

WARRINGTON TOWNSHIP BOARD OF SUPERVISORS

MINUTES FOR APRIL 28, 2009

The regular meeting of the Warrington Township Board of Supervisors was held on April 28, 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, Chairperson; Michael W. Lamond, Jr., Vice Chairperson; Glenn McKay, Secretary; and Paul Plotnick, Member; Timothy J. Tieperman, Township Manager; Thomas F. Zarko, Township Engineer; Carolyn Hanel, Director of Administrative Services/Parks and Recreation; Michael Mrozinski, Director of Planning and Economic Development; Barbara Kirk, Esq.; Richard Lesniak, Director of Fire, Inspection and Emergency Services; Fire Chief Michael J. Bean; James Miller, Chief of Police; and Vivian S. Bell, Township Treasurer.

2. PLEDGE OF ALLEGIANCE

The meeting opened with a pledge to the flag.

3. EXECUTIVE SESSION REPORT. Barbara Kirk reported that at the conclusion of our last meeting held on April 14, 2009 the Board held an executive session at which time there were two issues discussed: 1) One litigation matter filed against the township and a discussion was held on how the township should proceed; and 2) One matter of potential litigation against the township and the possibility of resolving those issues.

4. APPROVAL OF BILL LIST: 4/14/09-4/28/09 - \$388,641.29

Motion – It was moved by Mr. Lamond, seconded by Mr. Plotnick, that the Board of Supervisors voted to approve the bill list from 4/14/09 to 4/28/09 in the amount of \$388,641.29. This motion passed by a roll call vote of 4 yeas.

5. APPROVAL OF MINUTES

a) March 10, 2009

Motion – It was moved by Mr. Lamond, seconded by Mr. McKay, that the Board of Supervisors voted to approve the minutes of the March 10, 2009 meeting. This motion failed by a vote of 0-3. Mrs. Butterworth abstained.

b) March 10, 2009

Motion – It was moved by Mr. Lamond, seconded by Mr. McKay, that the Board of Supervisors voted to table the minutes of the March 10, 2009 meeting until May 12, 2009 when Mrs. Kiefer has had an opportunity review her recommended changes. This motion passed by a vote of 3-0. Mrs. Butterworth abstained.

c) March 24, 2009

Motion – It was moved by Mr. Lamond, seconded by Mr. McKay, that the Board of Supervisors voted to approve the minutes of the March 24, 2009 meeting. This motion passed by a vote of 4-0.

6. MINUTES FOR POSTINGa) April 14, 2009

Motion – It was moved by Mr. Lamond, seconded by Mr. McKay, that the Board of Supervisors voted to post the minutes of the April 14, 2009 meeting. This motion passed by a vote of 4-0.

7. PUBLIC HEARING:

a) Conditional Use Hearing for Cricket Communications, Inc. to allow the installation of a wireless communications antenna and related equipment on an existing structure located on 1500 Stuckert Road. (This item is going to be tabled until May 12, 2009.)

Motion – It was moved by Mr. Lamond, seconded by Mr. McKay, that the Board of Supervisors voted to open the conditional use hearing for Cricket Communications, Inc. to allow the installation of a wireless communications antenna and related equipment on an existing structure located on 1500 Stuckert Road. This motion passed by a vote of 4-0.

Barbara Kirk reported that this matter was originally scheduled for a public hearing on April 14, 2009. At that time the applicant through its attorney requested that this matter be tabled. She said there was a letter submitted by the attorney for the applicant dated April 14, 2009 asking that this matter be placed on the next agenda for the Board. They also agreed to an extension of time until May 31, 2009.

Motion – It was moved by Mr. Lamond, seconded by Mr. McKay, that the Board of Supervisors voted to table the conditional use hearing for Cricket Communications, Inc. to allow the installation of a wireless communications antenna and related equipment on an existing structure located on 1500 Stuckert Road until the May 12, 2009 meeting. This motion passed by a vote of 4-0.

Motion – It was moved by Mr. Lamond, seconded by Mr. McKay that the Board of Supervisors voted to close the conditional use hearing for Cricket Communications, Inc. to allow the installation of a wireless communications antenna and related equipment on an existing structure located on 1500 Stuckert Road. This motion passed by a vote of 4-0.

9. MANAGER'S REPORT. Mr. Tieperman reviewed the manager's report which included a) TelVue Update; b) 275th Anniversary Update; c) Federal Stimulus Update; County Optional Sales Tax Initiative; Cell Tower Update; e) Staff Meeting Notations; f) Budget Timeline; and g) Other Business.

Tape Recorders. Mrs. Butterworth said the Public Works Department really gets beat up when things happen in an emergency, repairing potholes, repairing signs, etc. and they are sent to do their job. She stated that residents do tend to give them a hard time. She suggested to Carl Sames, Public Works Director, that tape recorders be provided in his employees vehicles. When a resident has a complaint to make, they would be asked to provide their name, along with the date and time and the nature of their complaint and it would be recorded.

The consensus of the Board was that Public Works employees be given a card that they would pass along to any resident who has a complaint to make with a contact name and telephone number of someone in the township building to address their concerns.

Lamplighters Village. Mrs. Butterworth asked about the status of the concerns at Lamplighters Village. Mr. Zarko reported that a meeting was held with representatives of the Homeowners Association. He said they discussed their concerns. He said we have scheduled a meeting with the developer to discuss their concerns and to see what we can do to get the concerns addressed and the project completed.

275th Anniversary. Mrs. Butterworth reported that the township has an account that is called "Warrington Cares". As part of the township celebrating its 275th Anniversary, the Communications Officer put containers in the businesses at Valley Square for people to make donations. These monies would be used strictly for residents in need under the "Warrington Cares" program. She said a check will be presented at the 275th Anniversary Kick-Off Event at Valley Square on Saturday, May 2 to the township. Since the Board has the responsibility of administering these donations, she asked for feedback on how best to distribute these funds, what they are earmarked for, and who qualifies. The information is kept on an anonymous basis. If you know of someone in need, please call the township.

a) **Warrington Fire Company Monthly Report.** Mr. Michael Bean, Fire Chief, reviewed his monthly report for March 2009. The Fire Chief presented Katie Braun with flowers in gratitude for all she's done to be of assistance for the fire department. It was noted that Katie Braun has submitted her resignation, which is effective today.

b) **Fire, Inspections, and Emergency Services Monthly Report.** Mr. Richard Lesniak, Director of Fire, Inspection and Emergency Services, reviewed his monthly report for March 2009. He also provided the Board with a status report on our emergency preparedness for the swine flu concerns. He said Mr. Fitzmeyer, Assistant Fire Marshal; and he attended a meeting in Harrisburg and participated in the Residential Sprinkler Hearings. Basically, the homebuilders association in Pennsylvania put forth a motion to eliminate the sprinkler requirements that are in the International Construction Code. He said a review council was hearing testimony as to whether to keep that requirement in or delete it. He said the Pennsylvania Sprinkler Coalition heard about our Save on Palomino Drive and invited us up to testify on that situation.

Mr. Lesniak said at the end of the day Review Advisory Committee recommended to keep the sprinkler requirement in the International Construction Code. In turn the chairperson of the Review Council then made a motion to revisit this again next week and not open it for any testimony but to challenge the fact that the majority of the board members want that requirement in the Code.

Mr. Lesniak showed samples of the brick that would be used for the West End Fire Station and asked for the Board's feedback.

c) **Parks and Recreation Monthly Report.** Mrs. Carolyn Hanel, Director of Administrative Services/Parks and Recreation reviewed her monthly report for March 2009.

NEW BUSINESS (ACTION/DISCUSSION ITEMS):

10. **Consider adoption of a Resolution for preliminary plan approval for Holbert Subdivision.** Mrs. Butterworth reported that at the request of the applicant the Resolution for preliminary plan approval for the Holbert Subdivision has been tabled until the May 12, 2009 meeting.

11. **Consider adoption of Resolution authorizing a valuation study of the Township's water/sewer operations, as recommended by the Permanent Finance Committee.** Mr. Zarko reported that the primary purpose of this study is to determine the value of the township's water and sewer systems and the potential impact of a sale of the sewer system or keeping the system in status quo operated and maintained by the township and what that impact would be on future rates in the township's budget.

Mr. Zarko said the township staff has been working with the Permanent Finance Committee over the past several weeks in obtaining proposals from qualified consultants to perform a valuation study. He said we have reviewed two proposals that were submitted for the study. Staff, along with the Permanent Finance Committee, has recommended a proposal that was submitted by Keystone Alliance Consulting. With us this evening is Mr. Dave Busch from Keystone Alliance Consulting, who can give you a brief summary of his proposal and answer any questions that the Board may have.

Mr. Busch said the proposal, as we prepared it, is basically an initial step in a process where we don't really know where the end is. He said the intention is to provide the township with necessary information to make the right decision. He said his goal is to provide the township with an independent review of the value of your system. He said what we do is look at the systems from a cash flow standpoint, as a business. What is the business of the water and sewer system worth and we also look at the assets and say what are those assets worth.

Mr. Zarko said that one of the important aspects again is that it's going to include an evaluation of the impact on not only the users, the sewer rental rates, water rates, but also is going to value the impact of the township's budget going forward in the study, which is a 20-year study. He said the proposal amount is not to exceed \$25,000 and it is estimated that it's going to take four months to complete the study. There is going to be some assistance required from township staff to provide some backup information in order to do the study. He said Mr. Busch has a lot of background information because he's been involved in the township's water and sewer systems. He said one other important point of the study is that he is going to separately look at water and sewer systems, which will give the Board some flexibility to make decisions, not just for both, but either or if the Board wishes to do that.

Mr. Zarko said the four months period that is projected for the study aligns pretty nicely with the township's budget in process coming up for 2010. Staff is recommending that the Board favorably consider this proposal that is submitted by Keystone Alliance Consulting.

Barbara Kirk, Esq. said that it seems to her that what the township is doing by this study is giving yourself the opportunity of understanding the worth of your system in natural dollars other than what the township itself is projecting as to the value. She said if the township believes that it is appropriate to put it out to bid you have "a reasonable listing price" that you know where you can start from instead of just putting it out to bid and waiting for people to come to you with their numbers and you not having an idea whether it's a good proposal, a bad proposal, too low of a proposal, or something that's too high. This valuation sets forth for you an actual market value that you can then use to project in the future as to how you want to handle the operation of the system itself.

The Board recessed at 9:00 p.m. to discuss this matter further with its legal counsel.

The Board resumed the meeting at 9:18 p.m.

Barbara Kirk, Esq. said that in executive session some questions were raised about my partner's involvement with the completion of the study as my partner has represented other water and sewer authorities or groups and continues to do so. She said she advised the supervisors that this is simply a study to establish the worth of the systems so that they have a working number. No decision is being made today or contemplated as to whether or not the system will be put out to sale. She further stated that if and when the Board decides that it wishes to put the system out for sale, prior to making that determination, have to render a decision for appointment of special legal counsel to handle and represent the township during the progression of any sales discussions. She said her partner would not be involved in that is anyway.

Barbara Kirk said there were also some questions about the use or the propriety of funds being taken from the systems reserves to pay for this study. She said since this is a valuation of its own business enterprise, the business itself being the system, should pay for the cost of the study. She said there was another question about what could happen in the future if the township decides to sell the system and how those funds would then be absorbed back into the township. She reviewed those issues and discussed them and advised the Board accordingly.

Motion – It was moved by Mr. Lamond, seconded by Mr. Plotnick, that the Board of Supervisors voted to adopt a Resolution as recommended by the Permanent Finance Committee authorizing the Township Manager to enter into an agreement with Keystone Alliance Consulting to perform a valuation study of the Township's water/sewer utilities subject to final review of counsel. This Resolution also authorizes the encumbrance of funds for an amount not to exceed \$25,000 to be appropriated from undesignated reserves in the water/sewer enterprise funds. This motion passed by a vote of 4-0.

12. Consider policy changes to the Township's leaf diversion program, as recommended by the Permanent Finance Committee. Mr. McKay reported that when the Board created the Ordinance for leaf waste collection we established two things: 1) That the private haulers would set aside three days a year, specially designated for leaf pickup. One was going to be in the first week of November, first week in December, and first week in May. He said that hasn't been done and it's not due to the private haulers rejecting it or not being encouraged to do so. 2) The other issue is we set up in the ordinance, according to the mandate by the State, a leaf collection site for leaf waste. He said we set up two sites: one at Valley Road and one at the Tradesville Sewer Plant. The Tradesville Sewer Plant is un-gated and the Valley Road site is gated.

Mr. McKay said the Ordinance is set up for the first week of each month for the site to be open. However, with the recommendation from Ken Kugel was to set up the Valley Road Plant to be open the first two weeks of the month and the Tradesville Plant to be open the last two weeks of the month. He said essentially people could drop off leaf waste all year round. He said it has been costing the township a lot of money to operate the system and he believes we have well exceeded the mandates of the State.

Mr. McKay said he talked to a special projects person at Doylestown Township and they said they are meeting the mandates of the State by having their leaf waste collection site open the first Saturday of each month. Doylestown Township is also having Christmas tree drop-offs at the township building in December, January, and February. From there the Public Works takes the trees and mulches them up. He said those three months effectively meet the requirements of one day per month.

Mr. McKay recommended that the township go back to the minimum required by the mandate for the leaf waste collection, which is the first week of each month. The minimum requirement that the State mandates is one day a month. Mr. Tieperman said the township could do that but it would require a change in the ordinance.

Mr. McKay said the Permanent Finance Committee recommended that the leaf waste collection be open each Saturday.

Mr. Tieperman said that the Permanent Finance Committee is recommending the closure of the Valley Road site and the curtailment of hours at the Tradesville site to only one week per month, which is the minimum requirement in the 2007 ordinance.

The consensus of the Board is that the Manager enforce the Ordinance requirements. The Valley Road site would be closed and have a curtailment of hours at the Tradesville site to only one week per month. Mr. Lamond recommended that a sign be put up at the Valley Road site that residents would need to make drop-off at the Tradesville site only.

13. Appointment of members to a special ad hoc committee to study and make recommendation on refuse and recycling services. Mr. McKay reported that at the Board's last meeting they approved the appointment of a 5-member ad hoc committee to study and make recommendations on refuse and recycling services. Each person would be given a different task to check out and get back to the Committee with their findings.

Mr. McKay said it's important to get this ad hoc committee in place for recommendations on a cost effective leaf recycling program leading possibly up to a composting operation in partnership with either another township, ourselves or a private partner arrangement if that's possible. The 3-prong approach that the ad hoc committee can evaluate is 1) leaf and yard waste diversion, which leads to composting, 2) cost effective measures for all types of recycling, and 3) Explore cost benefits of pay-go-trash collection system and recommend proposals to the Board of Supervisors.

Motion – It was moved by Mrs. Butterworth, seconded by Mr. Lamond, that the Board of Supervisors voted to appoint a 5-member special ad hoc committee to study and make recommendations on refuse and recycling services, which would include 1) Doug Skinner, Carriage Way; 2) Barbara Coyle, Fawn Circle; 3) Mark Bartow, Park Road; 4) Fred Suffian, Gregory Drive; and 5) TBA plus two liaison members – Tim Tieperman and Carl Sames. This motion passed by a vote of 4-0.

Mr. McKay set he wanted to set up a preliminary meeting for next week of the 5-member special ad hoc committee.

14. Disposition of bids for the 2009 Roadway Improvement Program. Mr. Zarko reported that the township received bids for 2009 Roadway Improvement Program and there were ten (10) bid proposals received. He said the scope of the work to be performed under this year's program includes pavement repairs, milling and curb replacement, underdrain installation, and overlay of Pickertown Road in the section between Mill Creek Road and Red Coat Farm Drive, Elbow Lane, and Stuckert Road. In addition three speed humps would be installed along Elbow Lane and concrete sidewalk would be installed along Elbow Lane between Pine Cone road and Greensward North. The low bid price for the base contract work was \$442,218. He said CKS Engineers has reviewed the bid packages received and the references and qualifications of the low bidder for the contract. A.H. Cornell and Son, Inc. of Jamison, PA and found them to be in order.

Mr. Zarko said in addition to the base bid work the township also requested costs for additional pavement work at several alternate/add-on roadways. The first one is Folly Road in the section between Street Road and Pickertown Road. The next one is Guinea Lane in the section between Bristol Road and Peach Tree lane. The next one was Bradley Road, and the last one was Detweiler Road.

Mr. Zarko said the original budget that was established for construction for the 2009 Roadway Improvement Program was \$505,000. He referenced that the low bid price for the base contract work was \$442,218 so there are some excess funds available if the Board wishes to include some of these alternate/add-on roadways. In order of priority he would strongly recommend at a minimum that Folly Road and Guinea Lane be included as part of this year's contract because of the conditions of those roadways and also due to the fact that they are most heavily traveled. If those two roadways were included, the total cost of the contract for this year would be \$496,018.

Motion – It was moved by McKay, seconded by Mr. Plotnick, that the Board of Supervisors voted to award the base bid contract work for Contract No. 4100-66-09 in the amount of \$442,218 plus the alternate/add-on roadways bid items for #15 & #16 in the amount of \$43,200 for Folly Road plus bid items for #21 & #22 in the amount of \$10,600 for Guinea Lane to A.H. Cornell & Son, Inc., Jamison, PA for a grand total of \$496,018 for the 2009 Roadways Improvement Program. This motion passed by a vote of 4-0.

15. **Disposition of bids for the Mill Creek Area Low Pressure Sewer System.** Mr. Zarko reported that this project involves the installation of a low pressure sewer system to provide public sewer service to the West End Fire Station, the township's code building, and future sewer service to four residential properties along Mill Creek Road.

Motion – It was moved by Mr. Plotnick, seconded by Mr. Lamond, that the Board of Supervisors voted to award Contract No. 4103-21 for the Mill Creek Area Low Pressure Sewer System to Couzins, Inc., of North Wales, PA at the bid price of \$164,819.00. This motion passed by a vote of 4-0.

16. **Consider adoption of a Resolution authorizing the submission of a grant for the acquisition of open space.** Mrs. Hanel reported that this is a resolution in support of a grant application for the acquisition of open space that we submitted to DCNR.

Motion – It was moved by Mr. Lamond, seconded by Mr. McKay, that the Board of Supervisors adopted a Resolution authorizing the submission of a grant for the acquisition of open space. This motion passed by a vote of 4-0.

OLD BUSINESS (ACTION/DISCUSSION ITEMS):

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

a) **Stone Manor-Homewood Suites**

Motion – It was moved by Mr. Lamond, seconded by Mr. Plotnick, that the Board of Supervisors approved the extension request for Stone Manor-Homewood Suites until 5/31/09. The applicant requested that this item be on the Board's May 12, 2009 agenda. This motion passed by a vote of 4-0.

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

a) **Fox Subacute**

Motion – It was moved by Mr. Lamond, seconded by Mr. Plotnick, that the Board of Supervisors approved the resolution for denial of dedication of public improvements for Fox Subacute. This motion passed by a vote of 4-0.

19. **CONSENT AGENDA:**

a) **Bucks County Consortium Pipe and Precast Bid.**

b) **Bucks County Consortium Sign Materials Bid**

c) **Bucks County Consortium Fuel Bid**

Motion – It was moved by Mr. Plotnick, seconded by Mr. Lamond, that the Board of Supervisors approved the Bucks County Consortium of Communities bids for Pipe and Precast Bid, Sign Materials Bid, and Fuel Bid as referenced in the township manager's memo of April 22, 2009. This motion passed by a vote of 4-0.

d) **Commendation Resolution for Emergency Services**

Motion – It was moved by Mr. Lamond, seconded by Mr. McKay, that the Board of Supervisors approved a resolution for a Citation of Commendation to be awarded to Emergency Services. This motion passed by a vote of 4-0.

e) **Resolution approving the PennDOT Lighting Agreement**

Motion – It was moved by Mrs. Butterworth, seconded by Mr. Lamond, that the Board of Supervisors approved the resolution for the PennDOT Lighting Agreement. This motion passed by a vote of 4-0.

20. **ADJOURNMENT**

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