

WARRINGTON TOWNSHIP BOARD OF SUPERVISORS

MINUTES FOR NOVEMBER 25, 2008

The regular meeting of the Warrington Township Board of Supervisors was held on November 25, 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; Carolyn Hanel, Director of Administrative Services/Parks and Recreation; Richard Lesniak, Director of Fire, Inspection and Emergency Services; and Vivian Bell, Finance Director.

2. PLEDGE OF ALLEGIANCE

The meeting opened with a pledge to the flag.

3. EXECUTIVE SESSION: Mr. Clarke reported that the Board has not held an executive session since their last meeting of 11/11/08.

4. APPROVAL OF BILL LIST: 11/11/08 to 11/25/08

Motion – It was moved by Mrs. Butterworth, seconded by Mr. McKay, that the Board of Supervisors voted to approve the bill list from 11/11/08 to 11/25/08 in the amount of \$1,395,042.72. This motion passed by a roll call vote of 5 years.

5. APPROVAL OF MINUTES

a) October 28, 2008

Motion – It was moved by Mrs. Butterworth, seconded by Mr. McKay, that the Board of Supervisors voted to approve the minutes of the October 28, 2008 meeting as corrected. This motion passed by a vote of 4-1. Mrs. Kiefer abstained.

6. MINUTES FOR POSTING

a) November 3, 2008

Motion – It was moved by Mrs. Butterworth, seconded by Mrs. Kiefer, that the Board of Supervisors voted to approve posting the minutes of the November 3, 2008 meeting. This motion passed by a vote of 4-1. Mr. Lamond abstained.

b) November 11, 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 November 11, 2008 meeting. This motion passed by a vote of 4-1. Mrs. Kiefer abstained.

7. PUBLIC COMMENT

a) **Special Meeting Tonight.** Mr. Fred Achenbach, who resides at 905 Farnham Court, noted that in the agenda that there was a 6 p.m. meeting tonight, which he came for only to discover that the doors were locked. He also stated that there was no note on the door explaining that the meeting was cancelled. He said there was a special announcement on the website stating that there would be a 6 p.m. meeting and there was nothing on the website that updated viewers that this meeting had been cancelled.

Mr. Plotnick said it should have been noted on the website and also on the front door that the meeting had been cancelled. Mr. Tieperman apologized and stated that there should have been a notice on the front door that the meeting had been cancelled.

b) **Bluestone Creek.** Residents from Bluestone Creek were present to express their concern about the recent posting of “No Parking” signs on one side of the street in their development. This new signage decreases our parking by 50% and leaves us with no place to park except in our own driveways. She wanted to know why these signs were posted.

Mr. Plotnick said the Board is interested in the concerns of the residents of Bluestone Creek. He knows it is a safety concern for all the residents. He said we’ll review this with our solicitor, Fire Marshal, Fire Department, and our township engineer and get back to the group within the next week. The spokesperson for Bluestone Creek was Renee Jann, who resides at 852 Germaine Drive.

8. PRESENTATION

a) **Traffic Planning and Design, Inc. giving a presentation on the traffic study results.** Mr. Zarko introduced Mr. Chad Dixon, who is with Traffic Planning and Design, Inc. He said TPD was awarded a contract to perform an overall traffic study of the township. He said TPD has completed their study, analyzed each intersection in the township that was identified in the township’s Request for Proposal. They have come back to the Board with some preliminary recommendations for improvements and also some estimated costs.

Mr. Dixon summarized what TPD has done to date via a spreadsheet regarding preliminary recommendations or improvements that he has identified for the transportation study. He highlighted some of his recommendations and asked for any comments or any questions that the Board may have. His hope is to get this wrapped up with a final report summarizing everything by the end of December.

Mr. Dixon’s recommendation at any point in time in the future when the township would decide to move forward with any of these improvements that they review the cost estimates for budgetary purposes. Mr. Zarko asked Mr. Dixon to address what the basis was of identifying the improvements.

Mr. Zarko said as he understands it Mr. Dixon reviewed the level of service for the intersection and if the intersection came up to a certain level of service then you went to look at improvements to address the deficiencies. Mr. Dixon responded that in terms of what we identified we first ran through our analysis and determined what improvements would be needed to get to a level of service D and that’s what PennDOT considers as acceptable in a township such as Warrington.

Mr. Zarko suggested that TPD go back and also to the spreadsheet and assign prioritization to the various intersections for the Board based upon what they think from a traffic standpoint is the most pressing need as far as all these projects. He thinks TPD should identify the projects that are on this list that would be most likely that PennDOT would add to the TIP. Finally, most recently Mr. Tieperman had sent some information onto him about a new grant program for traffic improvements. He said Mr. Dixon had reviewed that information and had some suggestions as to what the township might want to do as far as this year's application. He suggested Mr. Dixon identify the #1 project on this list and that we move forward and submit the application by December 15.

Mr. Dixon said PennDOT asks that the township complete all pre-construction phases; 1) Engineering, 2) Right of Way Acquisition, and 3) Utility Work. Typically that works out to be 20-25% of the total project cost.

9. **PUBLIC HEARING:**

a) **Ordinance enacting Part 4 (Regulation of Motorized Dirt Bikes and All-Terrain Vehicles) under Chapter 6 (Conduct) to protect the public health, safety and welfare of the general public in Warrington.**

Motion – It was moved by Mrs. Butterworth, seconded by Mr. McKay, that the Board of Supervisors approved opening the public hearing for an ordinance enacting Part 4 (Regulation of Motorized Dirt Bikes and All-Terrain Vehicles) under Chapter 6 (Conduct) to protect the public health, safety and welfare of the general public in Warrington. This motion passed by a vote of 5-0.

Mr. Mrozinski reported that this Ordinance was drafted in response to the concerns that we have gotten historically relative to the nuisances created by ATV's and dirt bikes in the township. He said this language in the ordinance is largely adopted from a proposed amendment in another municipality. He reviewed the issues involved. He said this Ordinance is saying that motorized dirt bikes and all-terrain vehicles would not be permissible on properties of less than 1 acre in the township.

The Board reviewed the Ordinance and made their suggestions known to the Staff.

Motion – It was moved by Mrs. Butterworth, seconded by Mr. Lamond, that the Board of Supervisors approved closing the public hearing. 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 approved tabling this item until the Board's January 13, 2009 meeting. This motion passed by a vote of 5-0.

10. **MANAGER'S REPORT:** Mr. Tieperman reviewed the manager's report which included a) Bhakta/Stagner Avenue; b) Ordinance Review Group; c) Eureka Village Grant Application; d) Kelly road Update; e) Right to Know Law Training; and f) Correspondence.

Mrs. Carolyn Hanel, Director of Administrative Services/Parks and Recreation reviewed her monthly report for November 2008. She noted that plans are underway to celebrate the township's 275th Anniversary in 2009. More information will follow.

Mr. Rick Lesniak, Director of Fire, Inspections, and Emergency Services reviewed his monthly report for October 2008. He summarized the meeting he had with the residents from Bluestone Creek development.

Mr. Mike Bean, Deputy Fire Chief reviewed his monthly report for October 2008.

NEW BUSINESS (ACTION/DISCUSSION ITEMS):

11. **Motion to amend the fire house bid award.** Mr. Zarko reported that at the November 11, 2008 meeting the Board awarded four construction contracts relative to the West End Fire Station. He said in adding the bid numbers together for the General Construction Contract he had used a wrong number for the 2nd Floor Finish Bid Alternate based upon the information presented by the architect. He recommended that the Board approval of the General Construction Contract be amended to reflect the correct number.

Motion – It was moved by Mr. Lamond, seconded by Mrs. Butterworth, that the Board of Supervisors amend the fire house bid award for the General Construction Contract to Craft Source, Inc. be based on the amount of \$1,535,800 in lieu of the \$1,510,200 previously recommended and the difference is \$25,600. This motion passed by a vote of 5-0.

12. **Disposition of bids for the Neshaminy Gardens Drainage Improvement Project, Phase II.** Mr. Zarko reported that this is the second phase of the Neshaminy Gardens Drainage Improvement Project. He said the township received bids for the project on November 12. A total of fifteen bid proposals were submitted and we've reviewed the bid proposals received.

Motion – It was moved by Mr. McKay, seconded by Mr. Lamond, that the Board of Supervisors recommended that the Neshaminy Gardens Drainage Improvement Project, Phase II be awarded to Tru-Line Contractors, Inc. at the bid price of \$121,556, conditioned upon CDBG approval of the contractor. This motion passed by a vote of 5-0.

13. **Disposition of bids for snow plowing and salting services.** Mrs. Hanel reviewed the 2008-09 bids for Snow Plowing and Salting Contractors.

Motion – It was moved by Mr. Lamond, seconded by Mr. McKay, that the Board of Supervisors to accept the proposals for the 2008-09 Snow Plowing and Salting Contractors from T.W. Smith Trucking, Tri County Contractors, BP Paving, and Pro Com Roofing at the amounts stated in their proposals. This motion passed by a vote of 5-0.

14. **Motion to approve the Highland Meadows Trail Agreement.** Mr. Zarko reported that this maintenance agreement pertains to a walking trail that was previously constructed in conjunction with the Highland Meadows Development. He said the trail extends between Coachlight Circle and development site and Sage Lane on the adjacent Hickory Ridge Development. The property extends to a property that was previously acquired by PennDOT as part of the Route 202 Project. He said the developer had obtained a permit from PennDOT to install off-site water and sewer extensions through that property and thought he also had approval for the installation of the trail but as it turns out he did not.

Mr. Zarko said this project went through the dedication process and one of the conditions was that the developer resolve this issue with the trail installation on the PennDOT property. He said the way they have agreed to address this is by this proposed Shared-Use Path Maintenance Agreement.

Motion – It was moved by Mr. Plotnick, seconded by Mrs. Kiefer, that the Board of Supervisors approve the Highland Meadows Trail Agreement with PennDOT. This motion failed by a vote of 2-3. Mr. McKay, Mr. Lamond, and Mrs. Butterworth voted no.

15. **Review status of preliminary operating budget and latest adjustments in preparation for December 9, 2008 meeting.** Mr. Tieperman stated that a lot of the Board's focus has been on the General Fund. He wanted to discuss where the township stands with the 2009 Water and Sewer Budget. He introduced Dave Bush who has worked with the Sewer Department in prior years in doing rate studies. He said Mr. Bush had done the 2006 and 2008 rate studies, which is the basis for our recommendations this year for our budget. He said we've been looking at various multiple scenarios on how best to address some of the short falls in both the Water and Sewer Budget. He gave a quick recap of where we are and what Staff is recommending as far as current and proposed rates for water and sewer.

Mr. Dave Bush with Keystone Alliance gave a contextual review of his approach in doing the rate studies along with some details on the cash flow analysis. He gave some background on 2006 and 2008 rate study and how that was the basis for the township coming up with our current rate recommendations. Mr. Tieperman introduced Lauri Halderson, Water and Sewer Finance Director.

Mr. Bush said there has been a significant amount of action this fall with other systems and their rates. There is a lot of pressure on water and sewer systems because of cost increases to address those issues. He reviewed the process that he goes through. He said he looks at historical cost information for the system, look at projected budgets for the system, and take those budgets and project forward for a 5-6 year period. Over that period we try to look at any factors that are going to affect the system.

Mr. Bush said you'll see an impact for certain line items in your budget. One of the things that we needed to adjust for through this study was the fact that PECO will become deregulated on January 1, 2011 and is expected to increase their rates substantially at that time, which will impact the township's water and sewer system. He said the #1 goal with the rate analysis is to make sure you cover your costs.

Mr. Bush said the package that his firm has put together summarizes what the current rates are and what we are suggesting as the proposed rates. Through this process we break down all the factors that go into the rate analysis. He explained that the reason for rate increases is you need to cover those costs due to increases in health care expenses for your employees, insurance for your property, and significant increases in electric costs.

Mr. Clarke said it's important to note that the rate increases will not affect the General Fund Budget, which the Board will be adopting at their December 9, 2008 meeting. He said if you list this as an agenda item consideration of water and sewer rate increases the Board can do it on December 9. If the Board decides not to take action on December 9, you can do it at the first meeting in January 2009. It will only push back when these rate increases will go into effect but they are not going to alter the General Fund Budget.

Mr. Clarke said the issue regarding the meeting that was supposed to commence at 6 p.m. today there was some conversation yesterday between himself and Mr. Tieperman regarding whether or not that meeting had been properly advertised for it to be a public meeting. He said it had not been properly advertised to qualify as a public meeting and it was at that point that he indicated to Mr. Tieperman and to Katie Braun that he thought, in the abundance of caution that we should post it on the website. Then following some conversations again earlier today with Mr. Tieperman and again with Mr. Plotnick and since it wasn't advertised in enough time you weren't really going to be able to have a meeting. He said it made sense to do this in this forum where it was part of the regular meeting so that all of that discussion could take place.

Mr. Plotnick said the Board is going to continue its discussions on the budget at its December 9, 2008 meeting. In the meantime we're going to advertise an interim meeting for next Monday, December 1, at 7:30 p.m. Mr. Clarke said you can either advertise this meeting or just not adjourn tonight's meeting. He

recommended that the Board recess this meeting until Monday, December 1 and then we'll also try to advertise this meeting and also post it on the website.

16. **Motion to approve Resolution for Cell Tower Terms and Conditions for SRP Telecom, LLC.**
Mr. Clarke said this is an agreement to have SRP Telecom, LLC construct the tower on Street Road that we were originally going to construct. He said this agreement is consistent with the terms that the Board had indicated they would like to see. In order to have another entity construct this essentially they will pay us a monthly rental of \$2,000 to be increased 3% yearly along with we will get \$1,000 for every co-locators on the tower after it is constructed.

Motion – It was moved by Mr. Lamond, seconded by Mrs. Butterworth, that the Board of Supervisors tabled the resolution for a cell tower located at 1860 Street Road for SRP Telecom, LLC until the December 9, 2008 meeting. This motion passed by a vote of 5-0.

OLD BUSINESS (ACTION/DISCUSSION ITEMS):

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

Development Name	Release #	Amount
Stone Manor Corporate Center	Final	\$ 63,804.58
Stone Manor Corporate Center	11	\$ 0.00
St. John Neumann	2	\$ 11,000.00

Motion - It was moved by Mrs. Butterworth, seconded by Mr. McKay, that the Board of Supervisors approved the escrow release for Stone Manor Corporate Center, Final Release in the amount of \$63,804.58 once the open space area has been dedicated to the township. 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 denied the escrow release for Stone Manor Corporate Center, Release #11 in the amount of \$0.00. 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 St. John Neumann, Release #2 in the amount of \$11,000.00. This motion passed by a vote of 5-0.

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

a) **Ball/Colibraro Tract**

Motion – It was moved by Mrs. Butterworth, seconded by Mr. McKay, that the Board of Supervisors approved the extension request for Ball/Colibraro Tract until 1/31/09. This motion passed by a vote of 5-0.

b) **Highgrove Manor**

Motion – It was moved by Mrs. Butterworth, seconded by Mr. McKay, that the Board of Supervisors approved the extension request for Highgrove Manor until 2/23/09. This motion passed by a vote of 5-0.

c) **Elsner Subdivision**

Motion – It was moved by Mrs. Butterworth, seconded by Mr. McKay, that the Board approved the extension request for Elsner Subdivision until 11/18/09. This motion passed by a vote of 5-0.

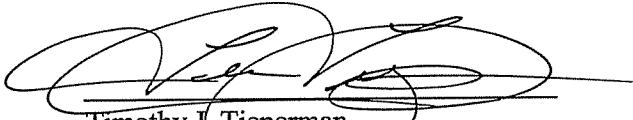
19. **To consider the following dedication requests:**

a) **Stone Manor Corporate Center, Phase III**

Motion – It was moved by Mr. McKay, seconded by Mrs. Butterworth, that the Board of Supervisors approved the dedication of open space area for Stone Manor Corporate Center, Phase III. This motion passed by a vote of 5-0.

20. **RECESS THE MEETING**

Motion – It was moved by Mr. McKay, seconded by Mr. Lamond, that the Board of Supervisors voted to recess the meeting until December 1, 2008 at 7:30 p.m. This motion passed by a vote of 5-0.



Timothy J. Tieperman
Township Manager

11/26/2009
Date