

WARWICK TOWNSHIP
Board of Supervisors' Public Work Session Meeting Minutes
DECEMBER 7, 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' December 7, 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 16, 2009 (exhibit)

**Motion by Mr. Cox to approve the November 16, 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 on December 14th the Board of Supervisors and the Warwick Fire Company will have a work session meeting. Ms. Algeo also announced that the December 21st Board of Supervisors' public meeting has been cancelled.

■ **CITIZENS' COMMENT:**

➤ Greg Mester, 1776 Fairway Drive, commented on the sheriff's sale taking place at Warwick Office Park. Mr. Mester distributed a list of his concerns to the Board of Supervisors.

Mary Eberle, Township Solicitor, said that since this was an approved plan a new owner would have to come before the Board with any proposed changes.

➤ Lynn Van Fossen asked if there were any new developments regarding Just Sports and if the judge would render a decision the same day as the hearing.

Mary Eberle, Township Solicitor, said that we are hoping that a decision will be made that day, but noted the judge could choose to take his time.

➤ Brian Wolford, Fairmont Drive, asked if the Township could offer the owner of Just Sports an incentive, such as a year tax free, if the owner would move his establishment to the industrial area where his type of facility is allowed.

Ms. Eberle noted that would not be appropriate.

A resident stated he thought the violations were just for the apartment upstairs, and asked why, if the owner has violations, the Township cannot just close him down. Ms. Algeo explained that the owner has the right to appeal the violations through the legal system.

■ **MANAGER REPORT:**

⇒ Conservation Works! Grant (exhibit)

Ms. Weniger reported that the Township has received the Conservation Works! Grant in the amount of \$211,000. Ms. Weniger noted this grant requires an agreement and wants to publicly affirm that the Board members have signed the agreement for this grant which was due back before the next public meeting date.. Additionally, Ms. Weniger acknowledged the hard work of Katrina Harding, Christina Arlt and Ashley Thompson, Warwick Township employees who wrote the grant application. Ms. Weniger presented Katrina Harding with a certificate for outstanding accomplishment and \$1,000 bonus, and Christina Arlt and Ashley Thompson were presented with certificate of appreciation and \$500 and \$200 bonuses respectively. Ms. Weniger noted that the Township did not hire a grant writer and all work was done in-house, primarily by these three employees who worked many evenings and as late as midnight on one occasion. The township has saved thousands of dollars for the preparation process, received \$211,000 as an award, and will continue to save in electric costs.

⇒ 2010 Budget – Consider Adoption (exhibit)

Ms. Weniger reported that the Draft Budget has been legally advertised for public review. Ms. Weniger noted that only one individual submitted comment regarding investments and the budget is ready for the Board to consider adoption.

**Motion by Mr. Cox to approve the 2010 Budget, as advertised.
Second to motion by Mr. Thompson.**

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

Motion passed unanimously.

⇒ Resolution N°. 2009-33 – Tax Millage (exhibit)

Ms. Weniger presented Resolution N°. 2009-33, establishing real estate taxes for the year 2010.

**John Cox made a motion to adopt Resolution N°. 2009-33, establishing real estate taxes, 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.

⇒ Resolution N°. 2009-34 - PennDOT Reimbursement Agreement – Route 263 and Deer Run Traffic Light Installation

Ms. Weniger presented a PennDOT Reimbursement, explaining that for the past eight years Warwick Township has been working to have a traffic signal installed at Route 263 and Deer Run. Warwick will piggyback with PennDOT for their York Road project and the cost of installing the traffic light is estimated at \$104,000, which is significantly less than the bid which was rejected for this project.

Mr. Thompson noted there is not a breakdown of costs and asked if the \$104,000 cost to Warwick will cover everything for the traffic light. Ms. Weniger stated there may be some additional cost, particularly to install a battery back-up unit and pedestrian timer. Ms. Weniger notes that the Township has \$140,000 budgeted for this project and PADOT has based the estimate on the actual plan provided to them previously by CKS.

**Motion by Mr. Cox to approve Resolution N°. 2009-34 - PennDOT Reimbursement Agreement for the installation of a traffic signal and Route 263 and York Road.
Second to motion by Mr. Thompson.**

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

Motion passed unanimously.

⇒ PDC Machines LD 09-04 – 1707 Stout Drive – Request Preliminary Approval

Nick Rose, engineer for applicant, was present for this project. Mr. Rose noted the plan has been cleaned up since the Planning Commission saw it and outlined areas for reserved parking. Mr. Thompson asked for clarification of location. Mr. Cox noted a septic system at the front. Mr. Rose said that was cleared per the required distance. Ms. Harding notes the Fire Marshal has approved the plan with the assumption that applicant will hook up to public water so that the buildings will be sprinklered.

Motion by Mr. Cox to grant PDC Machines, LD 09-04, 1707 Stout Drive, Preliminary Approval, subject to:

- CKS review letter, dated November 23, 2009;
- Staff memo, dated December 3, 2009 and
- Applicant's hookup to public water.

Second to motion by Mr. Thompson.

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

Motion passed unanimously.

⇒ PDC Machines LD 09-05 – 1875 Stout Drive – Request Approval

Nick Rose, Applicant Engineer, was present for this project, requesting six (6) additional parking spaces.

Motion by Mr. Cox to approve PDC Machines LD 09-05 – 1875 Stout Drive, plan to include six (6) additional parking spaces, subject to the CKS review letter, dated November 23, 2009 and Staff memo, dated December 7, 2009.

Second to motion by Mr. Thompson.

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

Motion passed unanimously.

⇒ Bill Payments December 7, 2009 (exhibit)

General Fund		
Check N ^o : 17172 through 17218	\$	98,035.32
Park & Recreation		
Check N ^o : 5318 through 5330	\$	3,842.46
Parks and Recreation Capital Projects Fund		
Check N ^o : 1023	\$	275.00
Capital Projects Fund		
Check N ^o : 1136 - 1137	\$	<u>1,491.00</u>
Total -	\$	103,643.78

Motion by Mr. Cox to approve the December 7, 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.

⇒ Ms. Weniger took this opportunity to commend Lorenzo Cuoci, Public Works Director, for the good job that was done when icing occurred from the snow over the weekend.

⇒ Treasurer's Report – October 2009 (exhibit)

General Fund	\$	3,974,022
Firehouse and Equipment		1,223,016
Road Machinery Fund		208,131
General Obligation / Sinking Fund		729,300
Open Space Fund		122,606
Capital Projects Fund		134,328
Highway Aid Fund		139,764
Parks and Recreation		261,835
Parks and Recreation Capital Fund		1,465,114
Capital Reserve		<u>490,041</u>
Total	\$	<u>8,748,157</u>

**Motion by Mr. Cox to accept the October 2009 Treasurer's Report, prepared by Rose Christie, Finance Director, 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:**

⇒ Zoning Ordinance – Authorization to Distribute and Advertise H Uses (Limited Industrial)

Mary Eberle, Township Solicitor, is seeking authorization to advertise an amended zoning ordinance for H use, for the Industrial Use section of the ordinance. Ms. Eberle noted a comment by Mr. Cox regarding insufficient parking in the flex space.

Ms. Eberle reported a need for determining parking requirements for flex space since the uses are so varied. Mr. Cox suggested one (1) space for every 200 or 250 square feet. Ms. Eberle suggested that should include plus one (1) for every company vehicle. Mr. Cox asked that the Zoning Officer review the draft before advertising.

Motion by Mr. Cox to authorize the Solicitor to advertise the Zoning Ordinance for H uses.

Second to motion by Mr. Thompson.

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

Motion passed unanimously.

At this point, Chair Algeo turned the meeting over to Vice Chairman Cox.

⇒ Mignatti Appeal to ZHB –

Mary Eberle, Township Solicitor, initiated discussion of the Mignatti Appeal to the Zoning Hearing Board.

John VanLuvanee, attorney for applicant distributed points of discussion regarding impervious surface to the Board of Supervisors.

Lengthy discussion took place concerning large homes on small lots and impervious surface requirements, during which Mr. VanLuvanee outlined the plan design process that was followed. Mr. VanLuvanee noted the recorded plan does not show impervious surface for each lot as it is a site measure, not a per lot measure. Mr. VanLuvanee is asking for 50% as a compromise while noting that 30% will not work. Mr. VanLuvanee notes adequate stormwater design. Mr. Thompson states that he remembers discussion this at the time of the plan and does not see 60% working on these lots. Bryan McAdam clarified that the design was done for 60% impervious surface per lot, and that does not dictate grading. Mr. McAdam notes that applicant is required to maintain drainage patterns. Mr. VanLuvanee notes that only two (2) of eleven (11) lots have exceeded 40% impervious surface.

Mary Eberle, Township Solicitor, suggested that a compromise would be 45%. Mr. Cox is ok with 45%. Mr. McKenna states 45% will work. Mr. Thompson states he is ok with 45%. Mr. VanLuvanee notes that if we can have an agreement for the 45%, we can withdraw the zoning board appeal. Ms. Weniger asked Mr. VanLuvanee about disclosure to buyers. Mr. VanLuvanee agreed to disclosure.

Mary Eberle, Township Solicitor, will write an amendment for the Mignatti stipulation based on the consensus of the Board this evening.

Ms. Algeo resumed her position as chair.

■ **ENGINEER REPORT:**

⇒ Angely Land Development (LD 04-05), Escrow Release N^o. 1 (exhibit)

Bryan McAdam, Township Engineer, presented Angely Land Development (LD 04-05), Escrow Release N^o. 1, noting that this is the first and final escrow release.

**Motion by Mr. Cox to approve Angely Land Development (LD 04-05), Escrow Release N^o. 1 in the amount of \$151,924.90 (leaving a balance of 0), noting that this is also a final escrow release, as presented by the Township Engineer.
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:**

Ms. Algeo noted that she has seen some neon signs appearing in the Township, specifically at the pizza place and at Dunkin Donuts and Ms. Algeo is asking staff to look into this.

■ **ADJOURNMENT:**

The December 7, 2009, Warwick Township Board of Supervisors' public meeting was adjourned at 8:35^{pm}.

Respectfully submitted,


Gail V. Weniger,
Township Manager/Secretary

These minutes were approved at the
Board of Supervisors' meeting held:

2009 Warwick Township Board of Supervisors' Public Meeting Minutes

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Warwick Township
DISCLOSURE STATEMENT

I, Judith A. Algeo, Esq., hereby disclose that I will not
(please print name clearly)

be participating in any discussion / hearing or decision on the matter(s) of:

Mignatti Creek RD partzers - ZHB appeal

The nature of my conflict is Partner Eastburn & Gray

Judith A. Algeo
Signature

Date: 12/07/09

