



WARRINGTON TOWNSHIP BOARD OF SUPERVISORS MINUTES FOR FEBRUARY 23, 2010

The regular meeting of the Warrington Township Board of Supervisors was held on February 23, 2010, 7:30 p.m., at the Township Building located at 852 Easton Road, Warrington, PA 18976, followed by the pledge of allegiance. The members present were as follows:

ATTENDANCE:

Rebecca A. Kiefer, Chairman; John Paul, Vice Chairman; Marianne Achenbach, Secretary; Michael W. Lamond, Jr., Assistant Secretary; Paul Plotnick, Member; Timothy J. Tieperman, Township Manager; William R. Casey, Esq., Township Solicitor; Richard Wieland, Township Engineer; Michael Mrozinski, Director of Planning and Economic Development; Carolyn Hanel, Director of Administrative Services/Parks and Recreation; Police Chief James Miller; and Barbara Livrone, Executive Assistant to the Township Manager.

CERTIFICATE RECOGNITION CEREMONY IN HONOR OF TIMOTHY BENNETT

Mrs. Kiefer and Chief Miller formally presented to Mrs. Kathy Bennett the emeritus service medal honoring the late Officer Timothy Bennett. The award honors Mr. Bennett's 19 ½ years of distinguished performance and outstanding service to Warrington Township. His original Badge #116 was retired and returned to Mrs. Bennett.

APPROVAL OF BILL LIST:

1. February 9, 2010 to February 23, 2010 - \$427,779.55

Mr. Paul motioned, seconded by Mr. Plotnick, the approval of the bill list from 2/09/10 to 2/23/10 totaling \$404,579.98. Excluded from the list was the past solicitor's bill to allow Supervisors an opportunity to review it in more detail. This motion passed unanimously by roll call.

Before proceeding to the minutes, Mr. Tieperman was asked to confirm whether all Township employees, who were called in for the snow emergency, were paid overtime. Mr. Tieperman answered affirmatively with the exception of salaried/exempt employees. Mrs. Kiefer conveyed the Board's sincere appreciation to the round-the-clock work performed by the Staff during the snow emergency. Mr. Paul gave a brief summation of the post-mortem critique session convened by the Fire Marshal on what went right during the emergency and areas for improvement in future emergencies.

APPROVAL OF MINUTES

2. Amendment of Approved Minutes January 12, 2010

Mr. Paul motioned, seconded by Mr. Lamond, the approval of the January 12, 2010 meeting minutes. The motion passed unanimously.

3. January 26, 2010

Mr. Paul motioned, seconded by Mr. Lamond, the approval of the January 26, 2010 meeting minutes. The motion passed unanimously.

MINUTES FOR POSTING**4. January 4, 2010**

Mr. Paul motioned, seconded by Mr. Lamond, the approval of the January 4, 2010 meeting minutes for posting. The motion passed unanimously.

5. February 2, 2010

Mr. Paul motioned, seconded by Mr. Lamond, the approval of the February 2, 2010 meeting minutes for posting. This motion passed unanimously.

6. February 9, 2010

Mr. Paul motioned, seconded by Mr. Lamond, the approval of the February 2, 2010 meeting minutes for posting. This motion passed unanimously.

PUBLIC COMMENT

Mr. Joe Morrissey of 125 Muirfield Lane inquired on the status of TEVA's proposed sketch plan.

Mr. Coogan Cameron of 110 Muirfield Lane asked when the February 2, 2010 special meeting minutes will be posted on the website.

7. Consider the adoption of a Resolution resolving legal action and clarifying procedures with respect to water/sewer administrative issues.

Mr. Paul motioned, seconded by Mr. Lamond, the adoption of Resolution 10-R-04 to resolve pending litigation with respect to water/sewer administrative issues. The motion passed unanimously.

MANAGER'S REPORT.

Mr. Tieperman highlighted the following bulleted items in his report:

- Snow Emergency Update
- TEVA Presentation Slides
- Solar Energy Grant Program Update
- Farmer's Market Concept Meeting
- Route 202 Culvert Project

Mr. Wieland responded to an inquiry about the Palomino Basin contract. He confirmed that Lower Nike will not be used to dump basin residue.

The Report contained two (2) consent items:

Appointment of Municipal Services Coordinator

Mr. Tieperman asked for the Board's advice and consent for the appointment of Mr. Fred Achenbach as the Township's Municipal Services Coordinator. He explained that Fred's primary responsibility will be managing Warrington's water and sewer operations. Mr. Paul motioned, seconded by Mrs. Kiefer, to confirm the Board's consent for this appointment. In compliance with State ethics standards, Mrs. Achenbach abstained from voting because of her family relationship with Mr. Achenbach. Although she had no financial interest, upon a 2-2 vote, Mr. Casey affirmed that the State Ethics Code (Attachment A)

does not legally preclude Mrs. Achenbach from casting a tie-breaking vote. With that legal clarification, Mrs. Achenbach consented to the appointment of Mr. Achenbach to the post of Municipal Service Coordinator. The final consent vote was 3-2. Supervisors Lamond and Plotnick voted to withhold their consent.

Household Hazardous Waste Collection Program

Mr. Tieperman asked for the Board's consent to execute a 3-year letter of commitment with the Bucks County Planning Commission for Warrington Township's participation in the County's Household Hazardous Waste Collection Program. The Board granted its unanimous consent.

NEW BUSINESS (ACTION/DISCUSSION ITEMS):

8. Consider appointment of insurance broker-of-record.

Mr. Paul motioned, seconded by Mrs. Achenbach, to retain Joyce Insurance Groups as broker-of-record for the Township's general liability and worker's compensation insurance coverage. The motion passed 4-1. Mr. Plotnick voted no.

9. Consider appointment of a certified public accountant to perform the 2009 audit of all Township accounts, pursuant to Section 917 of the Second Class Township Code.

Mr. Paul motioned, seconded by Mr. Plotnick, the appointment of Marcum LLP as the certified public accountant to perform the 2009 audit of all Township accounts, pursuant to Section 917 of the Second Class Township Code. The motioned passed unanimously.

10. Review Cardamone Sketch Plan located at 825 Stump Road, adjacent to Pickertown Road.

Mr. Robert L. Showalter, PE, appeared on behalf of the applicant, Mr. Joseph Cardamone. He displayed an enlarged sketch plan of the property, which proposes the creation of seven (7) single family detached dwellings on 20 acres for a total of nine (9) lots. No new streets are proposed. To comply with RA zoning requirements, the applicant is proposing the purchase of two TDR's (Transferrable Development Rights).

The following residents were in attendance to comment on the sketch plan:

- Mr. Melvin Gensamer of 3610 Pickertown Road
- Ms. Shirley Cassel of 3552 Pickertown Road

Board members had some general comments and questions, to which Mr. Showalter responded:

- The concept design is a buy-right plan
- The applicant will conform to all storm water management regulations
- Concerns regarding driveway reconfiguration for lots 3-5 will be investigated
- Linkages with the Gavin Lingo development will be explored
- The establishment of a Home Owners Association will be taken under consideration
- The applicant will explore the installation of an interconnecting macadam walkway with the planned 202 trail

11. Review Pete's Express Car Wash Sketch Plan located at 35 Easton Road.

This item was removed from the agenda because of pending zoning issues.

12. Consider authorization to advertise an ordinance amending Chapter 27 (Zoning Ordinance) Part 13 concerning Adult Commercial Uses.

Mr. Paul motioned, seconded by Mr. Lamond, to authorize the advertisement of an Ordinance amending Chapter 27 (Zoning Ordinance), Part 13, concerning Adult Commercial Uses. This motion passed unanimously.

14. Appointment of Supervisor to Pension Advisory Board.

Ms. Kiefer motioned, seconded by Mr. Lamond, to appoint Mr. Paul as a voting member on the Pension Advisory Committee. The motion passed 4-1. Mr. Plotnick voted no.

OLD BUSINESS (ACTION/DISCUSSION ITEMS):

15. Consider amendments to 2010 Fee Schedule.

Mr. Paul motioned, seconded by Mr. Plotnick, to adopt Resolution 10-R-5, approving the amendments to the 2010 Fee Schedule. The motion passed unanimously.

16. Review Staff report on newsletter company interviews and consider authorization of contract.

Mrs. Hanel provided a Staff report on the newsletter company interviews for the preparation and publication of *The Link*, beginning with the summer edition. She reported that Staff interviewed four (4) proposals from local firms and is recommending Perkasi-based Hometown Press. Staff believed this company had the best mix of advertising and content. The Township will only be responsible for the postage. There was some discussion among Board members regarding timeliness issues as well as the actual cost savings since the Township will no longer be receiving advertising revenues directly.

Mr. Paul motioned, seconded by Mrs. Achenbach, to authorize the Township Manager to enter into a contract with Hometown Press to produce the Township's quarterly newsletter *The Link*. The motion passed unanimously.

ESCROW AND MAINTENANCE BOND RELEASES:

17. Consider request for final escrow release #14 for Stone Manor Corporate Center, Phase I in the amount of \$63,566.12.

Mr. Paul motioned, seconded by Mr. Lamond, the approval of escrow release #14 for Stone Manor Corporate Center (Phase I) in the amount of \$63,566.12. The motion passed unanimously.

SUPERVISORS' COMMENTS

Mrs. Kiefer updated the Board regarding the scheduling of joint meetings with its advisory boards and supervisors. She stated any Supervisor is welcome to attend any of the volunteer Board and Commission meetings.

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.

Edited and Reviewed By:


Timothy J. Tieperman, Township Manager

(i) Former executive-level employee.—No former executive-level State employee may for a period of two years from the time that he terminates employment with this Commonwealth be employed by, receive compensation from, assist or act in a representative capacity for a business or corporation that he actively participates in recruiting to this Commonwealth or that he actively participated² in inducing to open a new plant, facility or branch in this Commonwealth or that he actively participated in inducing to expand an existent plant or facility within this Commonwealth, provided that the above prohibition shall be invoked only when the recruitment or inducement is accomplished by a grant or loan of money or a promise of a grant or loan of money from the Commonwealth to the business or corporation recruited or induced to expand.

(j) Voting conflict.—Where voting conflicts are not otherwise addressed by the Constitution of Pennsylvania or by any law, rule, regulation, order or ordinance, the following procedure shall be employed. Any public official or public employee who in the discharge of his official duties would be required to vote on a matter that would result in a conflict of interest shall abstain from voting and, prior to the vote being taken, publicly announce and disclose the nature of his interest as a public record in a written memorandum filed with the person responsible for recording the minutes of the meeting at which the vote is taken, provided that whenever a governing body would be unable to take any action on a matter before it because the number of members of the body required to abstain from voting under the provisions of this section makes the majority or other legally required vote of approval unattainable, then such members shall be permitted to vote if disclosures are made as otherwise provided herein. In the case of a three-member governing body of a political subdivision, where one member has abstained from voting as a result of a conflict of interest and the remaining two members of the governing body have cast opposing votes, the member who has abstained shall be permitted to vote to break the tie vote if disclosure is made as otherwise provided herein.

§ 1104. Statement of financial interests required to be filed.

(a) Public official or public employee.—Each public official of the Commonwealth shall file a statement of financial interests for the preceding calendar year with the commission no later than May 1 of each year that he holds