

WARWICK TOWNSHIP
Board of Supervisors' Public Meeting Minutes
JULY 07, 2008

Members Present: Judith A. Algeo, Esq., Chair
Edward P. Thompson, Vice Chairman
John Cox, Member

Others Present: Gail Weniger, Township Manager
Dave Connell, Township Engineer
Mary Eberle, Township Solicitor
Tom Scott, Assistant Manager
Linda Grant, Recording Secretary

■ **CALL TO ORDER:**

The Warwick Township Board of Supervisors' July 7, 2008 public meeting, held at Warwick Township Administration Office, 1733 Township Greene, Jamison, PA., was called to order at 7:07 p.m., Chair, Judith Algeo who then led attendees in the pledge of allegiance.

Chair Algeo suggested that the first portion of the Manager's report should be moved up on the agenda.

■ **MANAGER'S REPORT:**

⇒ Police Officer Hire: Officer Fallon

Ms. Weniger introduced and congratulated Joseph Fallon, who will be sworn in this evening as a Warwick Township police officer.

Lt. Goldberg requested the Board of Supervisors' final approval for the hiring of Joseph Fallon. Lt. Goldberg reported that Joseph Fallon is 23 years old, resides in Philadelphia and summarized Officer Fallon's resume, noting that he has successfully passed all requirements.

Judge Schnell was present to administer the oath of office to Officer Fallon.

**Motion by Mr. Thompson to approve the hiring of Officer Joseph Fallon for the Warwick Township Police Department.
Second to motion by Mr. Cox.**

Chair Algeo invited comment or discussion. There being none, the vote was called.

Motion passed unanimously.

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■ **APPROVAL OF MINUTES:**

- ⇒ June 16, 2008 (exhibit)
- ⇒ June 30, 2008 (exhibit)

**Motion by Mr. Thompson to approve the Board of Supervisors' public meeting minutes for June 16, 2008 and June 30, 2008, as submitted.
Second to motion by Mr. Cox.**

Chair Algeo invited comment or discussion. There being none, the vote was called.

Motion passed unanimously.

■ **EXECUTIVE SESSION:**

Chair Algeo reported that the Board of Supervisors' had met in executive session prior to this evening's meeting to discuss matters of open space.

■ **ANNOUNCEMENTS:**

Ms. Weniger announced that Creek Road will be closed, on and off, for repairs during the week of July 14.

■ **CITIZENS COMMENTS:**

➤ Ed Murphy, McBride and Murphy, was present regarding the financial security agreement for Shanahan, which was missing. Mr. Murphy states the agreement has been prepared and signed again and he is presenting this to the Board of Supervisors this evening.

Mary Eberle, Township Solicitor, suggested that, pending her review to make sure it is the same document she had sent, the Board may authorize signing the agreement. The Board indicated that, pending Ms. Eberle's review, they would sign the agreements.

➤ Edith Baker, 889 Clover Place, on behalf of several residents from Stover Mill, spoke of concerns with a fence that is being erected by Heritage Creek. Ms. Baker notes the fence will cause problems for the residents along Clover place in that they will be unable to get their trash and lawnmowers through the back to bring to the front of their homes. There is also concern that the utility boxes for the Clover Lane residents' homes will be on Heritage Creek's side of the fence. Ms. Baker suggests that both associations could meet to discuss concerns and also that there be notification to the residents on Clover Place, advising where their property ends.

Ms. Weniger noted that the Township cannot become a third party in this matter, but would help the residents with contacting Heritage Creek so that they can try to have a meeting. Ms. Weniger again states that the Township will not facilitate a meeting, but would be willing to supply a place for the meeting since it would be best if an amicable agreement is reached.

Bob Marshall, 9801 Clover Place, spoke about trees belonging to the residents that were removed by Heritage Creek.

Helen Elliott, 911 Clover Place, voiced concerns regarding a ditch that fills with water and then the water stays there.

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Eleanor Ott, 909 Clover Place, is concerned about the easement noting that the fence will block emergency access.

Ms. Elliott said she was told their sump pump pipes would have to be cut and re-directed since the swale they empty into will be behind the Heritage Creek fence.

Ms. Weniger informed the residents that there is a fence permit application in the administrative office and she believes Heritage is having a survey done, but this is not a requirement for a fence permit. Ms. Weniger notes that we will ask for a copy of the survey if one exists.

Mr. Thompson asked how close the fence would be to the people on Clover Place. Tom Scott does not know, the permit just came in, it may be on the property line or a few feet back.

Mr. Marshall believes the fence is being placed directly on the property line since the stakes were placed next to the stakes that have been there for over 20 years.

Candace Luberoff, 879 Clover Place stated that the residents will not have enough room to open their gates and they have been given permits for their fences noting that the fences were setback from the property line and she does not understand how Heritage Creek's fence could then be so close to residents' fences.

Ms. Marshal said the trees that Heritage cut down were on her property and she would like the trees replaced.

Ms. Algeo said we are going to call Heritage Creek Homeowners Association and see if we can set up a meeting, the Township staff will look into the issues mentioned this evening. Ms. Algeo suggested the Stover Mill residents should approach their association to see if the plan is on file. Additionally, Ms. Algeo informed the Stover Mill residents that in order stop the fence, the residents will need to hire an attorney to send a letter to Heritage Creek until the homeowners hire a surveyor to find where the property ends and where the easement is located.

Ms. Eberle, Township solicitor noted that the issuance of a permit for a fence on limited information does not mean the permit was issued in error, just that the information was incomplete.

Ms. Algeo suggested that Ms. Baker should leave her phone number/email address for Ms. Weniger to contact her regarding setting up the meeting between Homeowners Associations.

■ **MANAGER'S REPORT continued:**

⇒ Five Year Plan – items for discussion (no exhibit)

Trails

Ms. Weniger said we have not discussed what level we want to go to with the trail program.

Mr. Thompson asked how much money is left in the trails account. Ms. Weniger said if there is any trail money left, it is minimal, . Mr. Thompson asked what the fee in lieu of money is used for (referring to the Warwick Lea/Estates at Dark Hollow contributions)?

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Ms. Weniger said the fee in lieu from Warwick Lea is in the Park & Rec budget . She notes that she did check the development agreements per Mr. Thompson's request and does not find language specifying the requirement to put into park and rec. capital accounts.

Mr. Thompson would like to look at the agreement because he believes the fee in lieu of should be for capital construction projects.

Mr. Thompson also believes that we need to do something with the trails, especially with the cost of gas, we need to make it so people can walk somewhere instead of driving. Mr. Thompson reminds we had a trail committee and would like to see the trail map that was recommended by the committee. Ms. Weniger does not recall seeing a copy of the map, but will attempt to find someone who may have it.

Dave Connell, Township Engineer, has a base that he will give to the Board, but he does not have the trail map with recommendations from the Trails Committee.

Ambulance Service

Ms. Weniger said the Board asked to form a committee which included, herself, Lt. Goldberg, Emergency Management Coordinator, and Supervisor Cox, to look into the details of ambulance service and make a recommendation regarding future service for Warwick Township. Ms. Weniger reports that the committee considered budgetary information from Warrington Ambulance, Warminster Ambulance and Central Bucks Ambulance. She notes that there was an ambulance service station at the Manor at Yorktown in the township for 2 years, but it is no longer here and had never been assigned first call for the entire Township. Ms. Weniger reviewed some details of response times and the committees recommendation to bring in a dedicated ambulance provider, noting that the location and ongoing funding would have to be available to do so.

Mr. Cox believes that we could solicit proposals for service. We need to determine how much assistance we could get for what tax mills would raise. We would need to find a facility to use. He notes that there is a possibility of acquiring something as part of a land development project. Mr. Cox believes with approximately 500 calls per year in Warwick, there would be enough reimbursement to be supportive at a level that we wouldn't be overwhelmed by the expense. Mr. Cox believes Warwick has excellent emergency services, but there are three parts, police, fire and ambulance.

Chair Algeo believes the committee should keep meeting, and explore what needs to happen to request a proposal. Ms. Algeo also suggests discussion with the fire company for what they see for the future. Mr. Thompson would like the committee to talk to Buckingham to see if a partnership is possible.

⇒ Bill Payments – July 7, 2008 (exhibit)

General Fund		
Check N ^o : 15431 - 15483	\$	158,240.05
Park & Recreation		
Check N ^o : 4539 through 4587	\$	27,662.79
Capital Projects Fund		
Check N ^o : 1058 - 1061	\$	12,417.71

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Open Space Fund Check N ^o . 359	\$	4,931.44
Highway Aid Fund Check N ^o . 2352	\$	1,397.66
Firehouse & Equipment Fund Check N ^o . 219-220	\$	<u>10,467.00</u>
Total -	\$	<u>215,116.65</u>

**Motion by Mr. Thompson to approve the Jul 7, 2008 Bill Payments, subject to audit.
Second to motion by Mr. Cox.**

Chair Algeo invited comment or discussion. There being none, the vote was called.

Motion passed.

⇒ Financial / Treasurer's Report - May, 2008 (exhibit)

General Fund	\$	4,418,852
Firehouse and Equipment		1,068,032
Road Machinery Fund		217,577
General Obligation / Sinking Fund		870,970
Open Space Fund		284,506
Capital Projects Fund		1,385,303
Highway Aid Fund		299,475
Parks and Recreation		605,080
Capital Reserve		<u>614,012</u>
Total	\$	<u>9,763,807</u>

**Motion by Mr. Thompson to accept the Treasurer's Report for May 2008, as prepared
by Rose Christie, Finance Director and subject to audit.
Second to motion by Mr. Cox.**

Chair Algeo invited comment or discussion. There being none, the vote was called.

Motion passed unanimously.

■ **ASSISTANT MANAGER:**

⇒ Giamo Minor – Consideration for Preliminary/Final Approval (exhibit)

Tom Scott presented this matter, noting this has been reviewed by the Warwick Township Planning Commission.

Tom Smith, attorney for Lecia Giamo, noted the waiver list was modified per a letter from Thomas Crews, dated May 12, 2008 and believes the modified waiver list reflects the recommendations of the Planning Commission.

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CKS review letter, dated June 20, 2008:

item #1 - Mr. Smith states applicant would modify existing driveway easement to reflect the additional lot. Mr. Smith said he has met with 1460 Associates and they have made some requests, noting there is no written agreement.

Tom Smith pointed out the right-of-way which ends at the vicinity of the garage, noting 95% of the 1460 Associates driveway out the right-of-way.

Dave Connell, Township Engineer, said that applicant has not answered questions he has posed. Mary Eberle, Township Solicitor, said the Engineer has correctly pointed the issue of what is needed. Ms. Eberle said the trees, the private property right issues are not her concern, but applicant cannot get a subdivision approval without having the people consent to the change in the location of their easement.

item #2 - Tom Smith said there is no lane lot, the configuration of the lots is an ordinance requirement that we have requested waivers from.

Mr. Cox asked why this is not a lane lot. Mr. Connell explained it is because there is appropriate frontage on Meetinghouse Road for one and two. Mr. Cox said Propato is land-locked. Mr. Connell noted Propato is not part of this application. Mr. Cox asks about the responsibility of the Township concerning ability to get services to that property. Mr. Connell said Propato has certain rights currently, and we need to make sure that whatever happens, his current rights are not impinged upon. Giamo has no obligation to provide something that Propato does not have now, but we need to make sure that nothing is taken away from what Propato has now.

Ms. Algeo asked what will happen years from now when there may be people who are not related or who do not like each other, and who will be responsible for the driveway. Ms. Eberle said they are things an agreement would spell out.

item #3 - Tom Smith explained the lot lines were placed to step around, to the greatest extent possible, an existing stand of trees on the lots as well as some other issues.

item #4 - Applicant believes there are substantial existing street trees along Meetinghouse Road and is therefore requesting a waiver from the requirement to plant trees.

item #5 - Applicant has requested a waiver regarding curbing and sidewalk noting this vicinity of Meetinghouse Road has had widening. Additionally, applicant has agreed to cleanout the existing swale and pipes. Applicant notes the walking path is shown on the revised plan.

Very lengthy discussion continued regarding this matter. During this discussion the applicant said they would be willing to install a driveway for the new dwelling. Additionally, regarding concerns with the dwelling used as an "in-law suite", applicant has stated that she will eliminate the apartment.

Motion by Mr. Thompson to grant approval for the Giamo Minor Subdivision, subject to:

- **CKS letter, dated June 20, 2008, without additional agreements required in item #1 of that letter;**
- **granting waivers requested in letter from Thomas Crews, dated May 12, 2008;**

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- **amendment of plan to show a new driveway on lot #2, Township Engineer to approve the location of the driveway on lot #2, impervious surface, stormwater management and any possible lot line re-location;**
- **the discontinuance of the rental unit on lot #1,**
- **the plan shall be amended to show the location of the septic system which is being abandoned as well as the new septic system;**
- **any trees that are removed along the front of the property as part of this development shall be replaced**
- **the driveway pipes and their attendant swales are to be cleaned and replacement of pipes if needed**

Second to motion by Mr. Cox.

Chair Algeo invited comment or discussion. There being none, the vote was called.

Motion passed unanimously.

⇒ Nestle Wood (Morrison Tract) Amendment Request (exhibit)

Sharon Fidele, Main Street Development Group, Inc., is requesting a waiver to reinstall the landscaping that was removed by the homeowners of Lot 2 and Lot 3.

Dave Connell, Township Engineer, believes the Main Street Group wishes to have the project certified as complete. In a punch list prepared by the Township Engineer, it was noted that the planned requirements were not there.

Mr. Thompson said this was already was approved and should be considered done. Mr. Cox agrees with Mr. Thompson.

Ms. Fidele spoke of the trees on the Borgeson property as punch list items and is asking to hold off on the trees until September and possibly receive dedication subject to the condition of the trees. Mr. Connell said they can put the trees and we be there to note such.

■ **SOLICITOR REPORT:**

⇒ Bank Resolution N^o 2008-19 (exhibit)

Mary Eberle, Township Solicitor, explained that this resolution will revise the terms of the electoral debt which was incurred with a bank note last year. An adjustment of the interest rate has been negotiated from 4.25% to 4.15%.

Mr. Thompson asked the amount left borrow. Ms. Weniger believes it is approximately \$4,000,000 and will provide the Board with the exact figure after reviewing the loan document.

**Motion by Mr. Thompson to approve Resolution N^o 2008-19, reducing the interest rate of the General Obligation Note, Series 2007 in the amount of \$2,665,000.00.
Second to motion by Mr. Cox.**

Chair Algeo invited comment or discussion. There being none, the vote was called.

Motion passed unanimously.

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■ **ENGINEER REPORT:**

The Township Engineer had no report this evening.

■ **OLD BUSINESS:**

⇒ Mr. Thompson asked about the trash hauling. Ms. Weniger said the DEP mandates the collection of refuse and recyclables. One of the recommendations from the DEP is for municipalities to use a single hauler, which could not only assure more accurate tracking of waste and recyclables, but may save the residents money. Ms. Weniger is in the process of gathering information from neighboring Township and will present the Board with her findings.

⇒ Mr. Thompson asked about the ordinance revision status. Ms. Eberle is working on completing the draft zoning ordinance document and will be forwarding the uses to the Board. Ms. Weniger said staff is working on the SALDO and will be forwarding the document at a later date.

⇒ Mr. Thompson asked what stage the detention is supposed to be in now, besides weeds. Ms. Weniger noted that we are in the process of watering the seeds and are hoping we can establish something this year. She notes that there is a possibility that these basins will have to be refreshed next year. Mr. Thompson requested a list of the basins being naturalized.

⇒ Mr. Cox asked if it would make sense to require a survey for fence permits. Tom Scott said it will likely add another \$1,000 cost on fence permit applications. On a large property, the cost may be relatively minor, however, for an individual resident, the cost would be significant.

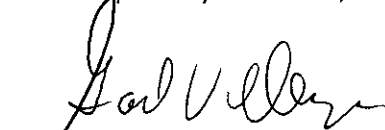
■ **NEW BUSINESS:**

■ **PUBLIC COMMENT:**

■ **ADJOURNMENT:**

The July 7, 2008, Warwick Township Board of Supervisors' Reorganization meeting was adjourned at 9:12 p.m.

Respectfully submitted,



Gail V. Weniger,
Township Manager/Secretary

These minutes were approved at the
Board of Supervisors' meeting held: **August 4, 2008**