

WARRINGTON TOWNSHIP BOARD OF SUPERVISORS

MINUTES FOR JANUARY 22, 2008 MEETING

The regular meeting of the Warrington Township Board of Supervisors was held on January 22, 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 M. Butterworth, Vice Chairman; Michael W. Lamond, Jr., Assistant Secretary; Rebecca A. Kiefer, Member; Timothy J. Tieperman, Township Manager; Robert Sugarman, Esq.; Michael Mrozinski, Director of Planning and Economic Development; Fred Achenbach, Manager of Water and Sewer Department; Paul Gdanski, Director of Public Works; Thomas F. Zarko, Township Engineer; 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) Music from Valley Square. Mr. John Kilcoyne, who resides on Georges Lane was concerned with the decibel level of the music system that comes from the Valley Square Shopping Center. He asked that his concern be addressed by the township. Mr. Mrozinski said the township would work in a cooperative sense to get this matter resolved.

b) Traffic Light at TGIF. Mr. Kilcoyne said when he comes home late at night he noticed that the traffic light at TGIF shopping center going north on Route 611 trips. He asked if there is a cycle that can be set where it's only activated when someone is exiting the shopping center. Mr. Plotnick said there is a timing system be installed along Easton Road. Mr. Zarko said during the period when they are constructing the new system they will have each intersection run through full cycles. He said so regardless whether there are loops there it is going to go through the cycle until they get this new system on line.

c) Property on County Line Road. Mr. Eric Rohrbach, who is purchasing property on County Line Road, asked to be apprised on what is going on with this property. He said the township is holding a sizable amount of money in escrow and he had requested that this amount be reduced until the matter is resolved. Mr. Sugarman said the status is that the township had agreed to provide additional documentation beyond the record that we had submitted. He said we provided that additional information several months ago. He said the appeal that has been filed against the township selling this property has stopped us from moving ahead.

4. PRESENTATION: Swearing in of Officer Charles Krysick by Chief James J. Miller. Chief Miller introduced the new candidate Charles Krysick, who will be appointed as the township's new police officer. Mr. Plotnick assisted by Mrs. Butterworth did the swearing in of Officer Charles Krysick as the township's newest police officer.

5. PUBLIC HEARING:

a) To receive public comment on proposed amendments to Chapter 26 Part 4 of the Township's Code of Ordinances (Water Ordinance). Mr. Zarko summarized the changes in the proposed

amendments to Chapter 26 Part 4 of the Township's Code of Ordinances (Water Ordinance). He said the ordinance changes consist of two components. The first most significant component is that there is a provision made in the ordinance for mandatory connections to the public water system for any dwelling erected within 150' of the system. He said that is standard practice throughout the state. In reviewing the ordinance we noticed that that had inadvertently been omitted. Also there were some minor housekeeping changes made throughout the ordinance.

Mr. Achenbach said if the Board doesn't adopt this ordinance any investment we make into the water system cannot be enforced. He said this is a natural policy throughout the state and is a public safety issue. He said we've had extensive contamination problems throughout this township.

Mr. Jerry Anderson, who resides at 3540 Teresa Circle, said you have the same ordinance in place now for sewers. He said it makes sense and that the majority of people in Warrington realize that they have a well problem. He doesn't feel passing this amendment is a hardship and feels the Board owes it to the community to pass this proposed amendment.

After a lengthy discussion, the Board passed the motion as noted below.

Motion – It was moved by Mrs. Kiefer, seconded by Mr. Lamond, that the Board of Supervisors voted to table this matter for discussion until their February 12 meeting. This motion passed by a vote of 4-0.

b) **To receive public comment and consider action on a request from Bertucci's Restaurant to approve a liquor license transfer from Ciro Nuzzolese in Perkasio, Pennsylvania.** Christine Jennings, Esq. was here as the legal counsel for Bertucci's Restaurant who are requesting the Board to approve a liquor license transfer from Ciro Nuzzolese in Perkasio, Pennsylvania.

Mr. Sugarman requested that their legal counsel supply a letter of intent signed by the owner. He said the township knows who the owner is but without any indication from the owner that they intend to lease to Bertucci's Restaurant under any circumstances that is a problem with pursuing an application for a liquor license transfer.

Mr. Sugarman asked Ms. Jennings if she wanted to possibly withdraw her request without prejudice subject to the Board receiving a copy of the lease. He recommended to the Board that they agree to this and the legal counsel would re-file it if and when she has a lease. He also recommended that when this subject is on the agenda again that someone be in attendance who could explain how the restaurant will operate. He said the township would be expecting a letter from Ms. Jennings without withdrawing the letter of application without prejudice.

6. **MANAGER'S REPORT:** Mr. Tieperman reviewed the manager's report which included a) 2008 Budget; b) Street Road Cellular Tower; c) Easton Road CLS (Closed Loop System); d) Route 202 Task Force; e) Kansas Road Mitigation Site; f) 2210 Shetland Drive; g) TDR Education Initiative; h) JOMAC; i) Other Items; j) Consent Items; and k) Correspondence.

7. **Fire Chief's Report.** Fire Chief Hinkle gave an update on the 2007 Annual Report and where the Warrington Fire Company is at the present time. He said the Warrington Fire Department is dedicated to the safety of those living and visiting our community. Warrington Township Fire Company #1 was organized March 27, 1924 with twenty-two members. Currently Warrington Township Fire Department operates out of two stations: Station 29 as the main station and is located at Easton Road and Freedoms Way Station 78 is the sub station, which is located at Pickertown and Mill Creek Roads on the west end of the Township.

Chief Hinkle reported that there were 240 false alarms in 2007, which accounted for 40% of the alarms for that year. The total fire calls was 528, total training hours was 3,500, and the total hours for non-incident activities was 19,200. He noted the 2007 accomplishments as well as the 2008 goals. He acknowledged the ladies auxiliary and said this group was re-created in 2005 in order to assist the members of the Warrington Fire Company with events focused on family, fire prevention, and community awareness.

He wanted to thank the supervisors for the Mustang Road commendation/recognition that was given to his crew. He thanked the township for the Initiative Program and the township's support.

NEW BUSINESS (ACTION/DISCUSSION ITEMS):

8. Consider adoption of a resolution affirming the recommendation of the Pension Advisory Committee for the appointment of a pension advisor and custodian for Warrington Township's defined benefit plans. Mr. Plotnick noted that Kevin Peacock, who is one of our citizen members of our Pension Advisory Committee, is in the audience. Mr. Tieperman summarized the process that the pension advisory committee followed to arrive at a decision to appoint a pension advisor and custodial for Warrington Township's defined benefit plans. He said in late 2007 the Pension Advisory Committee decided to seek competitive bids for our Pension Advisory Committee with respect to all of our uniformed and non-uniformed pension plans.

Mr. Tieperman acknowledged Joe Kirby's assistance with his background in financial planning in helping the township put together a very thorough RFP as well as a matrix that we used to evaluate all of the six firms that we selected for initial interviews. He said we looked at a number of criteria in evaluating all of the firms: 1) fee structure, 2) back office operations, 3) general investment philosophy, and 4) prior municipal experience and knowledge of Act 600 Pension Statutes.

Mr. Tieperman said each committee member evaluated individually each presenter and the selection was narrowed down to two firms. The committee unanimously recommended Media based INR Advisory Services, LLC. Charles Schwab would be the firm handling the back office operations.

Motion – It was moved by Mrs. Butterworth, seconded by Mr. Lamond that the Board of Supervisors adopted a resolution approving the recommendation of the Pension Advisory Board, in the selection of INR Advisory Services, LLC as pension advisor, and Charles Schwab as custodian for the Warrington Township Pension Plans. This motion passed by a vote of 4-0.

9. Consider appeal from Happy Tymes regarding amusement tax fees. Mr. Sugarman said this is the time and place listed by agreement in December 2007 for the appeal of Happy Tymes from the township's notice of violation and request for taxes to be paid under the various provisions of the amusement tax.

Kate Harper, Esq. representing Happy Tymes Family Fun Center, which is owned by Bud and Angie Murray, had an objection that she wanted to put on the record. She said she has to object to Mr. Sugarman acting as the supervisors advisor on tonight's hearing for the decision or any opinion that results from it. She said she is here on a taxpayer bill of rights hearing and the Board has to act as a judge on our request. She said it is perfectly appropriate for the solicitor for a township, which is the taxing authority, has been very prosecutorial about this. It is the basic tenant of due process that the fellow who acts as prosecutor cannot also act as judge and jury.

Mr. Sugarman said he agreed that due process applies and asked if Ms. Harper knew of anything in the statute that provides for disqualification or separation of function of the solicitor as between the

administrative level and the hearing level. Ms. Harper responded that she is aware of other townships where they appoint special solicitors to hear these kinds of cases.

Mr. Sugarman recommended that the Board go into executive session to discuss and consider what to do with Ms. Harper's motion. Ms. Harper wanted the record to reflect that at a certain point during the executive session Mr. Sugarman was invited to join the Board.

Mrs. Butterworth voted to table this matter because of what Ms. Harper has brought to the Board's attention and she doesn't know whether or not the Board would want to seek another counsel or whether she wants to move forward because if she moves forward she would continue using Mr. Sugarman. Mr. Plotnick said the Board is not prepared to have all the information we need to even make an informed decision on this case tonight.

Motion – It was moved by Mrs. Butterworth, seconded by Mr. Lamond, that the Board of Supervisors voted to approve a continuance on the Happy Tymes appeal hearing until the Board's February 12, 2008 meeting. This motion passed by a vote of 4-0.

10. **Consider adoption of a Resolution for Final Plan approval for Titus Road Outparcel, L.P.** Mr. Zarko summarized the status of this application. He said this project was initially presented back in November 2007 when the Board granted a conditional preliminary plan approval for this project. This development site presently consists of 1.71 acres and is located at the southwesterly side of the Easton Road and Titus Road intersection within the "CBD-Central Business Zoning District". The applicant is proposing to expand the site by approximately .56 acres by means of a lot line change within the adjacent parcel, which is currently the site of the Longhorn Steakhouse. The proposed development includes the construction of a 3,300 sq. ft bank, 1,850 sq. ft. restaurant, and associated public/site improvements.

Motion – It was moved by Mrs. Butterworth, seconded by Mr. Lamond, that the Board of Supervisors adopted the resolution for final plan approval of Titus Road Outparcel, L.P with the addition of a reference to CKS's engineering letter dated 12/27/07 and revised 1/2/08. This motion passed by a vote of 4-0.

11. **Consider adoption of a Resolution authorizing the transfer of a Transferable Development Right (TDR) from C & M Investment Partnership II to Titus Road Outparcel L.P.**

Motion – It was moved by Mrs. Butterworth, seconded by Mrs. Kiefer, that the Board of Supervisors voted to adopt the resolution authorizing the transfer of a Transferable Development Right (TDR) from C & M Investment Partnership II to Titus Road Outparcel L.P. with noted corrections. This motion passed by a vote of 4-0.

12. **Review staff recommendation on a proposed Contractor Model Ordinance.** Mr. Gdanski reported that the Board had previously received a presentation from two parties on opposite sides of the proposed Contractor Model Ordinance. Mr. Mrozinski and Mr. Gdanski said they had reviewed the model ordinance presented by the proponent and compared it to what the township already had on the books.

Mr. Gdanski asked the Board to review the three staff recommendations and send him their recommendations for the Contractor Model Ordinance. The next step would be for the Board to set a date for a public hearing to adopt the proposed Contractor Model Ordinance.

13. **Consider authorizing the Township Manager to execute a capital lease agreement with Commerce Bank and other related documents for the acquisition of an upgraded telephone system, the costs of which will be funded through operational savings.**

Motion – It was moved by Mrs. Butterworth, seconded by Mr. Lamond, that the Board of Supervisors authorized the township manager to execute a capital lease agreement with Commerce Bank and other related documents for the acquisition of an upgraded telephone system, and the costs not to exceed \$23,000 of which will be funded through operational savings. This motion passed by a vote of 4-0.

14. **Consider action authorizing the Township Manager to enter into a professional service agreement for generalist IT hardware and software support services.** Mr. Tieperman reported that we have been in a probationary arrangement with our current IT service provider. Chief Miller and staff are in agreement that we would like to make a switch effective immediately to this new provider. We have confidence that this new provider will provide better services at a reduced cost.

Motion – It was moved by Mr. Plotnick, seconded by Mrs. Butterworth, that the Board of Supervisors authorized the township manager to enter into a professional service agreement with Premier Technology Solutions, LLC for generalist IT hardware and software support services. This motion passed by a vote of 4-0.

OLD BUSINESS (ACTION/DISCUSSION ITEMS):

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

Development Name	Release #	Amount
Duda Car Wash	2	\$ 122,430.00
175 Titus Avenue	2	\$ 20,770.25
Meridian of Valley Square Phase I	9	\$ 0.00

Motion – It was moved by Mrs. Butterworth, seconded by Mr. Lamond, that the Board of Supervisors approved the escrow release for Duda Car Wash, Release #2 in the amount of \$122,430.00. This motion passed by a vote of 4-0.

Motion – It was moved by Mrs. Butterworth, seconded by Mr. Lamond, that the Board of Supervisors approved the escrow release for 175 Titus Avenue, Release #2 in the amount of \$20,770.25. This motion passed by a vote of 4-0.

Motion – It was moved by Mrs. Butterworth, seconded by Mr. Lamond, that the Board of Supervisors denied the escrow release for Meridian of Valley Square Phase I, Release #9. This motion passed by a vote of 4-0.

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

a) **Bluestone Creek Pump Station**

Motion – It was moved by Mrs. Butterworth, seconded by Mr. Lamond, that the Board of Supervisors denied the resolution for dedication of public improvements for the Bluestone Creek Pump Station based on the recommendations of our township engineer, CKS. This motion passed by a vote of 4-0.

b) **Children of America**

Motion – It was moved by Mrs. Butterworth, seconded by Mr. Lamond, that the Board of Supervisors denied the resolution for dedication of public improvements for Children of America

based on the recommendations of our township engineer, CKS. This motion passed by a vote of 4-0.

17. **APPROVAL OF BILL LIST**

a) **1/8/08 to 1/22/08**

Motion – It was moved by Mr. Plotnick, seconded by Mr. Lamond, the Board of Supervisors voted to approve the bill list from 1/8/08 to 1/22/08 in the amount of \$774,646.80 as amended. This motion passed by a roll call vote of 4 yeas.

18. **APPROVAL OF MINUTES**

a) **November 7, 2007**

Motion – It was moved by Mrs. Butterworth, seconded by Mr. Lamond, the Board of Supervisors voted to approve the minutes of the November 7, 2007 meeting. This motion passed by a vote of 4-0.

b) **December 4, 2007**

Motion – It was moved by Mrs. Butterworth, seconded by Mr. Lamond, the Board of Supervisors voted to table the minutes of the December 4, 2007 meeting. This motion passed by a vote of 4-0.

c) **December 11, 2007**

Motion – It was moved by Mrs. Butterworth, seconded by Mr. Lamond, the Board of Supervisors voted to approve the minutes of the December 11, 2007 meeting. This motion passed by a vote of 4-0.

19. **MINUTES FOR POSTING**

a) **January 7, 2008**

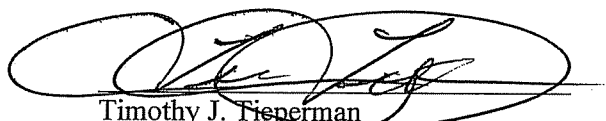
Motion – It was moved by Mrs. Butterworth, seconded by Mr. Lamond, the Board of Supervisors voted to approve posting the minutes of the January 7, 2008 meeting. This motion passed by a vote of 4-0.

b) **January 8, 2008**

Motion – It was moved by Mrs. Butterworth, seconded by Mr. Lamond, the Board of Supervisors voted to approve posting the minutes of the January 8, 2008 meeting. This motion passed by a vote of 4-0.

20. **ADJOURNMENT**

It was moved by Mrs. Butterworth, seconded by Mr. Lamond, the Board of Supervisors voted to adjourn the meeting at 10:30 p.m. This motion passed by a vote of 4-0.


Timothy J. Pieperman
Township Manager

5/7/2008
Date