

**WARRINGTON TOWNSHIP
BOARD OF SUPERVISORS
ORGANIZATIONAL MEETING
JANUARY 5, 2009
7:30 P.M.**

The organizational meeting of the Warrington Township Board of Supervisors was held on January 5, 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; and Vivian S. Bell, Township Treasurer.

2. PLEDGE OF ALLEGIANCE

The meeting opened with a pledge to the flag.

3. ANNOUNCEMENT: Purpose of the meeting

Mr. Plotnick, Chairman stated that the purpose of this special reorganization meeting involves the appointment of Boards, authorization of the fee schedules, vacancy appointments to the advisory boards, etc.

4. ORGANIZATION OF THE BOARD OF SUPERVISORS:

Mr. Plotnick stated that regardless of the outcome of this meeting he has been honored and privileged to serve as Chairman of the Board of Supervisors for 2008. He feels it has been an excellent experience for him and the township has gone through some tremendous changes this year. Unfortunately, the economic situation doesn't go along with the changes some times but it was a very good year.

a) Motion to elect Chairperson. Mr. Lamond nominated Carol Butterworth as Chairperson and Mr. McKay seconded the nomination.

Motion – It was moved by Mr. McKay, seconded by Mr. Lamond, that the Board of Supervisors voted to close the nominations for Chairperson. This motion passed by a vote of 5-0.

It was moved by Mr. Lamond, seconded by Mr. McKay, that the Board of Supervisors voted to elect Carol Butterworth as Chairperson. This motion passed by a vote of 5-0.

b) Motion to elect Vice-Chairperson. Mr. McKay nominated Michael Lamond as Vice-Chairperson and Mr. Plotnick seconded the nomination. This motion passed by a vote of 5-0.

Motion – It was moved by Mr. McKay, seconded by Mr. Plotnick, that the Board of Supervisors voted to close the nominations for Vice-Chairperson. This motion passed by a vote of 5-0.

It was moved by Mr. McKay, seconded by Mr. Plotnick, that the Board of Supervisors voted to elect Michael Lamond as Vice-Chairperson. This motion passed by a vote of 5-0.

c) **Motion to elect Secretary.** Mr. Plotnick nominated Glenn McKay as Secretary and Mr. Lamond seconded the nomination. This motion passed by a vote of 5-0.

Motion – It was moved by Mr. Lamond, seconded by Mr. Plotnick, that the Board of Supervisors voted to close the nominations for Secretary. This motion passed by a vote of 5-0.

It was moved by Mr. Plotnick, seconded by Mr. Lamond, that the Board of Supervisors voted to elect Glenn McKay as Secretary. This motion passed by a vote of 5-0.

d) **Motion to elect Assistant Secretary.** Mr. McKay nominated Rebecca Kiefer as Assistant Secretary and Mr. Plotnick seconded the nomination. This motion passed by a vote of 5-0.

Motion – It was moved by Mr. McKay, seconded by Mr. Lamond, that the Board of Supervisors voted to close the nominations for Assistant Secretary. This motion passed by a vote of 5-0.

It was moved by Mr. McKay, seconded by Mr. Plotnick, that the Board of Supervisors voted to elect Rebecca Kiefer as Assistant Secretary. This motion passed by a vote of 5-0.

5. **APPOINTMENTS**

a) **Consider the appointment of Michael Clarke of Rudolph, Pizzo, & Clarke, LLC as Township Solicitor through December 31, 2009.** It was moved by Mr. McKay, seconded by Mr. Lamond, that the Board of Supervisors voted to appoint Michael Clarke of Rudolph, Pizzo, & Clarke, LLC as Township Solicitor through December 31, 2009. This motion passed by a vote of 5-0.

b) **Consider the appointment of Thomas Zarko of CKS Engineers, Inc. as Township Engineer through December 31, 2009.** It was moved by Mr. Plotnick, seconded by Mr. Lamond, that the Board of Supervisors voted to appoint Thomas Zarko of CKS Engineers, Inc. as Township Engineer through December 31, 2009. This motion passed by a vote of 5-0.

c) **Consider the appointment of Vivian S. Bell as Township Treasurer through December 31, 2009.** It was moved by Mrs. Kiefer, seconded by Mr. Plotnick, that the Board of Supervisors voted to appoint Vivian S. Bell as Township Treasurer through December 31, 2009. This motion passed by a vote of 5-0.

d) **Consider the appointment of Michael Mrozinski as designated zoning officer for Warrington Township through December 31, 2009.** It was moved by Mr. McKay, seconded by Mr. Lamond, that the Board of Supervisors voted to appoint Michael Mrozinski as designated zoning officer for Warrington Township through December 31, 2009. This motion passed by a vote of 5-0.

e) **Consider the appointment of Bee, Bergvall & Company as the township's designated auditing firm through December 31, 2009.** It was moved by Mr. Lamond, seconded by Mr. Plotnick, that the Board of Supervisors voted to appoint Bee, Bergvall & Company as the township's designated auditing firm through December 31, 2009. This motion passed by a vote of 5-0.

f) Consider the appointment of Berkheimer Associates as the township's designated collector of the earned income tax and the local services tax. It was moved by Mr. Lamond, seconded by Mr. McKay, that the Board of Supervisors voted to appoint Berkheimer Associates as the township's designated collector of the earned income tax and the local services tax. This motion passed by a vote of 5-0.

NON-COMPENSATORY APPOINTMENTS

Mrs. Butterworth stated that there are vacancies on the various advisory boards and she would like to see all vacancies filled by the end of January 2009. She noted that an advertisement would be placed in the newspaper asking for interested people to respond if they would like to be considered for serving on one of the boards.

6. Bike and Hike Trail Committee: Appointment of six (6) members for a one (1) year term expiring on December 31, 2009. Mrs. Butterworth reported that there is one vacancy on the Bike and Hike Trail Committee.

Motion - It was moved by Mr. Lamond, seconded by Mr. McKay, that the Board of Supervisors voted to re-appoint Elmer O'Brien, Sharon Kaszan, Gerald M. Sapers, Paul Vollrath, Barbara Burdack, and Barbara Coyle to the Bike and Hike Trail Committee for a one (1) year term expiring on December 31, 2009. This motion passed by a vote of 5-0.

7. Building Code Appeals Board: Appointment of one (1) member for a five (5) year term expiring on December 31, 2013. Mrs. Butterworth reported that there is one vacancy on the Building Code Appeals Board after the appointment is made.

Motion - It was moved by Mr. Lamond, seconded by Mr. Plotnick, that the Board of Supervisors voted to re-appoint Michael Silberman to the Building Code Appeals Board for a five (5) term expiring on December 31, 2013. This motion passed by a vote of 5-0.

8. Environmental Advisory Council: Appointment of one (1) member for a five (5) year term expiring on December 31, 2013. Mrs. Butterworth reported that there are no vacancies on this Council after the appointment is made. Mrs. Kiefer said there is one vacancy because Fraser Wall has resigned and the replacement must come from the Planning Commission because he served as our Planning Commission member. Mrs. Kiefer said she would like to revisit the EAC to have assistant members that we could bring on as she knows more people have expressed an interest in serving on this Council.

Motion - It was moved by Mr. Lamond, seconded by Mrs. Kiefer, the Board of Supervisors voted to re-appoint Adele Weremeychik to the Environmental Advisory Council for a five (5) term expiring on December 31, 2013. This motion passed by a vote of 5-0.

9. Historic Commission: Appointment of one (1) member for a three (3) year term expiring on December 31, 2011. Mrs. Butterworth reported that there are no vacancies on the Historic Commission after the appointment is made.

Motion - It was moved by Mr. McKay, seconded by Mr. Lamond, the Board of Supervisors voted to re-appoint Jane Henderson to the Historic Commission for a three (3) year term expiring on December 31, 2011. This motion passed by a vote of 5-0.

10. Pension Board: Appointment of two (2) members for a one (1) year term expiring on December 31, 2009. Mrs. Butterworth reported that there are no vacancies on the Pension Board after the appointments are made. She said we appoint the residents to the Pension Board.

It was moved by Mr. McKay, seconded by Mr. Lamond, that the Board of Supervisors voted to re-appoint Kevin Peacock, Joseph Kirby, Quentin L. Fuller, III, police department representative; timothy J. Tieperman, Township Manager; Vivian Bell, Township Treasurer; Paul Plotnick and Glenn McKay, supervisors; with a police alternate Richard Hackman to the Pension Board for a one (1) year term expiring on December 31, 2009. This motion passed by a vote of 5-0.

11. Permanent Finance Committee: Appointment of three (3) members for a three (3) year term expiring on December 31, 2011. Mrs. Butterworth reported that there is one vacancy on the Permanent Finance Committee after the appointments are made.

Motion - It was moved by Mr. Lamond, seconded by Mrs. Kiefer, that the Board of Supervisors voted to re-appoint Marianne Achenbach, Russ Bragg, and John Heenan to the Permanent Finance Committee for a three (3) year term expiring on December 31, 2011. This motion passed by a vote of 5-0.

12. Planning Commission: Appointment of two (2) members for a four (4) year term expiring on December 31, 2012. Mrs. Butterworth reported that there are two vacancies on the Planning Commission after the appointments are made.

Motion - It was moved by Mrs. Kiefer, seconded by Mr. Lamond, that the Board of Supervisors voted to re-appoint Doug Skinner and Frank Gonser to the Planning Commission for a four (4) year term expiring on December 31, 2012. This motion passed by a vote of 5-0.

13. TDR Review Committee: Appointment of two (2) members for a one (1) year term expiring on December 31, 2009. Mrs. Butterworth reported that there are no vacancies on the TDR Review Committee after the appointments are made.

Motion – It was moved by Mrs. Kiefer, seconded by Mr. Lamond, that the Board of Supervisors voted to re-appoint Doug Skinner, Anton Kuhner, Glenn P. McKay, township supervisor; and Paul H. Plotnick, alternate supervisor to the TDR Review Committee for a one (1) year term expiring on December 31, 2009. This motion passed by a vote of 5-0.

14. Vacancy Board: Appointment of one (1) member to a one (1) year term expiring on December 31, 2009. It was moved by Mr. Lamond, seconded by Mr. Plotnick, that the Board of Supervisors voted to re-appoint Lt. Col. Andrew Lyons to the Vacancy Board for a one (1) year term expiring on December 31, 2009. This motion passed by a vote of 5-0.

15. Veterans Affairs Committee: Appointment of two (2) alternate members to a one (1) year term expiring on December 31, 2009. It was moved by Mr. Lamond, seconded by Mr. McKay, that the Board of Supervisors re-appointed Walter Shevchik and Joseph Fels to the Veterans Affairs Committee as alternate members for a one (1) year term expiring on December 31, 2009. This motion passed by a vote of 5-0.

16. Zoning Hearing Board: Appointment of one (1) member to a five (5) year term expiring on December 31, 2013. Mrs. Butterworth reported that there are two vacancies for alternates on the Zoning Hearing Board after the appointment is made.

Motion - It was moved by Mr. Lamond, seconded by Mrs. Kiefer, that the Board of Supervisors voted to re-appoint Janice Devito to the Zoning Hearing Board for a five (5) year term expiring on December 31, 2013. This motion passed by a vote of 5-0.

17. **Youth Aid Victim Assist Panel.** Mrs. Butterworth commented that there is a Youth Aid Victim Assist Panel and understands there are some vacancies. She asked Katie Braun to research it to determine if this Panel is in need of appointments.

18. **APPOINTMENT OF SUPERVISOR LIAISONS TO THE FOLLOWING BOARDS:**

a) **Motion to Appoint one (1) member of the Board of Supervisors to the Bike and Hike Trail Committee.** It was moved by Mrs. Kiefer, seconded by Mr. McKay, that the Board of Supervisors voted to appoint Carol Butterworth as liaison to the Bike and Hike Trail Committee. This motion passed by a vote of 5-0.

b) **Motion to Appoint one (1) member of the Board of Supervisors to the Communications Advisory Board.** It was moved by Mr. Lamond, seconded by Mrs. Butterworth, that the Board of Supervisors voted to appoint Glenn McKay as liaison to the Communications Advisory Board. This motion passed by a vote of 5-0.

c) **Motion to Appoint one (1) member of the Board of Supervisors to the Environmental Advisory Committee.** It was moved by Mr. Lamond, seconded by Mr. McKay, that the Board of Supervisors voted to appoint Rebecca Kiefer as liaison to the Environmental Advisory Committee. This motion passed by a vote of 5-0.

d) **Motion to Appoint one (1) member of the Board of Supervisors to the Historic Commission.** It was moved by Mrs. Butterworth, seconded by Mr. Lamond, that the Board of Supervisors voted to appoint Glenn McKay as liaison to the Historic Commission. This motion passed by a vote of 5-0.

e) **Motion to Appoint one (1) member of the Board of Supervisors to the Park and Recreation Board.** It was moved by Mr. McKay, seconded by Mrs. Kiefer, that the Board of Supervisors voted to appoint Michael Lamond as liaison to the Park and Recreation Board. This motion passed by a vote of 5-0.

f) **Motion to Appoint one (1) member of the Board of Supervisors to the Permanent Finance Committee.** It was moved by Mrs. Butterworth, seconded by Mr. Lamond, that the Board of Supervisors voted to appoint Glenn McKay to serve as liaison to the Permanent Finance Committee. This motion passed by a vote of 5-0.

g) **Motion to Appoint one (1) member of the Board of Supervisors to the Permanent Finance Committee.** It was moved by Mrs. Butterworth, seconded by Mr. Lamond, that the Board of Supervisors voted to appoint Paul Plotnick to serve as liaison to the Permanent Finance Committee. This motion passed by a vote of 5-0.

h) **Motion to Appoint one (1) member of the Board of Supervisors to the Planning Commission.** It was moved by Mr. Lamond, seconded by Mr. McKay, that the Board of Supervisors voted to appoint Paul Plotnick as liaison to the Planning Commission. This motion passed by a vote of 5-0.

i) **Motion to Appoint one (1) member of the Board of Supervisors to the Veterans Affairs Committee.** It was moved by Mrs. Kiefer, seconded by Mrs. Butterworth, that the Board of Supervisors voted to appoint Paul Plotnick as liaison to the Veterans Affairs Committee. This motion passed by a vote of 5-0.

j) Motion to Appoint one (1) member of the Board of Supervisors to the Warrington Fire Department and Ambulance Corps. It was moved by Mrs. Kiefer, seconded by Mr. McKay, that the Board of Supervisors voted to appoint Michael Lamond as liaison to the Warrington Fire Department and Ambulance Corps. This motion passed by a vote of 5-0.

k) Motion to Appoint one (1) member of the Board of Supervisors to the Police Department. It was moved by Mr. McKay, seconded by Mrs. Kiefer, that the Board of Supervisors voted to appoint Carol Butterworth as liaison to the Police Department. This motion passed by a vote of 5-0.

l) Motion to Appoint one (1) member of the Board of Supervisors to the Police Department. It was moved by Mr. Plotnick, seconded by Mrs. Kiefer, that the Board of Supervisors voted to appoint Glenn P. McKay as liaison to the Police Department. This motion passed by a vote of 5-0.

m) Motion to Appoint one (1) member of the Board of Supervisors to the Route 202 Task Force and the County Line Road Task Force. It was moved by Mr. McKay, seconded by Mr. Lamond, that the Board of Supervisors voted to appoint Rebecca Kiefer as supervisor liaison to the Route 202 Task Force. This motion passed by a vote of 5-0.

n) Motion to Appoint one (1) member of the Board of Supervisors to the County Line Road Task Force. It was moved by Mrs. Butterworth, seconded by Mr. Lamond, that the Board of Supervisors voted to appoint Rebecca Kiefer as supervisor liaison to the County Line Road Task Force. This motion passed by a vote of 5-0.

o) Motion to Appoint one (1) member of the Board of Supervisors to the Bucks County Association of Township Officials (BCATO). It was moved by Mrs. Butterworth, seconded by Mr. Lamond, that the Board of Supervisors voted to appoint Rebecca Kiefer as supervisor liaison to represent Warrington Township on the Bucks County Association of Township Officials (BCATO). This motion passed by a vote of 5-0.

p) Motion to Appoint one (1) member of the Board of Supervisors to the Pennsylvania State Association of Township Supervisors (PSATS). It was moved by Mr. Plotnick, seconded by Mrs. Kiefer, that the Board of Supervisors voted to appoint Michael Lamond as a Voting Delegate to the Pennsylvania State Association of Township Supervisors (PSATS). This motion passed by a vote of 5-0.

q) Motion to Appoint one (1) member of the Board of Supervisors to the Special Equestrian Board. It was moved by Mrs. Kiefer, seconded by Mr. Lamond, that the Board of Supervisors voted to appoint Glenn McKay as liaison to the Special Equestrian Board. This motion passed by a vote of 5-0.

r) Motion to Appoint one (1) member of the Board of Supervisors to the Pennsylvania League of Cities and Municipalities. It was moved by Mr. McKay, seconded by Mr. Lamond, that the Board of Supervisors voted to appoint Paul Plotnick as Delegate to the Pennsylvania League of Cities and Municipalities. This motion passed by a vote of 5-0.

ACTION ITEMS:

19. Consider motion to continue all Tax Ordinances/Resolutions in force during 2009 and prior years pursuant to Section 4 of the Local Tax Enabling Act and all other ordinances and resolutions adopted. It was moved by Mr. Lamond, seconded by Mr. McKay, that the Board of Supervisors voted to continue all Tax Ordinances/Resolutions in Force during 2009 and prior years pursuant to Section 4 of the Local Tax Enabling Act and all other Ordinances and Resolutions Adopted. This motion passed by a vote 4-1. Mrs. Kiefer voted no.

20. Consider a motion to levy the following real estate tax millage for 2009:

It was moved by Mr. McKay, seconded by Mr. Lamond, that the Board of Supervisors voted to levy the following real estate tax millage for 2009. This motion passed by a vote of 4-1 as amended. Mrs. Kiefer voted no.

Fund Category	Mill Levy
General Fund	3.60
Debt Service Fund	2.94
Fire Protection Fund	1.50
Road Machinery Fund	0.25
Park and Recreation Fund	2.26
Ambulance Corp. Fund	1.00
	11.55 Mills

21. Consider adoption of Resolution establishing a 2009 special levy of .25 mills for properties located within 780 feet of a fire hydrant, in accordance with Section 1802 of the Second Class Township Code. It was moved by Mr. Lamond, seconded by Mr. McKay, that the Board of Supervisors voted to adopt a resolution establishing a 2009 special levy of .25 mills for properties located within 780 feet of a fire hydrant, in accordance with Section 1802 of the Second Class Township Code. This motion passed by a vote of 5-0.

22. Consider authorizing the Township Manager to pay payroll and appropriate invoices at his discretion to avoid unnecessary penalties. Bills paid by this procedure shall be presented at the next regular meeting for subsequent approval. It was moved by Mr. Plotnick, seconded by Mr. Lamond, that the Board of Supervisors voted to authorize the Township Manager to pay payroll and appropriate invoices at his discretion to avoid unnecessary penalties with the approval of the Chairman or Vice Chairman. Bills paid by this procedure shall be presented at the next regular meeting for subsequent approval. This motion passed by a vote of 5-0.

23. Consider setting the 2009 Treasurer's Bond in the amount of \$1,000,000. It was moved by Mr. Lamond, seconded by Mr. McKay, that the Board of Supervisors voted to set the treasurer's bond for 2009 in the amount of \$1,000,000.00. This motion passed by a vote of 5-0.

Mrs. Kiefer asked if this treasurer's bond in the amount of \$1 million is sufficient to cover for the amount of monies that the treasurer is responsible for. Mrs. Bell stated that the township manager has a treasurer's bond on his position in the amount of \$1 million.

Mr. Clarke said the amount of the bond shall be equal to the highest amount of township funds estimated by the Board of Supervisors to be available to the township treasurer at any time during the current year. Essentially under the Second Class Township Code you should set the bond at the amount your treasurer will have access to at any one time.

Staff will further research what it would cost to provide higher coverage for the township treasurer to determine if it would be appropriate to raise the treasurer's bond dollar amount and report back to the Board.

24. Consider approval of the following depositories for Warrington Funds during 2009: It was moved by Mr. Lamond, seconded by Mr. McKay, that the Board of Supervisors voted to approve depositories for Warrington Township funds during 2009 as listed below. This motion passed by a vote of 5-0.

- a) Citizens Bank
- b) Commerce Bank
- c) Pennsylvania Local Government Investment Trust (PLGIT)
- d) Other financial institution deemed appropriate

25. Consider adoption of a Resolution establishing the 2009 Township Fee Schedule. Mrs. Butterworth requested that this agenda item be tabled until the Board's January 13, 2009 meeting so any questions that Mrs. Kiefer had could be addressed.

Mrs. Kiefer said she would be interested to see the comparison between what the original fee schedule was for 2008 and compare it against the proposed 2009 Township Fee Schedule. She asked can the Board adopt the 2008 Fee Schedule and in the meantime review the 2009 proposed Township Fee Schedule to possibly amend it.

Mr. Clarke recommended what the Board can do is make a motion just to continue the 2008 Fee Schedule until such time as it's amended in the future.

It was moved by Mr. McKay, seconded by Mr. Lamond, that the Board of Supervisors voted to adopt the resolution establishing the 2009 Township Fee Schedule with the understanding that at the next meeting of the Board we'll start a review of that schedule for refining it. This motion passed by a vote of 4-1. Mrs. Kiefer voted no.

26. Consider adoption of Resolution establishing 2009 Regular Meeting Schedule. It was moved by Mr. Lamond, seconded by Mr. McKay, that the Board of Supervisors voted to adopt the Resolution establishing the 2009 Regular Meeting Schedule for Boards and Commissions as proposed in the agenda packet. This motion passed by a vote of 5-0.

Motion – It was moved by Mr. Lamond, seconded by Mr. Plotnick, that the Board of Supervisors voted to adopt the Resolution establishing the 2009 Regular Meeting Schedule for Advisory Boards as proposed in the agenda packet. This motion passed by a vote of 5-0.

27. Consider adoption of Resolution establishing 2009 Holiday Schedule. It was moved by Mr. Lamond, seconded by Mr. McKay, that the Board of Supervisors voted to adopt the Resolution establishing the 2009 Holiday Schedule. This motion passed by a vote of 5-0.

28. PUBLIC COMMENT.

a) **Robert Rules of Order.** Mr. Fred Achenbach asked if all of the township advisory boards operated under the Robert Rules of Order. Yes, said Mrs. Butterworth. All boards are supposed to operate under the Robert Rules of Order. Mr. Achenbach asked if a quorum was of the members available to take action at a meeting. He said that was not true of the Permanent Finance Committee. Mrs. Kiefer said the advisory boards must have a quorum in order to vote or otherwise they can make a recommendation. Mr. Clarke said technically if you don't have a quorum you can't open your meeting.

b) **Lights at Corner of Gulf and Greensward North and Blinking Lights at Legacy Oaks.** Mrs. Kiefer said that she knows we have a contract with the lighting company that fixes the street lights when there's a problem. She reported that the lights at the corner of Gulf and Greensward North are out more than they are on. She said it's possible that there is a problem with the light fixture itself. She said the other issue are the blinking lights at Legacy Oaks. She noted that the northbound lights on Folly Road have been replaced and the southbound is out completely and has been since before Thanksgiving.

Mr. Zarko said the day after the Board's meeting he contacted the consortium contractor. He said he went out and checked it and said there was a breaker that was thrown and he turned it back on. He said he reported back that it was fixed. At the prior meeting the resident reported that the northbound light was out and said the southbound light is a new issue and said he would look into this matter.

c) **Quorums.** Mrs. Butterworth said what we'll do is go back to the minutes when we created the Permanent Finance Committee and see what their mission statement. We'll just review it to make sure that we're on track on the purpose of the committee's duties and responsibilities.

d) **Open Records Public Information Officer.** Mr. Plotnick reported that Katie Braun is now the Open Records Public Information Officer.

Motion – It was moved by Mr. McKay, seconded by Mr. Lamond, that the Board of Supervisors to recommend that the township manager designate the Open Records Public Information Officer. This motion passed by a vote of 5-0.

29. APPROVAL OF BILL LIST: 12/09/08 to 12/23/08 - \$592,869.72

Motion – It was moved by Mr. Lamond, seconded by Mr. McKay, that the Board of Supervisors voted to approve the bill list from 12/09/08 to 12/23/08 in the amount of \$588,264.68 as amended. This motion passed by a roll call vote of 5 years.

Mrs. Kiefer raised an objection on Page 8 of the bill from George Donovan. She said he came up with the design for the fire sub-station and the municipal building. She said her objection is that he was instructed, when the Board had their meetings prior, to include sustainable development environment for the municipal building and there wasn't any of that included in the bill. She said when she questioned him why it wasn't included he stated that it was too hard to enforce, which she thought was no answer to give. She said it would be different if we hadn't addressed that issue when he first came to get input from us on where we were going. She believed that there were a number of us that asked him to look into that.

Mr. Tieperman said he has no problems with holding the bill and reviewing the requirements with Mr. Clarke. Mr. Clarke's recommendation is that we schedule a meeting with Mr. Tieperman, Mr. Clarke, and representatives from the architect's firm to discuss various issues regarding their work on the township building. Staff will bring back their recommendations at the Board's next regular meeting. He said the township will just hold off paying the one portion of the bill that relates to the township building.

30. Consider approval of special agreement with CKS Engineers, Inc. to serve as construction manager for West End Fire Station Project. Mr. Zarko said due to the relatively large size of this project Mr. Tieperman had requested that his office provide a formal proposal to the Board for the construction management and inspection services required for the West End Fire Station Project. He said these services were required during the construction phases of the project and they are required to administer the contract, monitor the contractor, and to also manage the contractors that will be involved in the project.

Mr. Zarko said his office has extensive experience with these types of projects. He said his office has managed projects ranging in size from several thousands of dollars to \$12 million. He said the proposal that he has provided for the Board is soup to nuts and is beyond what the normal architectural proposal would be for this type of a project. It would include construction stakeout, specialized inspection services, and everything that is required for the project. He said the budget that he is proposing for this project is \$123,000, which is less than the preliminary projected budget that was proposed as part of the 2008 Bond Issue estimates.

Mrs. Kiefer said she had a question. She said she's seen CKS's work and has no doubt in her mind that they are fully capable of doing this project and has no doubt that CKS's is very efficient and economical. She said for something this large shouldn't the township have had some bids. Mr. Tieperman said this is a professional service agreement and he had confidence in our engineer to perform this service if it is the Board's desire to do that we can. Mr. Zarko said different municipalities do it different ways. He said every project they go out and seek proposals and some projects they award to their engineer. It really depends on the Board's preference. He said if the Board feels more comfortable going with a RFP he can assist Mr. Tieperman in putting together a scope and send it out for proposals.

Mr. Plotnick asked if this project wasn't already underway. Mr. Zarko said the pre-construction meeting is scheduled for next week. He said if the Board chose to go out for proposals what he would request is to allow his office to just start the work up on the project to keep things moving. If then you want him to step back and appoint another firm the Board can do that.

Mrs. Kiefer said she has no doubt in her mind that CKS can do a very good job but she feels uncomfortable in something of this size not having a bid process.

Mr. Clarke said this is not a biddable contract. He said this is not one where you would be required to take the low bid. He said in a Request for Proposal the Board is able to look at all of the proposals that are submitted and then to make a decision that they believe is in the best interest of the township. He said that may not necessarily be the lowest dollar value. You may accept somebody who has greater experience and knowledge of the township, a proven track record as opposed to somebody who just may come in \$5,000 or \$10,000 less. He said the Board would be able to base it on the criteria that they felt was in the best interest of the township.

Motion – It was moved by Mrs. Butterworth, seconded by Mr. McKay, that the Board of Supervisors to consider the approval of a special agreement with CKS Engineers, Inc. to serve as construction manager for West End Fire Station Project. This motion failed by a vote of 2-3. Mr. Plotnick, Mr. Lamond, and Mrs. Kiefer voted no.

Mrs. Kiefer said she voted no because she feels we have a special covenant with the taxpayers that we should be bidding things to get the best possible price. Mr. Lamond said he voted no because he doesn't believe we need an engineer, who is a lot more expensive to do this than a general contractor. He is not comfortable with that without some kind of a proposal in front of him telling him how much it is going to cost. He said he is concerned that there is no fixed cost. Mr. Plotnick said he voted no.

Mr. Clarke said he assumes it is the desire of the Board to have the township manager get proposals out to other construction management firms for this for submission at a subsequent time. Mrs. Kiefer said she there may not need to be as much of a primary engineer involved as maybe someone that has knowledge of construction. Mr. Tieperman asked if it was the desire of the Board for him to get quotes independent and involve CKS if they are interested in being part of the job.

Mr. Zarko suggested that if the Board would authorize CKS to go ahead with the pre-construction meetings so we can get all the documents in place, get a schedule, and then we'll know where we are going and we can report back to the Board at the January 27, 2009 meeting.

Mr. Clarke said Mr. Zarko will continue to operate as the engineer and will continue to do what he has been doing on this project and will just bill accordingly. He said the purpose of the proposal was to give the Board an idea of what it will cost for him to carry it all the way through completion.

31. Executive Session.

Motion – It was moved by Mr. Lamond, seconded by Mr. Plotnick, that the Board of Supervisors adjourned into executive session at 9:25 p.m. This motion passed by a vote of 5-0.

Mrs. Butterworth resumed the meeting at 9:50 p.m.

32. Consider authorizing advertisement for possible amendment to the Mercantile & Business Privilege Tax Ordinance.

Mr. Clarke reported that the Board held an executive session at which time it discussed a matter of potential litigation. He said this was litigation involving the Mercantile Business Privilege Tax Ordinance that was adopted by the Board on December 9, 2008 and some correspondence he has regarding potential litigation of this matter.

Motion – It was moved by Mr. Lamond, seconded by Mr. Plotnick, that the Board of Supervisors authorized advertisement of an ordinance establishing a Mercantile & Business Privilege Tax, setting the amount of the tax at \$6,250 per calendar year, providing an exemption for businesses that generate less than \$2.5 million in gross receipts, providing for the display of the license on the business' premises, and providing a penalty for failure to obtain and display the license. This motion failed by a vote of 1-4. Mr. McKay, Mrs. Butterworth, Mrs. Kiefer, and Mr. Plotnick voted no.

Mr. Clarke said he knows that Mr. Shelly and Mr. Achenbach have read the ordinance. He said he respectfully doesn't agree with their interpretation. He said we have consulted with Berkheimer and their attorneys on this and we've looked at the ordinance and we believe that the way it is written that we will be able to collect this tax in barring litigation, barring a challenge, barring anything that prevents us we should be permitted to collect it in 2009.

Motion – It was moved by Mr. Plotnick, seconded by Mr. McKay, that the Board of Supervisors authorized the advertisement of an ordinance establishing a Mercantile & Business Privilege Tax, setting the amount of the tax at \$2,600 per calendar year, providing an exemption for businesses that generate less than \$1 million in gross receipts, providing for the display of the license on the business' premises, and providing a penalty for failure to obtain and display the license. This motion passed by a vote of 3-2. Mrs. Butterworth and Mrs. Kiefer voted no.

Mr. Clarke reported that this ordinance establishing a Mercantile & Business Privilege Tax would be advertised in the newspaper and put on the website within the next several days and it will be for the Board's consideration at their January 27, 2009 meeting. He said if the motion is passed the prior ordinance, which was adopted on December 9, 2008 would be rescinded.

32. Motion to approve letter of extension for Pleasantville United Church of Christ.

Motion – It was moved by Mr. Lamond, seconded by Mrs. Kiefer, that the Board approved the extension request for Pleasantville United Church of Christ until 2/11/09. This motion passed by a vote of 5-0.

33. ADJOURNMENT

It was moved by Mr. Lamond, seconded by Mrs. Kiefer, the Board of Supervisors voted to adjourn the meeting at 10:10 p.m. This motion passed by a vote of 5-0.



Timothy J. Tieperman
Township Manager

2/13/09
Date