

WARRINGTON TOWNSHIP BOARD OF SUPERVISORS

MINUTES FOR JANUARY 27, 2009

The regular meeting of the Warrington Township Board of Supervisors was held on January 27, 2009, 7:30 p.m., at the Township Building located at 852 Easton Road, Warrington, PA 18976. The members present were as follows:

1. ATTENDANCE:

Carol M. Butterworth, Chairman; Michael W. Lamond, Jr., Vice Chairman; Glenn McKay, Secretary; Rebecca A. Kiefer, Assistant Secretary; and Paul Plotnick, Member; Timothy J. Tieperman, Township Manager; Michael Mrozinski, Director of Planning and Economic Development; Michael P. Clarke, Esq.; Township Solicitor; Thomas F. Zarko, Township Engineer; Carolyn Hanel, Director of Administrative Services/Parks and Recreation; Gay Currie, Communications Officer; Vivian S. Bell, Township Treasurer; and Richard Lesniak, Director of Fire, Inspection and Emergency Services.

2. PLEDGE OF ALLEGIANCE

The meeting opened with a pledge to the flag.

3. EXECUTIVE SESSION REPORT. Mr. Clarke reported that at the conclusion of our meeting on January 13, 2009 the Board held an executive session to discuss personnel matters, various legal matters involving the lawsuit with Happy Tymes, involving a lawsuit that had been filed regarding the Business Privilege Tax, and regarding two other potential litigation matters.

4. APPROVAL OF BILL LIST: 1/14/09-1/27/09 - \$625,677.88

Motion – It was moved by Mr. Lamond, seconded by Mr. McKay, that the Board of Supervisors voted to approve the bill list from 1/14/09 to 1/27/09 in the amount of \$625,677.88. This motion passed by a roll call vote of 5 years.

5. APPROVAL OF MINUTES

a) December 1, 2008

Motion – It was moved by Mr. McKay, seconded by Mr. Plotnick, that the Board of Supervisors voted to approve the minutes of the December 1, 2008 meeting. This motion passed by a vote of 4-1. Mr. Lamond abstained.

b) December 3, 2008

Motion – It was moved by Mr. Plotnick, seconded by Mr. McKay, that the Board of Supervisors voted to approve the minutes of the December 3, 2008 meeting. This motion failed by a vote of 0-5.

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

c) **December 9, 2008**

Motion – It was moved by Mr. Lamond seconded by Mr. McKay, that the Board of Supervisors voted to approve the minutes of the December 9, 2008 meeting. This motion passed by a vote of 5-0.

6. **MINUTES FOR POSTING**a) **January 5, 2009**

Motion – It was moved by Mr. Lamond seconded by Mr. Plotnick, that the Board of Supervisors voted to post the minutes of the January 5, 2009 meeting. This motion passed by a vote of 5-0.

b) **January 13, 2009**

Motion – It was moved by Mr. Lamond seconded by Mr. Plotnick, that the Board of Supervisors voted to post the minutes of the January 13, 2009 meeting. This motion passed by a vote of 5-0.

7. **PUBLIC COMMENT**

a) **Mercantile Business Tax.** Pat Lyons, who resides at 968 Easton Road commented about the public notice that went out on January 20, 2009. She said there was an error in the date of when the public hearing was being held for the Mercantile Business Tax. She said what wasn't noted was that there also was an error in the content and she wanted to bring that to the Board's attention. She said the notice that went out on January 20, 2009 does not say there is an exemption at all. What it states is that \$2,600 will be charged to each business in Warrington and that the expected revenue is to be \$400,000 to be collected from that tax.

Mr. Clarke said there were several drafts of the advertisement which had gone over to the newspaper. There was some confusion as to which one was published. He said the one that appeared in the most recent newspaper listed the correct amount of the tax, correct date that it's going to be voted on, the correct amount of revenue that is anticipated to be generated, and the correct \$1 million exemption. Unfortunately, the newspaper again took the older ad that they had and ran both of them at the same time. Later on this afternoon we received a notification from the newspaper apologizing for the error indicating that the future advertisements will list the correct information and also refunding money to the township for the cost of running the incorrect ad. As of right now it's \$2,600, \$1 million exemption with an anticipated revenue generation of \$300,000 and it will be voted on Tuesday, February 10, 2009.

Pat Lyons asked if it was possible that the Board could appoint a committee to review their budget. The Committee would consist of resident, Board member, business person, and financial person to see if the budget can be cut any further to avoid the tax completely. Mrs. Butterworth stated that in the past when the Board did its budgets we had an audience and the audience made a suggestion that a finance committee be appointed. She said it's a group of individuals – some professionals and some residents. This committee keeps an eye on the budget and they make recommendations to the Board. If the Budget can be cut, it will be cut as we go on and this Board will keep close tabs on the budget month by month to see where we stand.

8. **INDUCTION: Induction of new officers in Warrington Volunteer Fire Company.** Judge Bob Schnell conducted the swearing in of new officers in Warrington Volunteer Fire Company as follows: 1) Michael J. Bean, Fire Chief; 2) Joseph Fuchs, Deputy Fire Chief; 3) Christopher Harvey, Battalion Chief; 4) Jesse Mancini, Battalion Chief; 5) Jared Sandler, Engine Lieutenant; 6) Timothy Campbell, Ladder Lieutenant; 7) Paul Martin, Rescue Lieutenant; 8) Andrew Groman, Squad Lieutenant; 9) Scott Martin, Safety Officer; and 10) Oliver Groman, Safety Officer.

9. **MANAGER'S REPORT.** Mr. Tieperman reviewed the manager's report which included a) Pickertown/Folly Traffic Signal; b) Bristol Road Loop Detector Issue; c) 2009 Road Improvement Program; d) Route 202 Parkway Update; e) Dwelling Fire; f) Mercantile Tax Legislative Initiative; and g) Other Business.

a) **Route 202 Parkway Update.** Mrs. Kiefer stated that we still have the Trail Management Agreement to sign and wanted to know the status. Mr. Zarko said the Trail Management Agreement was being handled by Paul Gdanski. He sent him an email yesterday to see where he stood with that agreement. It was his understanding that there were a couple of issues in the draft agreement that he had problems with. He said he believed Mr. Gdanski sent comments back to PennDOT on that. He said Mr. Tieperman is touching base with PennDOT to see if they have received those comments and can work that through.

Mr. Zarko said we just received a copy of the proposed Light Agreement from PennDOT, which we'll be reviewing it and reporting back to the Board at the next meeting.

b) **Bluestone Issues.** Mr. Tieperman said he had gotten an opinion from the solicitor regarding the "No Parking" signs issue. He said if we're going to move forward with the Bluestone parking issue it will require a proposed ordinance to the supervisors for action. Mr. Clarke said the way it was left was that it was up to the homeowners association to whatever form that they are required under their homeowners association documents to get approval to ask the township to enforce parking on those areas of those streets that are not already covered by the "No Parking" signs. Mr. Clarke said we're waiting for the homeowners association to get back to the township.

Mrs. Kiefer said the homeowners association had a meeting and I understand that they had a vote to keep the signs. Mr. Mrozinski said the association would be forwarding the documentation as evidence of that and the township will be working with them to finalize everything and then bring an ordinance to the Board.

Michael J. Bean, Fire Chief with the fire company reviewed his monthly reports for November and December 2008. He said he is preparing a year to end report that will be available next month.

Mr. Richard Lesniak, Director of Fire, Inspection and Emergency Services reviewed his monthly report.

Carolyn Hanel, Director of Administrative Services/Parks and Recreation reviewed her monthly report.

NEW BUSINESS (ACTION/DISCUSSION ITEMS):

10. **Review proposed projects under the Commonwealth's H₂O PA Act Grant Program and authorize submission of grant application (s).** Mr. Zarko reported that information concerning a relatively new grant program funded through the State was included in the Board's packet. He said this program is called the H₂O PA Act Grant Program and includes three grant categories: 1) Construction of drinking water, sanitary sewer and storm sewer projects; 2) Flood control projects; and 3) Repair of high hazard unsafe dams.

Mr. Zarko said there is \$800 million available under this grant program. However, half of those funds have to be spent on projects involving regionalization and there are certain project eligibility criteria. First of all the minimum project cost is \$500,000 and the maximum project cost is \$20 million. He said for water, sanitary, and stormwater projects the funding is a 50/50 match. He said for flood control projects a municipality would have to provide easements, right of way acquisition and assume responsibilities for future on end. It is not a 50/50 match. He said water, sanitary and storm sewer projects must involve acquisition, construction, improvement or expansion, rehabilitation of all part of the

waters storm or stormwater system. Flood control projects must involve construction of improvement or repair or rehab of all part of the flood control system. He said one of the most important aspects of the grant program is the projects have to be pretty much ready to go.

Mr. Zarko said we have gone through the guidelines and have developed for the Board a list of several projects that we think would be good candidates for this grant funding. The first one is Storm Drainage Improvement Projects. He said there are several projects that have design completed or are currently under construction. The total cost for those projects is \$805,000. He said the next project that we have identified is Palomino Farms Regional Stormwater Management Facility Improvements. He said that project has an estimated cost of \$995,000. We have also identified a number of public water improvement projects including water main extensions and repainting of the Shetland tank. Those projects total \$669,000. Finally, we have identified three sanitary sewer improvement projects totaling \$1.4 million. He said the total of all the projects we've identified as eligible candidates would be about \$3.8 million. He said we are requesting that the Board by resolution authorize the submission of a grant application for the four projects that are identified on the list. He said the first round for this grant applications program are due by February 13, 2009.

Motion – It was moved by Mr. McKay, seconded by Mr. Lamond, that the Board of Supervisors authorized the submission of the grant applications for the four projects that are identified in the Board's packet to the H₂O PA Act Grant Program. This motion passed by a vote of 5-0.

11. Authorize advertisement of Ordinance designating the Woodlawn Sewer District authorizing construction of sanitary sewer collection system and establishment of benefit assessments upon the subject properties. Mr. Zarko reported that the township recently completed a construction project involving the extension of public sewer service to eighteen properties located along Woodlawn Avenue, Limekiln Pike, and County Line Road. He said the township must adopt an ordinance establishing a new sewer district and establishing assessment costs for the sewer system installation. He said this evening we are requesting authorization to advertise an ordinance that was prepared by township staff to ordain the project.

Motion – It was moved by Mr. Lamond, seconded by Mrs. Kiefer, that the Board of Supervisors authorized the advertisement of an Ordinance designating the "Woodland Sewer District" as stated by the township engineer. This motion passed by a vote of 5-0.

12. Review Preliminary 2009 Goals. Mrs. Butterworth explained what was meant by the preliminary 2009 goals. Each supervisor was asked to look at what they wanted to see in 2009, our so-called wish list. Mr. Tieperman said he has tried to compile some of the desires and "wish list" of the Board members. He said what the Board is looking at in their packets is a rough draft. From his experience in other organizations it's important to keep the goals as broad based as you can and try not to have more than 10-15 broad goals. He said he has come up with twelve major categories that most of the Board's insight and goals came under.

Mr. Tieperman said he hoped that the above information submitted could be the basis for a weekend ½ day workshop where we can get some consensus.

Mrs. Butterworth reviewed the preliminary 2009 topics as follows: 1) Promote a strong effective and efficient township organizational structure; 2) Pursue cost containment initiatives; 3) Use information technology effectively to promote productivity; 4) Improve communications process with the public; 5) Take a proactive stand on important legislative initiatives impacting Warrington Township; 6) Evaluate and pursue regionalization initiatives that serve the best interest of the local taxpayer; 7) Continue development of township open space and recreation areas; 8) Promote a green agenda to reduce Warrington's governments carbon footprint and save on energy costs; 9) Continue long term planning

initiatives; 10) Improve township infrastructure; 11) Use more non-tax grant based programs to advance worthy township projects; and 12) Support effort to improve township volunteerism in Warrington Township.

The Board agreed on Saturday, February 7, 2009 at 9 a.m. to get together for a ½ day workshop to review the above topics.

13. Authorize advertisement of bids for Phelps property public sewer connection project. Mr. Zarko reported that this is a proposed public sewer connection project related to PennDOT's County Line Road Improvement Project. He said the PennDOT project involves widening of County Line Road that will effect an existing on-line sewage disposal system on the Phelps property, which is located on the northwesterly side of County Line Road and Stump Road intersection. He said PennDOT had requested the township's assistance in connecting the property to public sewer. He said we have completed design and bidding documents to accomplish that connection and we're ready to release for bids.

Motion – It was moved by Mrs. Kiefer, seconded by Mr. Lamond, that the Board of Supervisors authorize and advertise for the release of bidding documents for the Phelps property, located at 3627 County Line Road. This motion passed by a vote of 5-0.

Mrs. Kiefer said she wanted to personally thank Fred Achenbach for all of his efforts. A lot of this wouldn't have happened except for his very innovative approach to Montgomery County in getting their assistance.

OLD BUSINESS (ACTION/DISCUSSION ITEMS):

14. Continue discussion on the 2009 fee schedule. Mr. Lesniak said based on the conversation from the last meeting the Staff was able to incorporate what we feel were the comments raised by the Board about the 2009 Fee Schedule. Additional questions were raised by Board members and reviewed with Staff.

Motion – It was moved by Mr. Lamond, seconded by Mr. Plotnick, that the Board of Supervisors adopted a resolution for the 2009 Fee Schedule as amended. This motion passed by a vote of 5-0.

15. Consider adoption of Resolution for preliminary land development approval for Sequoia Supply. Mr. Zarko reported that this proposed land development site is located on the easterly side of Easton Road between K Street and Shetland Drive. He said the site is approximately 2.95 acres in size and is located within the C2 Commercial Zoning District. He said there is an existing 18,000 sq. ft. building on the site. It is proposed to use that building as a retail supply outlet. He said the applicant also proposes as part of the project to construct a second building in the rear of the site, approximately 13,000 sq. ft. in size for storage and also associated public on-site improvements.

Mr. Zarko said the applicant received relief from the township zoning hearing board in August 2006 for various dimensional standards as well as a special exception to permit some outside storage. He said the township planning commission reviewed the land development plans for the project on November 6, 2008 and recommended conditional approval of the plans. He said the conditions recommended by the planning commission are outlined in a letter dated December 4, 2008. He said it our understanding that the applicant is agreeable to the conditions recommended by the township planning commission. He asked Kurt J. Shaffer, attorney for the applicant, if that was correct. Mr. Shaffer said that was correct with the clarification that we are seeking one waiver.

Mr. Zarko said the latest CKS review letter issued for the project is dated December 3, 2008. He said with the majority of items that are remaining in the CKS review letter Staff is recommending that they be considered as conditions but we need to discuss two waiver requests with the Board this evening.

Mr. Zarko said the first waiver request that the applicant has made is a request to provide a fee of \$2,500 in lieu of performing a traffic impact study for the development. Staff has reviewed that waiver request and in consideration of the fact that the proposed use is less intensive than prior uses on the site would have no objection. He said we have also checked the amount of the fee and the traffic consultant has indicated that that was a reasonable proposal.

Mr. Zarko said the second waiver request is for the requirement to install curbing or bollard tire stops throughout the internal on-site parking areas. He said the applicant is not proposing to install those in areas of the parking lot reserved for employee parking. He said in consideration of that fact and also that curbing would impact site drainage patterns we have no objection to that waiver request.

Mr. Zarko said we recommend these conditions of approval. Staff has drafted a draft approval resolution that is included in the Board's packets.

Representing the applicant was Kurt J. Shaffer, Esq. and Jodi Litus, Engineer for Tri-State Engineers, Inc. Also present at this meeting was the property owner John Keller.

Mr. Shaffer explained about the products that are offered by Sequoia Supply. He said the remainder of the existing building and the proposed 13,000 sq. ft. building will be all for storage.

Mrs. Kiefer was concerned with the buffering at the rear of the property due to its close proximity to residential properties. Mr. Zarko suggested we add a note on the plans or a condition that a maximum of up to five additional evergreen trees be placed, if it's possible, on the site at the discretion of the township to provide buffering where sufficient buffering doesn't exist.

Motion – It was moved by Mr. Lamond, seconded by Mr. McKay, that the Board of Supervisors consider the adoption of a Resolution for preliminary land development for Sequoia Supply. This motion passed by a vote of 5-0.

16. Consider adoption of Resolution for preliminary and final land development approval for Bhakta Personal Care Facility. Mr. Zarko reported that this proposed land development site is located on the northeasterly side of Bristol Road immediately west of the Bristol Road and Pickertown Road intersection. He said the site is approximately 4.2 acres in size and is also located within the township's C2 Commercial Zoning District. He said the applicant is proposing to construct a four (4) story, 80,280 sq. ft. personal care facility with associated public and site improvements. He said the applicant received a special exception from the township zoning hearing board for the proposed use of the property as an assisted living facility with a maximum of seventy-seven (77) units accommodating not more than 93 beds. He said the township planning commission reviewed the land development plans for the project on June 19, 2008 and recommended conditional approval of the plans. He said the conditions are outlined in the planning commission's letter dated December 9, 2008. He said it is our understanding that the applicant is agreeable to the conditions recommended by the planning commission. Mr. Zarko asked if that was correct. Yes, that is correct responded Mr. Thomas Smith, attorney for the applicant.

Mr. Zarko said the latest CKS' review letter issued for the project is dated November 24, 2008. He said there are a couple of items that we need to discuss with the Board. He said the first one has to do with roadway improvements along the frontage of the site. He said township staff had recommended that the proposed widening that is to be performed in conjunction with this development extend across the adjacent property located to the west to interconnect with the widening and improvements that exist right

now on the Forest Ridge Development. He said the applicant has indicated that they are amenable to providing the widening improvements across the adjacent property subject to the township requiring the required right of way to accomplish the improvements. He reminded the Board that there is a proposal to do widening along this side of Bristol Road as part of the Forest Ridge development. He said in order to provide a left turn lane onto Pickertown Road we need the widening to provide a runaround lane.

Mr. Zarko said this applicant is requesting a couple of waiver requests. He said the first waiver request is for the requirement that the proposed trash enclosure be attached to the personal care facility building. He said in consideration of the location of the current trash enclosure along with the enclosure construction and screening staff had no objection to that waiver request.

Mr. Zarko said the next waiver request is for the requirement for the on-site loading area not to be placed on the side of the building that faces an external street. He said in consideration of the fact that the proposed loading area is set back 500' from the street, which would be an adequate distance away from the street, staff had no objection to that waiver request.

Representing the applicant was Thomas J. Smith and Brian L. Horner, Engineer with ProTract Engineering, Inc.

Mr. Smith addressed the improvements along Bristol Road at the Prieto property in addition to the requirement to obtain the additional right of way. He said it is a PennDOT road, which requires that a Highway Occupancy Permit Application be submitted and the improvements would be subject to PennDOT's approval of that application.

A question and answer period followed.

Mr. Clarke stated to Mr. Smith that the question was asked by the Board if whether he would be willing to put in a 4' high fence in and I believe your reply was I don't think we would have a problem. Mr. Clarke asked if we could have something a little more definitive. Mr. Smith responded by saying yes we would be willing to put in a 4' high fence.

While the Board had a lot of questions, they were not willing to grant preliminary and final land development approval this evening. Mr. Smith said if the Board was willing to grant preliminary approval, his client would certainly accept preliminary approval and come back with a final plan. Mr. Clarke said, of course, Mr. Smith would be willing to accept preliminary approval tonight if the Board was going to do that because he knows that he does not have to alter his plans dramatically to get final approval. While Mr. Clarke doesn't want to say that granting preliminary approval tonight will be carte blanche to have final approval granted at a future meeting. He said based on what they have submitted and based on what our code requires Mr. Smith knows that he will not need to alter his plans probably at all to come back before the Board. He said he is not required under our Subdivision and Land Development Ordinance to produce building plans. He said building plans are required when they apply for a building permit after the subdivision plans have been approved.

Mr. McKay said the Board is more concerned about the safety of the residents in this facility from the height of the building, to a fire access, and the fence next to Warrington Greene. Mrs. Kiefer said there are too many outstanding issues that the Board is not satisfied with the answers.

Mr. Frank Shelly, who is a member of the Zoning Hearing Board, commented that it's important for the Board to understand how the zoning hearing board arrived at their decision. He said their Board was very specific with what was granted for an assisted living facility and reviewed the various zoning issues involved.

Mrs. Terry Marks, who resides at 2320 Stagner Avenue, said she had a number of concerns, which she reviewed with the Board. She said as Mr. Shelly stated when this first came before the zoning hearing board on May 16, 2006 as Mr. Harris stated, and it is in the fax of the zoning board decision. She said in part what they based their decision on was that Mr. Harris said that he represented Mr. Lawson, who vacated his rights to Stagner Avenue because he had access from Bristol Road and was selling his property at the time to Mr. Nelson, who had approval to build a virtual golf course. She said Mr. Lawson gave us any rights to Stagner Avenue. She said Mr. Harris represented Mr. Lawson in that hearing and that was what Mr. Harris stated to the zoning hearing board that Stagner Avenue would not be affected by this project at all because Mr. Lawson paid him to have his rights to Stagner Avenue vacated.

Mr. Smith said the emergency access that we're proposing will not affect Stagner Avenue beyond the boundaries of the Bhakta property except on the property owned by Warrington Greene Partners. He said Mr. Nolan has agreed that he has no objection to Mr. Bhakta's use of that portion of Stagner Avenue located on his property to install the improvements reflected on the plan. He said the gate will be at the edge of the Bhakta property and it will have a padlock. Only the emergency personnel will have the ability to access that padlock.

Mr. Smith requested that the Board table this matter for another hearing. He said he would like to get a concise list of the issues that the Board would like him to address. Mr. Plotnick said we don't need structural engineering drawings but we need schematics, floor plans, and the layout of the building. Mr. Smith said he would discuss this with Mr. Bhakta when he returns and we'll try to come up with at least schematic drawings to present to the Board.

The Board reviewed their concerns as follows: 1) No parking signs are going in; 2) Putting in a sidewalk in front of the building; 3) Concerned with the health, safety and welfare of the residents; 4) Want the gazebo moved so there is emergency access to the back of the building for the safety of the residents; 5) Once the emergency access vehicles getting to the other side of the building and once you have that access you have to consider the buffer as well; 6) Retaining wall and difference in size to make sure there is some uniformity. Board would like to see a 4' split rail fence on the Warrington Greene side as well as by the retaining wall.

Mr. Smith said he has the general consensus of the Board and has heard the concerns of the neighbors so we'll see if we can try to reach out to them and come up with some solution.

Mr. Zarko said there is one other procedural issue that needs to be taken care of. The deadline for action on this plan is February 3, 2009 so we'll need a grant of extension.

Mr. Clarke asked Thomas Smith, attorney for the applicant if he would be agreeable to granting the township an extension until April 15, 2009 to hear this application. He said the reason he picked that date as it is day after the Board's first meeting in April and that should give us ample time for all of these issues to be addressed and also protect us in case we get any inclement weather. Mr. Smith said yes he was agreeable to granting this extension until April 15, 2009.

Motion – It was moved by Mrs. Kiefer, seconded by Mr. Plotnick, that the Board of Supervisors tabled this matter based on the applicant's attorney's representation in granting of an extension until April 15, 2009 to hear this application. This motion passed by a vote of 5-0.

17. To consider the following escrow releases:

Development Name	Release #	Amount
Heritage Center at Warrington	10	\$ 28,880.00

Motion - It was moved by Mr. Lamond, seconded by Mr. McKay, that the Board of Supervisors approved the escrow release for Heritage Center at Warrington, Release #10 in the amount of \$28,880.00. This motion passed by a vote of 5-0.

18. To consider the following extension requests:

a) Stone Manor Corporate Center, Final Plan Amendment Phase I

Motion – It was moved by Mr. Lamond, seconded by Mr. McKay, that the Board of Supervisors approved the extension request for Stone Manor Corporate Center, Final Plan Amendment Phase I until 4/30/09. This motion passed by a vote of 5-0.

b) Ball/Colibraro Tract.

Motion – It was moved by Mr. Lamond, seconded by Mr. McKay, that the Board approved the extension request for Ball/Colibraro Tract until 3/31/09. This motion passed by a vote of 5-0.

19. Reconsideration of Construction Management Agreement for West End Fire Station. Mrs. Butterworth stated that CKS had previously given the Board a cost analysis to be the construction manager for the West End Fire Station and Mr. Zarko was going to oversee the construction of the West End Fire Station. She said at the time it was discussed with the Board we were questioning if we could get a better price and a better deal. She said since then Mr. Plotnick had made a statement. His statement was that at this late date being that our township engineer provided all his costs and they are public and he has started a lot of work on this project already that it would probably be improper to change it. He said if we wanted to do that and take a look at it when we do work on the expansion of the township building we can ask for professional proposals.

Motion – It was moved by Mr. Lamond, seconded by Mr. Plotnick, that the Board of Supervisors to consider appointing CKS as our construction manager for the West End Fire Station. This motion passed by a vote of 4-1. Mrs. Kiefer voted no.

20. CONSENT AGENDA:

a) Approval of PennDOT Master Casting Agreement. Mr. Zarko said we’re going to recommend consideration of a Master Casting Agreement with PennDOT. He said this is a standard PennDOT type of agreement that addresses adjustment of utility castings that is performed in conjunction with any State Highway improvement work. These agreements generally last for three years as there is a 3-year cycle. He said the Master Casting Agreement imposes no obligation on the township to spend any funds. Basically what happens is on a project by project basis they would come in and come back to the township with a specific letter of agreement for that project to authorize the pricing in the Master Casting Agreement to be used on that project.

Motion – It was moved by Mr. Lamond, seconded by Mr. McKay, that the Board of Supervisors approved the PennDOT Master Casting Agreement as stated by the township engineer. This motion passed by a vote of 5-0.

b) **Equestrian Court Fence Repair**. Mrs. Hanel reported that in December during one of the rain and wind storms a tree, that is on the property where the Special Equestrian Court is located, blew down and damaged the fence on Mr. & Mrs. King's property. She said the township cleaned it up and requested that the King's get an estimate for the expense of the fence repair. She said they proceeded with the repair of the fence and are now requesting reimbursement for the expense of the fence repair in the amount of \$925.

Mr. Lamond feels that we should submit this bill to the township's insurance carrier to see if we are liable. He said if our insurance company says we are responsible and it is under our deductible then we should pay the bill. If our insurance company totally denies the claim saying it is not our responsibility then we tell Mr. & Mrs. King that it is not the township responsibility to pay this bill.

Mrs. Hanel was instructed to go back to our insurance company and get a ruling from them.

Mr. Lamond is concerned with looking at not setting a precedent where a tree falls down anywhere in the township that is on open space and owned by the township now it's our responsibility if it damages something.

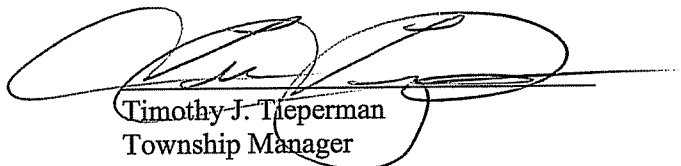
21. **OTHER BUSINESS**

a) **Communications Board**. Mr. McKay reported that at the Communications Board meeting last night they recommended that the Board approve the Tel-Vue concept. Katie Braun reported that she would be making a presentation at the Board's February 23 meeting on this concept.

b) **Donovan Bill**. Mr. Tieperman said he pulled the Donovan bill and the Board was in agreement to not pay the bill until they have met with Mr. Donovan again to review it.

22. **ADJOURNMENT**

It was moved by Mr. Plotnick, seconded by Mr. Lamond, the Board of Supervisors voted to adjourn the meeting at 11:15 p.m. This motion passed by a vote of 5-0.


Timothy J. Tieperman
Township Manager

2/26/2009
Date