

Broad Remig, Managing Director with the Public Financial Management, Inc., is the financial advisor to the township for this bond issue. He reviewed the pricing and market report for Warrington Township.

Motion – It was moved by Mr. McKay, seconded by Mr. Lamond, that the Board of Supervisors adopted an ordinance authorizing the issuance of bonds in the amount of seven million five hundred thousand dollars (\$7,500,000); providing for the date, interest rates, maturity date and place of payment in respect to the bonds; accepting the proposal of Janney Montgomery Scott LLC for the purchase of the bonds; authorizing the proper officers to execute and deliver the bonds; authorizing and directing the preparation certification and filing of the proceedings with the Pennsylvania Department of Community and Economic Development; and setting forth a form of bond. This motion passed by a vote of 4-1. Mrs. Kiefer voted no.

7. **MANAGER'S REPORT:** Mr. Tieperman reviewed the manager's report which included a) Moody's Conference Call; b) PA Supreme Court Decision; c) Department of Community and Economic Development (DCED) Community Assistance; d) Traffic Signal Modifications for Route 611 and Lower Barness Road Intersection; e) Other Business; and f) Correspondence

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

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

Mr. Paul Gdanski, Public Works Director reviewed his monthly report for June 2008.

Mr. Tieperman said he and Mr. Zarko would like to get the consensus of the Board to send a letter to PennDOT. He said this is just a follow up from our earlier discussion that we'd like to apply for a revision to the traffic signal located at the intersection of Route 611 and Lower Barness Road. Assuming that PennDOT approves the signal modification we're prepared to execute a traffic signal application and that would be facilitated by Chad Dixon from TPD.

NEW BUSINESS (ACTION/DISCUSSION ITEMS):

8. **Consider approval of a Resolution for final land development plan for Valley Square Phase I.** William Benner, Esq., legal counsel for Valley Square thanked Mr. Clarke for forwarding to him the draft resolution for final land development plan for Valley Square Phase I and said there were only a few minor modifications that were agreed upon and it is in an acceptable form.

Motion – It was moved by Mrs. Kiefer, seconded by Mrs. Butterworth, that the Board of Supervisors approved the resolution for the final plan approval for Valley Square Phase I with the amended version. This motion passed by a vote of 4-1. Mr. Lamond abstained.

9. **Reconsideration of bid award for 2008 Road Maintenance Program in light of recent Supreme Court decision.** Mr. Zarko reported that the Supreme Court had recently handed down a decision that road overlay work could no longer be considered as routine maintenance as routine maintenance wouldn't be subject to prevailing wages. He said PennDOT had an understanding with the Department of License and Inspections that that was the methodology used for road overlay projects. He said we bid the road overlay project without prevailing wages. He said the solicitor has reviewed the recent ruling from the Supreme Court and made a determination that unless the contractor accepted the wage rates the township would have to rebid the project.

Mr. Zarko said he discussed the issue with the contractor and acquired the necessary wage rates and submitted them to them. He said they have agreed to abide by the wage rates with no additional cost to the contract. He said the consensus from Staff is to proceed forward with this contractor based on the bid that was previously submitted.

Mr. Clarke said the township had been bidding maintenance work consistent with a PennDOT Memorandum of Understanding that defined what maintenance was. The Supreme Court earlier this month said that the PennDOT regulations were invalid and that all municipalities had to follow the Prevailing Wage Act whether it was for major reconstruction or maintenance.

10. **Authorize Solicitor to advertise Ordinance to amend the Warrington Township Non-Uniformed Employee's Pension Plan.**

Motion – It was moved by Mrs. Butterworth, seconded by Mr. McKay, that the Board of Supervisors authorized the solicitor to advertise an ordinance to amend the Warrington Township Non-Uniformed Employee's Pension Plan. This motion passed by a vote of 5-0.

11. **Discuss response to May 14, 2008 letter from William Casey regarding water and sewer matters.** Mr. Clarke said on May 14, 2008 the township received a letter from William Casey on behalf of two of his clients; K. Frederick Achenbach and Gerald R. Anderson. In this letter there are certain issues that are raised with respect to a 1993 township resolution and also issues regarding the Second Class Township Code.

Mr. Clarke said after a meeting last week with Mr. Tieperman regarding this issue and regarding the fact that the issues raised here seem to be ongoing issues that are being raised. He suggested to Mr. Tieperman that perhaps it would be an appropriate time for him to conduct a thorough review of the issues that are raised in Mr. Casey's May 14, 2008 letter and any other matters that are connected with this issue. He would report back to the Board and report back to Mr. Casey and his clients. He asked if he could be given until July 22, 2008 for his review of all of these issues. At that time he would report back to the Board with his findings.

OLD BUSINESS (ACTION/DISCUSSION ITEMS):**12. To consider the following escrow releases:**

Development Name	Release #	Amount
Reserve at Warrington	2	\$ 252,873.75
Greystone Meadows	Final	\$ 104,370.64
Fox Subacute	3	\$ 36,657.00
175 Titus Avenue	7	\$ 72,627.40

Motion - It was moved by Mrs. Butterworth, seconded by Mr. McKay, that the Board of Supervisors approved the escrow release for Reserve at Warrington, Release #2 in the amount of \$252,873.75. 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 approved the escrow release for Greystone Meadows, Final Release in the amount of \$104,370.64. 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 approved the escrow release for Fox Subacute, Release #3 in the amount of \$36,657.00. 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 approved the escrow release for 175 Titus Avenue, Release #7 in the amount of \$72,627.40. This motion passed by a vote of 5-0.

CONSENT AGENDA**13. Consider approval of the personnel policy manual.**

Motion – It was moved by Mr. McKay, seconded by Mrs. Butterworth, that the Board of Supervisors approved the personnel policy manual. This motion passed by a vote of 5-0.

14. Consider approval for a change in Warrington Day fees due to rising energy costs. Mrs. Hanel reviewed the proposed Warrington Day 2008 Fees due to rising energy costs. She is recommending that fees be increased by \$25.00 to \$125.00 for tents without electric and \$225.00 for tents with electrical service. The policy of free space for non-profit organizations will continue.

Motion – It was moved by Mr. Lamond, seconded by Mr. McKay, that the Board of Supervisors maintain the current fees for Warrington Day: 1)\$100 for 10 x 10 Tent with table and two chairs; 2) \$200 for 10 x 10 Tent with table and two chairs and electric; and 3) Charge \$25 for non-profit organizations. This motion passed by a vote of 5-0.

15. APPROVAL OF BILL LIST: 6/10-08-6/24/08

Motion – It was moved by Mr. Plotnick, seconded by Mrs. Butterworth, that the Board of Supervisors voted to approve the bill list from 6/10/08 to 6/24/08 in the amount of \$616,135.97. This motion passed by a roll call vote of 5 years.

16. APPROVAL OF MINUTES

a) March 11, 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 11, 2008 meeting. This motion passed by a vote of 4-1. Mr. Lamond abstained.

b) April 24, 2008

Motion – It was moved by Mrs. Butterworth, seconded by Mr. McKay, that the Board of Supervisors voted to approve the minutes of the April 24, 2008 meeting. This motion passed by a vote of 5-0.

c) May 6, 2008

Motion – It was moved by Mrs. Butterworth, seconded by Mr. McKay, that the Board of Supervisors voted to approve the minutes of the May 6, 2008 meeting. This motion passed by a vote of 4-1. Mrs. Kiefer abstained.

d) May 27, 2008

Motion – It was moved by Mrs. Butterworth, seconded by Mr. McKay, that the Board of Supervisors voted to approve the minutes of the May 27, 2008 meeting. This motion passed by a vote of 4-1. Mrs. Kiefer abstained.

17. MINUTES FOR POSTING

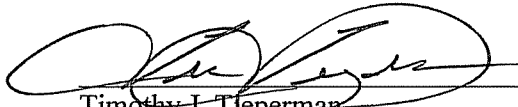
a) June 3, 2008

Motion – It was moved by Mrs. Butterworth, seconded by Mr. McKay, that the Board of Supervisors voted to approve posting the minutes of the June 3, 2008 meeting. This motion passed by a vote of 5-0.

18. EXECUTIVE SESSION. An executive session meeting will follow this meeting to discuss one property issue and one labor issue.

19. ADJOURNMENT

Motion – It was moved by Mrs. Butterworth, seconded by Mr. McKay, that the Board of Supervisors voted to adjourn the meeting at 9:35 p.m. This motion passed by a vote of 5-0.


Timothy J. Tieperman
Township Manager

8/21/2008
Date