

WARWICK TOWNSHIP
Board of Supervisors' Public Work Session Meeting Minutes
NOVEMBER 16, 2009

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

Others Present: Gail Weniger, Township Manager
Mary Eberle, Esq., Township Solicitor
Bryan McAdam, P.E., Township Engineer
Linda Grant, Recording Secretary

■ **CALL TO ORDER:**

The Warwick Township Board of Supervisors' November 16, 2009 public meeting, held at Warwick Township Administration Office, 1733 Township Greene, Jamison, PA., was called to order at 7:00 p.m., by Chair, Judith Algeo who then led attendees in the pledge of allegiance.

■ **APPROVAL OF MINUTES:**

⇒ November 2, 2009 (exhibit)

Motion by Mr. Cox to approve the November 2, 2009 Board of Supervisors' public meeting minutes, as submitted.
Second to motion by Mr. Thompson.

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

Motion passed unanimously.

■ **EXECUTIVE SESSION:**

Chair Algeo announced that the Board of Supervisors had met in Executive Session prior to this evening's meeting to discuss matters of litigation.

■ **ANNOUNCEMENTS:**

Ms. Algeo announced that the Administrative Office has changed its Friday hours to be 7:00^{am} until 3:00^{pm} to provide service for residents before work on Fridays.

Ms. Algeo also announced that the Warwick offices will be closed on Thursday, November 26 and Friday November 27 for the Thanksgiving holiday.

■ **CITIZENS' COMMENT:**

➤ Mike Roberts, 2410 April Drive, stated that he is very opposed to the Just Sports Strip Bar.

➤ Mike Thiel, 2406 April Drive, said he believes this is demoralization of the community and once that's gone, you can't get it back and he is upset that this has been approved.

Chair Algeo explained that the Township did not give permission for a new use. The Board of Supervisors will do everything legally possible to enforce the zoning ordinance. Ms. Algeo noted that the staff had been made aware of the issue recently and have been investigating the matter.

Mary Eberle, Township Solicitor, believes the applicant is trying to establish the use prior to the adoption of the ordinance restricting adult entertainment to the industrial district. Ms. Eberle asked if there have been any people who have witnessed the activities to provide their name and information to the Township before leaving tonight.

➤ Anne Leonard, 1517 Spearmint Circle, said she responded to the advertisement on Craig's list and pretended to be interested in the dancing job. She was told that the hours of dancing are 12 noon to 6:00 pm for the next three weeks. In three weeks their renovations for a champagne court and private room for couch dancing will be complete.

When asked if there was a permit for this facility, Ms. Algeo noted that there was an incomplete use and occupancy permit application filed which was returned to the owners and not approved.

➤ Robert Miller, 2141 Jericho Drive, asked about the proposed ordinance that is on the agenda this evening.

Ms. Algeo notes that the Township has been revising the zoning ordinance for the past eighteen months. The changes to the zoning ordinance are comprehensive as the Township strives to revise its zoning ordinance to be consistent with the comprehensive plan.

➤ An attendee stated that the ordinance should make the required distances a couple of miles rather than a specific number of feet from schools and churches. Mary Eberle, Township Solicitor, noted that courts state the distances for adult entertainment must be reasonable.

➤ Donna McAllister, 2800 Lee Drive, said she was in there about a month and half ago and saw poker games going on, believing that may have been gambling.

➤ Joe Gable, 1125 Maxwell Manor, asked why we allow this use.

Ms. Eberle explained that, legally, the Zoning Ordinance must provide for every use and adult entertainment is one of the uses that must be provided. She noted that adult commercial uses are permitted in the industrial district.

➤ John Anastasia, 2013 Carmel Drive, asked the Board to explain current zoning as it is now and what the owners of 2160 York Road would have to do to be grandfathered under the old regulations.

Ms. Eberle said that under the current zoning ordinance, a bar with dancers would be considered a theater use, and the property currently is a tavern use.

Mr. Anastasia asked how specific the use is. Ms. Eberle said that a tavern use is not specific, but notes adult entertainment is to be in the industrial district. Ms. Eberle again explained that the law requires us to provide for adult entertainment.

➤ Sheila Kent, 2514 Lockleigh Road, asked if the activity can be stopped while this being dealt with.

Ms. Algeo said we are planning to ask the Solicitor and the staff to do what we can to stop this via injunction.

➤ Scott Martin, 1443 Brook Lane, believes this is the same organization that was located in Warminster.

➤ John Gamble, 1805 Tripp Avenue, asked how do we go about stopping this from being the same problem as Warrington had.

Ms. Algeo said Township will take all steps necessary to enforce its ordinances.

➤ Leticia Torrado, 2617 Buckingham Drive, asked if she sees someone stripping while in the bar, can she have the person arrested for indecent exposure.

Ms. Algeo suggests that if one witnesses this, they should call the Township with the information.

➤ A resident asked if a schedule can be worked out to picket outside the bar.

Ms. Algeo suggested that while the Township has no control over the activity of the neighbors, the Township will address this from a violations perspective.

➤ Lynn Van Fossen, 2161 Warwick Road, voiced concern that 500 feet is not enough distance for such a facility.

➤ Jeremy Victor, 1809 Allen Circle, asked for clarification of the new ordinance.

Ms. Algeo explained that zoning is a long process and that review is required from our local planning commission as well as the Bucks County Planning Commission. It was noted during discussion that the ordinance being considered tonight had been drafted about 18 months ago and was advertised and reviewed publicly.

➤ Bill Nagle, 1514 Honeysuckle, questioned the liquor control board's control of this type of license.

➤ Valerie Wanders, 2207 Sunrise Way, asked why the police cannot simply shut the place down.

Ms. Eberle noted there are steps that have to be taken.

➤ Carly Tomlinson, president of Mountainview Homeowners Association, asked why the elected officials cannot take this place down.

Ms. Algeo stated that the Board is going to do everything possible within the law to address any violations.

➤ Monsignor Powell, St. Cyril's, notes there have been some good ideas this evening regarding the community doing its part to work in conjunction with the Township. Monsignor Powell is offering his help and a place for people to meet.

Mr. Anastasia points out to the residents that the Township is not taking sides.

➤ A resident from Breton Hill Drive is concerned that the news that we draw by protesting will be the best advertisement for the place, and feels we shouldn't give them the opportunity for the free advertisement it would bring them.

➤ Scott Martin asked if a permit is needed for protesting and he also asked if appropriate permits are on file for the interior renovations.

Ms. Eberle said no permit is required for protesting. Ms. Algeo said there is a permit on file to expand the current bar, but that no permits exist for the adult activities.

➤ Frank Larusso, 1845 August Drive, feels we need to let this guy know that we mean business.

➤ Ron Herman voiced concern that this type of place will bring in controlled substances.

Ms. Algeo stated that it is obvious that everyone in this room is concerned about the strip bar and again confirmed that the Board of Supervisors and staff will do everything legally possible to address any violations.

**Motion by Mr. Cox to authorize the Township Solicitor and Township Staff to commence the legal process to enjoin adult activity at 2160 York Road.
Second to motion by Mr. Thompson.**

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

Motion passed unanimously.

■ **MANAGER REPORT:**

⇒ ACT 537 Special Study – Further Discussion (exhibit)

Ms. Weniger explained that this ACT 537 Special Study has been publicly discussed twice previously and gave an overview of those previous meetings.

Jonathan Lyons, 1400 Turkey Trot, voiced opposition to this proposal pointing out that they have a septic system that works well and notes that those with good systems should not have to pay for those who have not maintained their systems.

Victoria Lyons wants to know why the builder did not put money into escrow for this back in 2001. Also, why was this information not known previously. Ms. Lyons feels deceived by the builder.

Murrie Gayman said he needs this system and believes everyone, eventually, will also need public sewer at some point.

Mrs. Hartz, 1421 Stony Road, stated that she does not need this since her system is only eight years old and works perfectly. Mrs. Hartz is upset that she was previously told that there would never be public water.

Al Weinstein, 1410 Breton Hills Road, asked if people are expected to pay for this public water before or after it is done.

Ms. Eberle explained that there would be no bill due until completion.

Mr. Weinstein asked how Water and Sewer is funded. Ms. Algeo notes water and sewer customers pay for water and sewer fees.

A resident asked if the water and sewer authority could apply for grants. Mike Sullivan, executive director, noted that there would have to be a plan in place in order to make application for a grant.

Dave Mullen, 1690 Old York Road, agrees that others should have to pay for others public sewer. The intention of those with old failing systems was not to involve those who do not need it. Mr. Mullen encourages the Board of Supervisors to consider the original plan for Eddowes. Ms. Algeo notes that the DEP could make the Board consider doing more.

Ms. Weniger clarified that the Board of Supervisors did not direct the Water and Sewer Authority to do anything yet, other than to present information. The proposals presented to the Board from Carroll engineering were for the Board to consider. The Board decided to seek input before making any decisions or giving direction to the Authority. The Board specifically noted that the Breton Hill area was less costly to sewer than anticipated and wanted to make certain that the property owners had a chance to see the plans that were being presented and provide input. There was concern that if there was a problem, an opportunity might be missed at today's cost when the issue is brought up again years from now.

Mr. Herman said he believes 2/3 or more of the Breton Hill residents have systems that are working fine. Mr. Herman questions how the Water and sewer authority came up with the numbers for costs.

John Hamaus, 1454 Breton Hill Road, suggested that residents pay for the pipes to be run, but not be required to tie into the system if the individual systems are working well.

Rich Rudnet, 1447 Stoney Road, has a mound system and is not sure if this is good or bad for public water.

Cynthia Hagan, 1440 Breton Hill, said her system is working fine. Ms. Hagan also notes some townships pay for the main lines and residents only pay for hookup. Ms. Hagan asked how people are supposed to pay for this.

Ms. Algeo explained that the Board of Supervisors can approve the plan, but the DEP could say that more needs to be done.

Motion by Mr. Thompson to recommend the Water and Sewer Authority plan to amend the Act 537 should include the original Eddowes Road proposal, Stony Road and Mr. Spearing.
Second to motion by Mr. Cox.

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

Motion passed unanimously.

⇒ Warwick Fire Company – Discussion of Ideas for Building Project

Phila Ramos, Warwick Fire Company, announced that the Warwick Fire Company has looked at various properties and has decided to build where they are currently. Mr. Ramos is asking the Board to give them back the building taxes for 2010.

Ms. Algeo said this is off the table for 2010, and we can bring this back at some point to help the fire company when there is an approved plan.

Phila also noted the fire company would like to discuss the possibility of an ambulance service in the facility.

Mr. Cox would like to be informed and not have any surprises come up.

Ms. Weniger gave a brief summary of the meeting with the Fire company and reminded Phil that the real estate issue discussed could be discussed in an executive session with the Board of Supervisors at a later date. It was noted that the Township is looking for a financial plan and a sketch plan to begin the review process, but the real estate issue should be discussed first.

⇒ Snow Bid – Recommend Award (exhibit)

Ms. Weniger reminded that this had been tabled at the November 2 meeting to allow more time for review of the bids.

Lorenzo Cuoci, Public Works Director, notes all the qualified bidders have either good history with the Township or have excellent references and qualifications. Mr. Cuoci is recommending accepting all qualified bids from the following: T. Schiefer Contractors, Inc.; Sabia Landscaping, Inc.; M.E.G. Contractors, Inc.; Associated Paving Contractors and Warwick Green Grinders. Mr. Cuoci noted that several specific pieces of equipment were not included in the bid award as they did not meet specifications.

Motion by Mr. Cox to approve qualified bids from the following: T. Schiefer Contractors, Inc.; Sabia Landscaping, Inc.; M.E.G. Contractors, Inc.; Associated Paving Contractors and Warwick Green Grinders, as recommended by the Public Works Director.

Second to motion by Mr. Thompson.

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

Motion passed unanimously.

⇒ Auditor – Consideration of Agreement (exhibit)

Ms. Weniger presented an engagement letter from Bee, Bergvall & Co., auditors for a three year commitment to continue to use their service. Ms. Weniger notes that they are also doing the work for some of our component units as well.

Motion by John Cox to enter into a three year agreement with Bee, Bergvall & Co., auditors, as presented by the Township Manager.

Second to motion by Mr. Thompson.

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

Motion passed unanimously.

⇒ Pedestrian Bridge – Abandonment Agreement (exhibit)

Ms. Weniger presented an agreement from PennDOT for the abandonment of the Dark Hollow Pedestrian bridge. She notes that we will take only the half of the bridge that is located in our Township boundary.

**Motion by Mr. Cox to approve the Dark Hollow Pedestrian Bridge Abandonment Agreement with PennDOT, as presented by the Township Manager.
Second to motion by Mr. Thompson.**

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

Motion passed unanimously.

⇒ Bill Payments November 16, 2009 (exhibit)

General Fund		
Check N ^o : 17120 through 17171	\$	107,545.12
Park & Recreation		
Check N ^o : 5303 through 5317	\$	3,083.84
Highway Aid Fund		
Check N ^o : 2546	\$	37,163.03
Capital Projects Fund		
Check N ^o : 1135	\$	1,430.00
Road Machinery Fund		
Check N ^o : 151 - 153	\$	<u>6,326.39</u>
Total -	\$	<u>155,548.38</u>

**Motion by Mr. Cox to approve the November 16, 2009 Bill Payments, subject to audit.
Second to motion by Mr. Thompson.**

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

Motion passed unanimously.

■ **SOLICITOR REPORT:**

⇒ Deed Registration Ordinance 2009-01 – Consider Adoption (exhibit)

Mary Eberle, Township Solicitor, presented this ordinance which requires the registration of deeds with the township within two days of recording at the Office of the Bucks County Recorder of Deeds. The ordinance has been legally advertised. Ms. Eberle notes that , if adopted, the ordinance will go into effect in five (5) days.

**Motion by Mr. Cox to adopt Deed Registration Ordinance N^o. 2009-001, as presented by the Township Solicitor.
Second to motion by Mr. thompson.**

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

Motion passed unanimously.

⇒ Commercial Uses Ordinance 2009-02 – Consider Adoption (exhibit)

Mary Eberle, Township Solicitor, presented this ordinance which has been legally advertised. Ms. Eberle said this amends the commercial uses and table of uses as it applies to commercial uses. Ms. Eberle notes that , if adopted, the ordinance will go into effect in five (5) days.

**Motion by Mr. Cox to adopt Commercial Uses Ordinance 2009-02, as presented by the Township Solicitor.
Second to motion by Mr. thompson.**

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

Motion passed unanimously.

■ **ENGINEER REPORT:**

⇒ LD 02-06 Hatboro Federal (Stonebridge Commercial) – Authorization to Create Punch List

Bryan McAdam, Township Engineer, presented this request to create a punch list for Hatboro Federal.

**Motion by Mr. Cox to authorize the Township Engineer to create a punch list for LD 02-06 Hatboro Federal (Stonebridge Commercial).
Second to motion by Mr. Thompson.**

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

Motion passed unanimously.

■ **OLD BUSINESS:** There was no old business to discuss this evening.

■ **NEW BUSINESS:** There was no new business to discuss this evening.

■ **PUBLIC COMMENT:** There was no further public comment this evening.

■ **ADJOURNMENT:**

The November 16, 2009, Warwick Township Board of Supervisors' public meeting was adjourned at 8:50^{pm}.

Respectfully submitted,



Gail V. Weniger,
Township Manager/Secretary

These minutes were approved at the
Board of Supervisors' meeting held: **December 7, 2009**

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