

WARRINGTON TOWNSHIP BOARD OF SUPERVISORS

MINUTES FOR DECEMBER 22, 2009

The regular meeting of the Warrington Township Board of Supervisors was held on December 22, 2009, 7:30 p.m., at the Township Building located at 852 Easton Road, Warrington, PA 18976. The members present were as follows:

ATTENDANCE:

Carol M. Butterworth, Chairperson; Michael W. Lamond, Jr., Vice Chairperson; and Rebecca A. Kiefer, Assistant Secretary; Timothy J. Tieperman, Township Manager; Thomas F. Zarko, Township Engineer; Michael Mrozinski, Director of Planning and Economic Development; Michael P. Clarke, Esq., Township Solicitor; Barbara Livrone, Executive Assistant to the Township Manager; Vivian Bell, Township Treasurer; and Carolyn Hanel, Director of Administrative Services/Parks and Recreation; and Chief Michael J. Bean.

PLEDGE OF ALLEGIANCE

The meeting opened with a pledge to the flag.

EXECUTIVE SESSION REPORT. Mr. Clarke reported at the conclusion of the December 8, 2009, meeting the Board held an executive session that discussed two matters of potential litigation.

APPROVAL OF BILL LIST:

1. **12/08/09 – 12/22/09 – \$569,765.21**

Motion – It was moved by Mr. Lamond, seconded by Mrs. Kiefer, the Board of Supervisors voted to approve the bill list from 12/08/09 to 12/22/09 in the amount of \$569,765.21. This motion passed by a roll call vote of 3 years.

APPROVAL OF MINUTES:

2. **November 17, 2009**

Motion – It was moved by Mr. Lamond, seconded by Mrs. Kiefer, the Board of Supervisors voted to approve the minutes of the November 17, 2009 meeting. This motion passed by a vote of 3-0.

3. **November 24, 2009**

Motion – It was moved by Mr. Lamond, seconded by Mrs. Kiefer, the Board of Supervisors voted to approve the minutes of the November 24, 2009 meeting as amended on the dais. This motion passed by a vote of 3-0.

MINUTES FOR POSTING:

4. **December 1, 2009**

Motion – It was moved by Mr. Lamond seconded by Mrs. Kiefer, the Board of Supervisors voted to post the minutes for the December 1, 2009 meeting. This motion passed by a vote of 3-0.

5. **December 8, 2009**

Motion – It was moved by Mr. Lamond, seconded by Mrs. Kiefer, the Board of Supervisors voted to post the minutes for the December 8, 2009 meeting. This motion passed by a vote of 3-0.

PUBLIC COMMENT:

Thanks from Carol Butterworth. Carol Butterworth thanked the Staff and everyone else who made her feel welcome as a member of the Board of Supervisors. She wished everyone a safe and healthy holiday season and a Happy New Year.

NEW BUSINESS (ACTION/DISCUSSION ITEMS):

6. **Discussion and consideration of Warrington Township Fire Company Lease.** Mr. Clarke reported two weeks ago a copy of a proposed lease between the Township and the Warrington Township Fire Company No. 1 for the leasing of the West End Fire Station was distributed. Mr. Clarke said the township provided the fire company and the fire company's attorney a copy of the proposed lease as well as the Board. Mr. Clarke stated all of the minor issues have been resolved except for one, which he discussed with members of the fire company before the meeting.

Mr. Clarke said he received an email from the fire company's attorney, which specifically deals with Article 13 of the Contract, dealing with the environmental provision of the lease. Potentially, this section of the lease indicates the township, as the landlord, represents the premises does not contain any hazardous substances. Mr. Clarke read from Article 13: the Landlord shall be responsible for any remediation required to sufficiently eliminate any health conditions on the premises caused by hazardous substances which are on the premises as of the date of the initial commencement of the lease term.

Mr. Clarke said the fire company, through their attorney, has asked the township to add a provision into this section agreeing to indemnify and defend the fire company from any claims arising as a result of hazardous substances on the property. Mr. Clarke said indemnification provisions are typically not included in leases with any annuity. It has been indicated indemnification provisions are a significant policy consideration and it is not something that is included without first getting the approval of the Board of Supervisors.

Fire Chief Michael J. Bean said the reason this wording was placed in the lease was that there was no certificate from the site that it was tested for hazardous substances. Mr. Clarke responded that if it is determined there are some environmental problems at the site it is clearly the township's responsibility. If it is determined at some later date there is an environmental problem, then there might be a discussion as to whose responsibility it is.

Motion – It was moved by Mr. Lamond, seconded by Mrs. Kiefer, the Board of Supervisors voted to approve the lease between Warrington Township and the Warrington Township Fire Company No. 1. This motion passed by a vote of 3-0.

7. **Consider approval of Workers Compensation and Property and Liability Insurance Carriers.** Mrs. Butterworth reported the Township staff has solicited proposals for comprehensive insurance coverage including Property, Vehicles, General Liability, Police Liability, Public Officials Liability, and Workers Compensation. Mrs. Butterworth said three proposals were received: 1) Brown & Brown of Allentown using Selective Insurance; 2) Joyce Insurance of Pittston using Travelers' Insurance and AmeriHealth Casualty for Workers' Comp; and 3) Delaware Valley Insurance Trust of Willow Grove.

Mrs. Butterworth said she did a comparison on the different policies and had a preliminary spread sheet prepared summarizing the three proposals, which she reviewed with the Board. The township verified that there will be no lapse in coverage if a decision is deferred to 2010.

Mrs. Kiefer said she was disappointed the information she received lists various figures for insurance coverage from the same vendor. Mrs. Kiefer said to make a decision of this nature a comparative study should have been made so that the Board could make an informed decision. Based on the information that is included in the packet, which is simply a dollar figure, is not enough information to make a decision. Mrs. Kiefer understands the township is covered with insurance until January 1, 2010. Mrs. Kiefer questioned the coverage date until a decision is deferred to 2010 especially since some of the supervisors will not be sworn until January 4, 2010. Mr. Clarke said the township was concerned about the possibility of not getting a final decision this evening. Carolyn Hanel contacted the three vendors who submitted proposals to see if they would bind coverage if a decision was made after January 1. Brown & Brown and Joyce Associates agreed to bind the coverage to January 10, 2010.

Mrs. Kiefer questioned the importance of a major decision based on simply one piece of paper that has absolutely no comparative information and no other details. Mrs. Kiefer requested in written form what the township will be covered from the insurance companies. Mr. Clarke said the township has this information in writing. Mrs. Kiefer requested a comparative breakdown for the two newly elected supervisors as well as the current three supervisors and this information should be delivered as quickly as possible so the supervisors can look at these things to be able to make a comparative decision.

Mr. Clarke said he is comfortable with the representations from both Selective and Travelers' Insurance that there will be no lapse in coverage from the township beginning at 12:01 AM on January 1, 2010 until the time a decision is made. He said both companies have said coverage is until January 10, 2010, which would have the Board making this decision at the Reorganization meeting being held on January 4, 2010 and not at the meeting on January 12. He doesn't know if the companies would be able to extend the coverage until January 13, 2010, which would allow the Board to make their decision on January 12, 2010.

Mr. Clarke requested from both companies that he wanted something in writing by December 23, 2009 indicating that the policies are held open until January 13, 2010. Mr. Clarke said if for some reason he doesn't receive these letters from these companies saying that they will extend the coverage until January 13, 2010, he is going to recommend that the township advertise to put this agenda item on the Reorganization Meeting Agenda.

Mrs. Butterworth asked the newly elected supervisors if they would prefer this agenda item be discussed at the January 4 reorganization meeting or the regularly scheduled meeting on January 12. Both newly elected supervisors responded the January 12th meeting would be their choice to discuss this matter.

Motion – It was moved by Mrs. Kiefer, seconded by Mr. Lamond, the Board of Supervisors voted to table the decision on the insurance proposals. This motion passed by a vote of 3-0.

8. Consideration of Extension Request for the recording of plans for the Stone Manor Corporate Center revised Final Land Development Plans. Mr. Mrozinski reported the developer for the Stone Manor Corporate Center has requested an extension to record their previously approved final land development plans. Mr. Mrozinski said the time limit for them to record in Bucks County had passed; and, therefore, they needed an extension just for recording. There is no change in the plans.

Motion – It was moved by Mrs. Kiefer, seconded by Mr. Lamond, the Board of Supervisors approve extending the date of preliminary/final plan approval for Stone Manor Corporate Center/Homewood Suites Phase I through the date of recording. This motion passed by a vote of 3-0.

9. **Consider resolution for Police Pension Plan Contribution Rate for Years 2006, 2007, 2008, and 2009.** Mrs. Bell reported an audit was completed for the police pension plan and one of the things missing was a resolution the Board would need to pass when the police pension plan rate falls below 5%.

Motion – It was moved by Mr. Lamond, seconded by Mrs. Kiefer, the Board of Supervisors approve the resolution for the police pension plan contribution rate for years 2006, 2007, 2008, and 2009. This motion passed by a vote of 3-0.

OLD BUSINESS (ACTION/DISCUSSION ITEMS):

10. **Consider adoption of the Responsible Contractors Ordinance.** Mr. Lamond stated for several years there have been some issues with contractors coming back to the township looking for money for jobs that were completed and prices that were not paid that the contractor felt they should have been paid. Mr. Lamond said the problem is that a contractor can come in as a low bid and they know they can get the work for a low bid. Mr. Lamond said there is no definition in the Municipalities Planning Code for a responsible bidder therefore the township is required to take the lowest responsible bidder. Mr. Lamond said a responsible bidder needs to be more definitive.

Mr. Lamond said to protect the contractors from being underbid by other contractors the rules should be followed. This protects the workers in the township and also the taxpayers in the township because the township wants quality work. Mr. Lamond has made requests to the township to look into this ordinance to see if an ordinance could be passed that would benefit the township.

Mrs. Kiefer asked how this proposed ordinance would determine and stop the township from getting sloppy work. Mr. Lamond said it does not guarantee against sloppy work but it protects the township from using this contractor again.

Mr. Clarke stated this proposed ordinance would set certain criteria, which would allow the township to state if someone wouldn't qualify for a job.

Motion – It was moved by Mr. Lamond, seconded by Mrs. Kiefer, the Board of Supervisors voted to table the adoption of the Responsible Contractors Ordinance. This motion passed by a vote of 3-0.

ESCROW AND MAINTENANCE BOND RELEASES

11. **Consider Final Escrow Release for Document Management Program in the amount of \$37,426.26.**

Motion – It was moved by Mr. Lamond, seconded by Mrs. Kiefer, the Board of Supervisors voted to table the final escrow release for the Document Management Program in the amount of \$37,426.26. This motion passed by a vote of 3-0.

ADJOURNMENT

Motion - It was moved by Mrs. Butterworth, seconded by Mr. Lamond, the Board of Supervisors voted to adjourn the meeting at 9:00 p.m. This motion passed by a vote of 3-0.