

WARRINGTON TOWNSHIP BOARD OF SUPERVISORS

MINUTES FOR JANUARY 13, 2009

The regular meeting of the Warrington Township Board of Supervisors was held on January 13, 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; and Vivian S. Bell, Township Treasurer.

2. PLEDGE OF ALLEGIANCE

The meeting opened with a pledge to the flag.

3. **EXECUTIVE SESSION REPORT.** Mr. Clarke reported that no executive session meeting had been held since our last meeting.

4. APPROVAL OF BILL LIST: 12/23/08-1/13/09 - \$1,005,837.24

Motion – It was moved by Mr. McKay, seconded by Mr. Lamond, that the Board of Supervisors voted to approve the bill list from 12/23/08 to 1/13/09 in the amount of \$1,005,837.24. This motion passed by a roll call vote of 5 yeas.

5. APPROVAL OF MINUTES

a) November 25, 2008

Motion – It was moved by Mr. Lamond, seconded by Mr. Plotnick, that the Board of Supervisors voted to approve the minutes of the November 25, 2008 meeting as amended. This motion passed by a vote of 5-0.

6. MINUTES FOR POSTING

a) December 1, 2008

Motion – It was moved by Mr. Lamond seconded by Mr. McKay, that the Board of Supervisors voted to post the minutes of the December 1, 2008 meeting. This motion passed by a vote of 5-0.

b) December 3, 2008

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

c) **December 9, 2008**

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

7. PUBLIC COMMENT

a) **Chairman's Procedures.** Mrs. Butterworth thanked the Board for electing her Chairman. She considers it an honor of being appointed as Chairman of the Warrington Township Supervisors. She reviewed her procedures that she wants to implement as Chairman to see the meetings conducted in a timely fashion and on schedule. They included 1) Public Comment; 2) Roll Call Votes; 3) Discussion of Agenda Items; and 4) Agenda Items.

b) **Banning ATV's in Warrington.** Mr. Thomas Porter, who resides at 128 Morningwalk Drive, asked when is the next meeting that the supervisors will be scheduling to decide the fate of ATV's in Warrington. Mr. Clarke said he believed in discussions that the ordinance needs some further review and some further examination by Staff and the Police Chief. Our recommendation was going to be not to just keep putting it ahead to another meeting but re-advertising it once we have it ready to go. Once we have all of the issues worked out, then we would start the process over again and then we would have a motion to authorize re-advertisement. Our recommendation is going to be that we don't set a new date for it just yet because we don't believe it is ready yet.

Mrs. Butterworth said the township would keep Mr. Porter informed of all upcoming meetings where the Board is going to talk about the ordinance and keep him up to date on the ordinance.

8. MANAGER'S REPORT. Mr. Tieperman reviewed the manager's report which included a) 2009 Final Budget Review; b) 2009 General Liability and Workers Compensation Rates; c) 2009 Goal Setting Workshop; and d) Other Updates.

Mr. Zarko reviewed his monthly engineering report for January 2009 and highlighted 1) Barclay Elementary Flashing Warning Device; 2) Neshaminy Gardens Drainage Improvements, Phase II; 3) West End Fire Station; 4) Maple Avenue Extension Project; 5) Heritage Center of Warrington (Jomac Site); and 6) Easton Road Close Loop System.

Mr. Fred Achenbach, who resides at 905 Farnham Court, asked about the final figure for the 2009 Budget. Mr. McKay stated that the final approved budget for 2009 was \$18,020,000.

NEW BUSINESS (ACTION/DISCUSSION ITEMS):

9. Review 2009 fee schedule with township staff and consider changes where necessary. In Mr. Lesniak's absence Mr. Mrozinski reviewed the proposed revised fees, costs, charges and expenses pursuant to the Ordinance of the Township of Warrington. Mrs. Hanel reviewed the proposed fee schedule for the Park and Recreation portion of the fees.

Board members made some recommendations and Mr. Mrozinski will share these comments with Mr. Lesniak. The Board will continue this discussion on the Proposed 2009 Fee Schedule again at the next meeting before taking official action.

10. Consider adoption of following Resolutions regarding the collection of the new flat-rate mercantile/business privilege tax.

a) **Resolution retaining Berkheimer as the exclusive tax office for the collection, administration, receipt and enforcement of the new tax.**

Motion – It was moved by Mr. Lamond, seconded by Mr. Plotnick, that the Board of Supervisors adopted a resolution retaining Berkheimer as the exclusive tax office for the collection, administration, receipt and enforcement of the new tax. This motion passed by a vote of 3-2. Mrs. Kiefer and Mrs. Butterworth voted no.

b) **Resolution authorizing and empowering Berkheimer to impose and retain costs of collection and delinquent taxes.**

Motion – It was moved by Mr. Lamond, seconded by Mr. Plotnick, that the Board of Supervisors adopted a resolution authorizing and empowering Berkheimer to impose and retain costs of collection and delinquent taxes. This motion passed by a vote of 3-2. Mrs. Kiefer and Mrs. Butterworth voted no.

c) **Resolution authorizing the Board of Supervisors to appoint a liaison between it and Berkheimer for the express purpose of sharing confidential tax information with the District for official purposes.**

Motion – It was moved by Mr. Lamond, seconded by Mr. Plotnick, that the Board of Supervisors adopted a resolution authorizing the Board of Supervisors to appoint a liaison between it and Berkheimer for the express purpose of sharing confidential tax information with the District for official purposes upon request to township manager or his designee. This motion passed by a vote of 3-2. Mrs. Kiefer and Mrs. Butterworth voted no.

d) **Resolution appointing Berkheimer as tax hearing officer.**

Motion – It was moved by Mr. Lamond, seconded by Mr. Plotnick, that the Board of Supervisors adopted a resolution appointing Berkheimer as tax hearing officer upon request to township manager or his designee. This motion passed by a vote of 3-2. Mrs. Kiefer and Mrs. Butterworth voted no.

11. **Motion to approve the Lower Barness Signal Modification proposal.**

Motion – It was moved by Mr. Lamond, seconded by Mr. McKay, that the Board of Supervisors approved the Lower Barness Signal Modification proposal. This motion passed by a vote of 5-0.

12. **Motion to approve the Pickertown/Folly Traffic Signal Installation Permit Application.**

Motion – It was moved by Mr. Lamond, seconded by Mr. McKay, that the Board of Supervisors approved the Pickertown/Folly Traffic Signal Installation Permit Application. This motion passed by a vote of 5-0.

13. **Motion to approve Phelps reimbursement agreement.**

Motion – It was moved by Mr. Lamond, seconded by Mrs. Kiefer, that the Board of Supervisors approved the Phelps reimbursement agreement. This motion passed by a vote of 5-0.

OLD BUSINESS (ACTION/DISCUSSION ITEMS):**14. To consider the following escrow releases:**

Development Name	Release #	Amount
Whisper Ridge South	Final	\$ 117,734.00
Retail at Warrington	Final	\$ 267,828.10
St. John Neumann	3	\$ 20,116.00
Valley Square: Phase II Parcel C	20	\$ 12,000.00
Spognardi Tract	3	\$ 12,292.00

Motion - It was moved by Mr. Lamond, seconded by Mr. Plotnick, that the Board of Supervisors approved the escrow release for Whisper Ridge South, Final Release in the amount of \$117,734.00. 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 approved the escrow release for Retail at Warrington, Final Release in the amount of \$267,828.10. 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 approved the escrow release for St. John Neumann, Release #3 in the amount of \$20,116.00. 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 approved the escrow release for Valley Square: Phase II Parcel C, Release #20 in the amount of \$12,000.00. 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 approved the escrow release for Spognardi Tract, Release #3 in the amount of \$12,292.00. This motion passed by a vote of 5-0.

15. Motion to approve the close out to the maintenance bonds for the following developments:**a) Muirfield Estates**

Motion – It was moved by Mr. Lamond, seconded by Mr. Plotnick, that the Board of Supervisors approved the close out for the maintenance bonds for Muirfield Estates. This motion passed by a vote of 5-0.

b) Whisper Ridge North

Motion – It was moved by Mr. Lamond, seconded by Mr. Plotnick, that the Board of Supervisors approved the close out for the maintenance bonds for Whisper Ridge North. This motion passed by a vote of 5-0.

c) Lankford Car Wash

Motion – It was moved by Mr. Lamond, seconded by Mr. Plotnick, that the Board of Supervisors approved the close out for the maintenance bonds for the Lankford Car Wash. This motion passed by a vote of 5-0.

16. To consider the following extension requests:**a) Reese-Garges Annexation Subdivision Project**

Motion – It was moved by Mr. Lamond, seconded by Mr. McKay, that the Board of Supervisors approved the extension request for Reese-Garges Annexation until 4/21/09. This motion passed by a vote of 5-0.

b) Holbert Major Subdivision.

Motion – It was moved by Mr. Lamond, seconded by Mr. Plotnick, that the Board approved the extension request for Holbert Major Subdivision until 1/6/10. This motion passed by a vote of 5-0.

c) Ellis/Shustack Properties Minor Subdivision/Lot Line Change

Motion – It was moved by Mr. Lamond, seconded by Mr. Plotnick, that the Board approved the extension request for Ellis/Shustack Properties Minor Subdivision/Lot Line Change until 1/8/10. This motion passed by a vote of 5-0.

17. Consider approving a Resolution for Cell Tower Terms and Conditions for T-Mobile Northeast, LLC. Mr. Clarke reported that several months ago the Board had various leases that were presented to Board that had been negotiated and were instructed to go out and get better terms. He said everyone agreed to the better terms except for T-Mobile at the Costner Drive site. He said a gentleman by the name of Brian Martinelli showed up at our meeting at wanted his contracts back and wanted to negotiate with the Board. He said we gave Mr. Martinelli his contracts back. He said a couple of days ago he was contacted by Evan Weiss who is apparently Mr. Martinelli's superior and he agreed to the contract terms that the township wanted, which is \$1,900/month for rent for the initial year of a term of five (5) years, with a 3% annual increase during both the initial term or any renewal terms.

Motion – It was moved by Mr. Lamond, seconded by Mrs. Kiefer, that the Board of Supervisors to adopt the resolution for cell tower terms and conditions for T-Mobile Northeast, LLC at the Costner Drive site at \$1,900/month for rent for the initial year of a term of five (5) years, with a 3% annual increase during both the initial term or any renewal terms. This motion passed by a vote of 5-0.

18. CONSENT AGENDA:**• Approval of MPOETC (Municipal Police Officers' Education and Training) Grant.**

Motion – It was moved by Mrs. Butterworth, seconded by Mrs. Kiefer, that the Board of Supervisors approved the MPOETC (Municipal Police Officers' Education and Training) Grant. This motion passed by a vote of 5-0.

• **Concurrence with 2009 General Liability and Workers Compensation Schedule as presented by Brown & Brown of Lehigh Valley, Inc.** Mr. Tieperman was looking for the Board's concurrence with the 2009 General Liability and Workers Compensation Schedule as presented by Brown & Brown of Lehigh Valley, Inc. The Board was in concurrence with the above noted schedule as presented by Mr. Tieperman.

• Approval of Commendation Resolution for Stephen McDermott.

Motion – It was moved by Mr. Lamond, seconded by Mrs. Kiefer, that the Board of Supervisors approved the commendation resolution for Stephen McDermott. This motion passed by a vote of 5-0.

• **Approval of 275th logo and newsletter advertisement price modifications.** Gay Currie, Communications Officer asked for the Board's preference on the various five (5) logos for the township's newsletter.

After a brief discussion, the Board voted 3-2 in favor of the silk screen logo with the Warrington Township emblem and the deer in the background.

19. **OTHER BUSINESS**

a) **Pension Board.** Mr. McKay reported that at the Pension Board meeting tonight the Police Department presented Rob Meditz, a new member at their reorganization meeting. At our reorganization meeting we had appointed Quentin L. Fuller, III as the primary police department representative to the Pension Board and Richard Hackman as the police alternate. He said the police department requested that we appoint Officer Rob Meditz as the primary representative and Richard Hackman as the police alternate. Officer Quentin L. Fuller, III's name should be removed from the list.

Motion – It was moved by Mr. McKay, seconded by Mr. Plotnick, that the Board of Supervisors appoint Officer Rob Meditz as the primary police department representative to the Pension Board and Richard Hackman as the police alternate and remove by police request the name of Quentin L. Fuller, III as the police representative subject to written confirmation from the police department on the request of that appointment. This motion passed by a vote of 5-0.

b) **LCD Screen.** Mr. Lamond said while he's been sitting here at the meeting he's been noticing a truck driving by with a LCD screen on the back of it for advertisements. He asked if there is anything that the township can do about it. Mr. Clarke said PennDOT probably has control in this situation and he will look into this matter and report back to the Board.

c) **Appointments to Various Advisory Boards.** Ms. Katie Braun reported that interviews are being scheduled to fill the vacancies on the various advisory boards on January 27.

20. **ADJOURNMENT**

It was moved by Mr. Plotnick, seconded by Mr. Lamond, the Board of Supervisors voted to adjourn the meeting at 9:30 p.m. This motion passed by a vote of 5-0.


Timothy J. Tieperman
Township Manager

2/13/09
Date